

Form 5-5783 Rev. 8/03

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by _____, its authorized representative, as of the _____ day of _____, 20____.

ATTEST (if corporation) or WITNESS:

(Grantor - Name of Corporation/Partnership/LLC)

By: _____
Its: _____

By: _____ (SEAL)
Its: _____
[indicate President, General Partner, Member, etc.]

INDIVIDUAL NOTARIES

STATE OF ALABAMA }
COUNTY OF _____ }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that _____ whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal this the _____ day of _____, _____.

[SEAL]

Notary Public
My commission expires: _____

STATE OF ALABAMA }
COUNTY OF _____ }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that _____ whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal this the _____ day of _____, _____.

[SEAL]

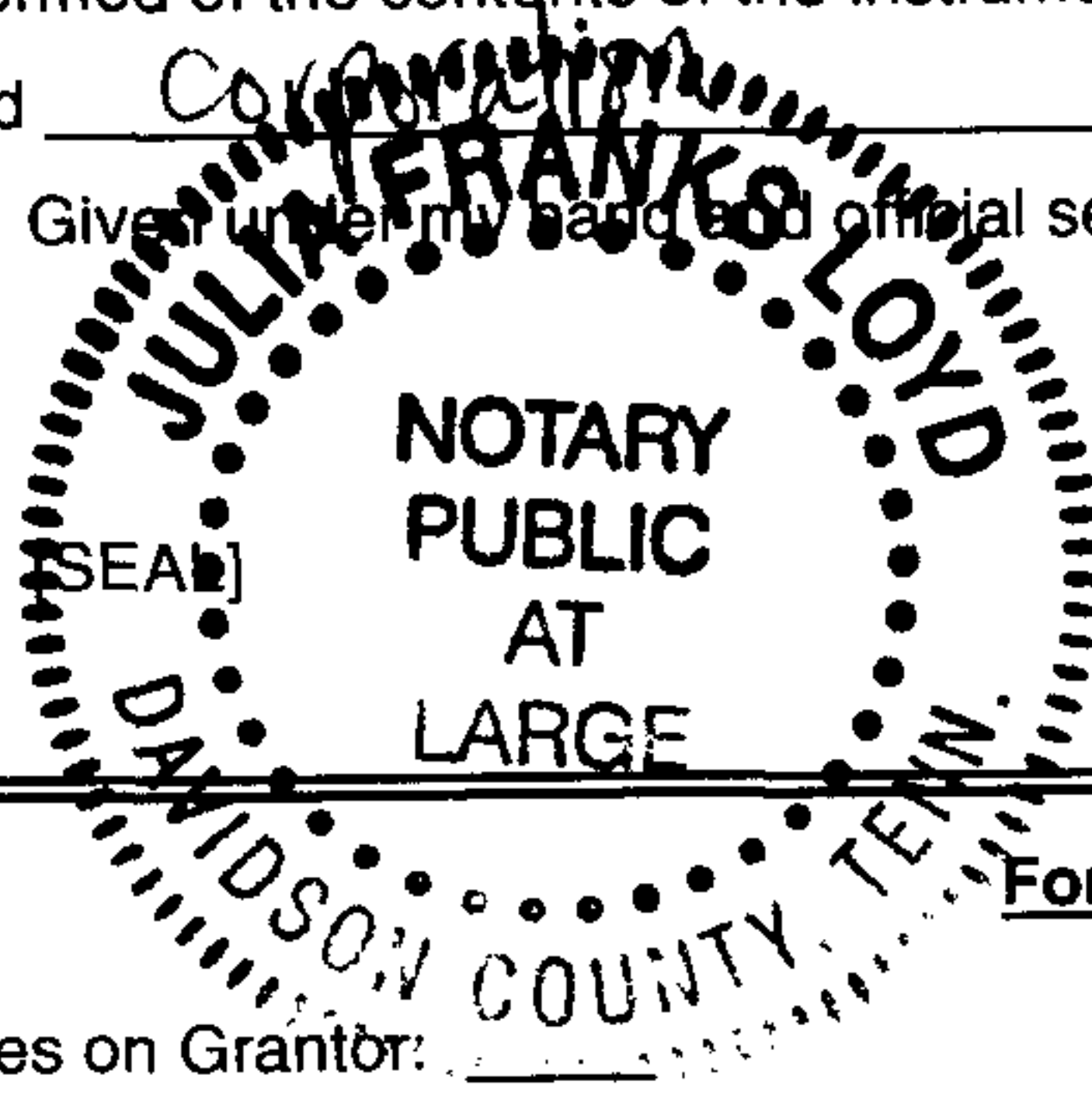
Notary Public
My commission expires: _____

TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ~~ALABAMA~~ Tennessee }
COUNTY OF Davidson }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Mark McDonald whose name as Vice President of Corporate General, Inc. an Alabama Corporation [as general partner of Nom Birmingham, Ltd.], is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she, as such Vice President and with full authority, executed the same voluntarily for and as the act of said Corporation [acting in such capacity as aforesaid].

Given under my hand and official seal, this the 10th day of December, 2004.



Notary Public
My commission expires: May 30, 2007

For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: _____

Station to Station: _____

ADDENDUM TO POWER UTILITY EASEMENT

This Addendum to Power Utility Easement is attached to and incorporated in that certain Power Utility Easement dated the 3rd day of JANUARY, ~~2004~~ 2005 between NOM Birmingham, Ltd. (as "Grantor") and Alabama Power Company (as "Grantee").

1. Grantee agrees that upon entry by the Grantee for the purpose of construction, installation, reconstruction, replacement, removal, repair, maintenance and operation of said improvement, it will restore Grantor's property within said easement area to its former condition as nearly as is reasonably possible after completion of the particular work being performed.
2. Grantor, for Grantor, individually, Grantor's heirs, executors and administrators retains the right to continue to enjoy the use of the surface of the easement area described herein for any and all purposes as are not expressly prohibited or inconsistent with the Grantee's rights and that do not interfere with and/or prevent Grantee's use and exercise of the easement(s) and right(s) herein granted, except as otherwise provided herein.

NOM Birmingham, Ltd., an Alabama limited partnership

By: Corporate General, Inc., its sole general partner

By: 

Title: VICE PRESIDENT

Alabama Power Company, a corporation

By: 

Title: SR. REAL ESTATE SPECIALIST

EXHIBIT A

61730-00-01744

LEGAL DESCRIPTION

Commence at the SW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 19 South, Range 2 West, and run South 90 deg. 00 min. 00 sec. East along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 254.03 feet to a point on the Easterly right of way line of Caldwell Mill Road and the point of beginning of the tract of land herein described; thence run North 37 deg. 35 min. 31 sec. East along said right of way line for 50.11 feet; thence run North 12 deg. 09 min. 54 sec. East for 99.77 feet to a point on the Southerly right of way line of Valleydale Road and the point of beginning of a curve to the right having a radius of 781.30 feet; thence run along said curve and said right of way line a chord bearing of North 67 deg. 36 min. 33 sec. East for 213.37 feet; thence run South 13 deg. 58 min. 29 sec. East for 224.91 feet; thence run South 89 deg. 56 min. 42 sec. East for 49.01 feet; thence run South 52 deg. 46 min. 09 sec. West for 230.12 feet to an point on said Easterly right of way line of Caldwell Mill Road; thence run North 37 deg. 35 min. 31 sec. West along said right of way line for 175.77 feet to the point of beginning; being situated in Shelby County, Alabama.

