



20071004000464340 1/7 \$29.00
Shelby Cnty Judge of Probate, AL
10/04/2007 09:44:26AM FILED/CERT

STORE NO.: 1202
SITE: CR 52 and Huntley Parkway
Pelham, Shelby County, Alabama

SHOPPING
CENTER: Pelham Towne Center
STOREROOM: 45,600 Square Feet

Cross Reference to Memorandum of Lease
recorded in * , Shelby County, Alabama
records. * 20071004000 464330

FIRST AMENDMENT TO MEMORANDUM OF LEASE

THIS FIRST AMENDMENT TO MEMORANDUM OF LEASE (this "First Amendment") is made and entered into as of this 20th day of September, 2007, by and between SHARP PELHAM, LLC, an Alabama limited liability company (hereinafter referred to as "Landlord") and PUBLIX ALABAMA, LLC, an Alabama limited liability company (hereinafter referred to as "Tenant");

W I T N E S S E T H:

WHEREAS, Landlord and Tenant entered into that certain Memorandum of Lease, dated July 6, 2007 (the "Memorandum"), which Memorandum was or will be filed for record in the Shelby County, Alabama records; and

WHEREAS, Landlord and Tenant desire to modify and amend the Memorandum as set forth in this First Amendment.

NOW, THEREFORE, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. The Site Plan attached to the Memorandum as Exhibit "A" is hereby deleted and the Site Plan attached hereto as Exhibit "A" and incorporated herein by reference thereto is hereby inserted in lieu thereto and all references in the Memorandum to Exhibit "A" are hereby deemed to refer to the Exhibit "A" attached hereto.

2. Exhibit "B" to the Memorandum is hereby deleted and the Exhibit "B" attached hereto and incorporated herein is hereby inserted in lieu thereof and all references to Exhibit "B" or the Shopping Center Tract in the Memorandum are hereby deemed to hereinafter refer to Exhibit "B" attached hereto.

3. Exhibit "B-1" to the Memorandum is hereby deleted and the Exhibit "B-1" attached hereto and incorporated herein is hereby inserted in lieu thereof and all references to Exhibit "B-1" or the Outparcels in the Memorandum are hereby deemed to hereinafter refer to Exhibit "B-1" attached hereto.

4. Any capitalized term not otherwise defined in this First Amendment shall have the meaning ascribed to the same in the Memorandum.

5. Except as expressly amended by this First Amendment, the terms and provisions of the Memorandum are hereby ratified and affirmed.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals hereon as of the date and year first set forth above.

20071004000464340 2/7 \$29.00
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LANDLORD:

Signed, sealed and delivered
in my presence this 11 day
of September, 2007.

[Signature]
Witness

SHARP PELHAM, LLC, an
Alabama limited liability company

By: [Signature] [SEAL]
Sam Sharp, Managing Member

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said State at Large, hereby certify that Sam Sharp, whose name as Managing Member of SHARP PELHAM, LLC, an Alabama limited liability company, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company as of the date hereof.

Given under my hand this 11th day of September, 2007.

[Signature]
Notary Public

My Commission Expires: 1/31/2011

TENANT:

Signed, sealed and delivered
in my presence this 20th day
of September, 2007.

[Signature]
Witness VICKI BREKKE

PUBLIX ALABAMA, LLC, an
Alabama limited liability company

By: [Signature] [SEAL]
John Frazier,
President

STATE OF FLORIDA
COUNTY OF POLK

I, the undersigned, a Notary Public in and for said State at Large, hereby certify that John Frazier, whose name as President of PUBLIX ALABAMA, LLC, an Alabama limited liability company, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company as of the date hereof.

Given under my hand this 20th day of September, 2007.

[Signature]
Notary Public

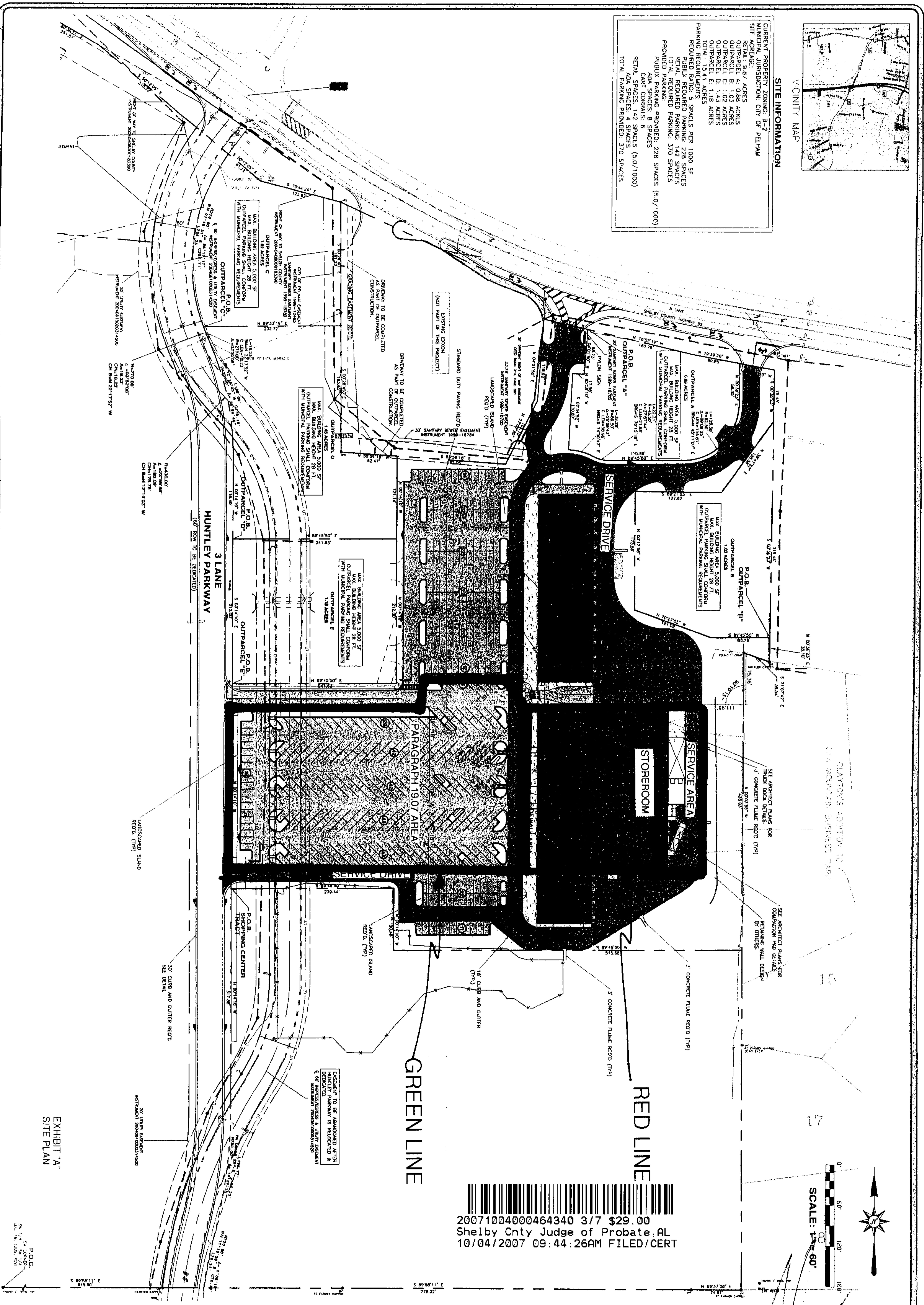
My Commission Expires:



Megan R. Coker
Commission # DD513476
Expires February 1, 2010
Bonded To: Fair Insurance, Inc. 800-385-7019



CURRENT PROPERTY ZONING: B-2
MUNICIPAL JURISDICTION: CITY OF PELHAM
SITE ACREAGE:
RETAIL: 9.87 ACRES
OUTPARCEL A: 0.88 ACRES
OUTPARCEL B: 1.03 ACRES
OUTPARCEL C: 1.03 ACRES
OUTPARCEL D: 1.42 ACRES
OUTPARCEL E: 1.18 ACRES
TOTAL: 15.41 ACRES
PARKING REQUIREMENTS:
REQUIRED RATIO: 3 SPACES PER 1000 SF
PUBLIC REQUIRED PARKING: 228 SPACES
TOTAL REQUIRED PARKING: 174 SPACES
TOTAL REQUIRED PARKING: 370 SPACES
PROVIDED PARKING:
PUBLIC PARKING PROVIDED: 228 SPACES (5.0/1000)
CART CORRAL: 6
ADA SPACES: 142 SPACES (5.0/1000)
ADA SPACES: 4 SPACES
TOTAL PARKING PROVIDED: 370 SPACES



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SCALE: ~~1"=60'~~

**FOR
INFORMATION
ONLY**


GONZALEZ - STRENGTH & ASSOCIATES, INC.
CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
2176 Parkway Lake Drive
Hoover, ALABAMA 35244
PHONE: (205) 942-2486
FAX: (205) 942-3033
www.Gonzalez-Strength.com © Copyright 2004

PUBLIX LEASE EXHIBIT

PELHAM TOWNE CENTRE
HIGHWAY 52
PELHAM, ALABAMA

SHARP REALTY MANAGEMENT
HUNTSVILLE, ALABAMA

DWN. BY HARRIS, P.E.	CKD. BY M. GONZALEZ, P.E.	SCALE 1"=60'	DATE 4/30/07
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DATE
4/30/07

REVISIONS	DESCRIPTION
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REVISIONS	
NO.	DESCRIPTION
0	ISSUED FOR APPROVAL.

Initial

STORE NO.:

SITE:

CR 52 AND HUNTLEY PARKWAY,
PELHAM, SHELBY COUNTY,
ALABAMA

SHOPPING


CENTER:

PELHAM TOWNE CENTER

STOREROOM:

45,600 Square Feet

EXHIBIT "B"


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Shopping Center Tract Legal Description


A parcel of land situated in the Southwest one-quarter of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Southwest one-quarter of the Southwest one-quarter of said Section; thence run South 89 degrees 58 minutes 11 seconds East for a distance of 645.80 feet to the point of commencement of a curve to the right, said curve having a radius of 720.00 feet, a central angle of 06 degrees 05 minutes 18 seconds, a chord bearing of North 11 degrees 10 minutes 26 seconds East for a chord distance of 76.47 feet; thence run along arc of said curve for a distance of 76.51 feet to the point of commencement of a reverse curve to the left, said curve having a radius of 780.00 feet, a central angle of 14 degrees 27 minutes 15 seconds, a chord bearing of North 06 degrees 59 minutes 28 seconds East for a chord distance of 196.25 feet; thence run along arc of said curve for a distance of 196.77 feet; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 317.88 feet to the POINT OF BEGINNING; thence run along last described course for a distance of 300.00 feet; thence run North 89 degrees 45 minutes 50 seconds East for a distance of 241.63 feet; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 333.14 feet; thence run South 85 degrees 59 minutes 18 seconds East for a distance of 162.05 feet; thence run North 27 degrees 07 minutes 20 seconds East for a distance of 103.19 feet; thence run North 04 degrees 01 minutes 50 seconds East for a distance of 119.92 feet to a point on the Southernmost right of way line of Shelby County Highway 52 (right of way varies); thence run South 76 degrees 52 minutes 19 seconds East along said right of way for a distance of 65.83 feet; thence leaving said right of way, run South 04 degrees 01 minutes 50 seconds West for a distance of 65.73 feet; thence run North 85 degrees 58 minutes 10 seconds West for a distance of 17.56 feet; thence run South 02 degrees 34 minutes 52 seconds West for a distance of 110.87 feet to the point of commencement of a curve to the right, said curve having a radius of 89.50 feet, a central angle of 25 degrees 08 minutes 43 seconds, a chord bearing of South 74 degrees 50 minutes 47 seconds East for a chord distance of 38.96 feet; thence run along arc of said curve for a distance of 39.28 feet to the point of commencement of a reverse curve to the left, said curve having a radius of 45.50 feet, a central angle of 27 degrees 57 minutes 44 seconds, a chord bearing of South 76 degrees 15 minutes 18 seconds East for a chord distance of 21.99 feet; thence run along arc of said curve for a distance of 22.21 feet; thence run North 89 degrees 45 minutes 50 seconds East for a distance of 110.69 feet to the point of commencement of a curve to the left, said curve having a radius of 82.50 feet, a central angle of 89 degrees 09 minutes 25 seconds, a chord bearing of North 45 degrees 11 minutes 07 seconds East for a chord distance of 115.81 feet; thence run along arc of said curve for a distance of 128.38 feet; thence run North 00 degrees 36 minutes 23 seconds East for a distance of 59.35 feet to a point on the said Southernmost right of way line of Shelby County Highway 52; thence run South 79 degrees 39 minutes 20 seconds East along said right of way for a distance of 52.19 feet; thence leaving said right of way, run South 00 degrees 36 minutes 23 seconds West for a distance of 75.45 feet; thence run South 36 degrees 47 minutes 32 seconds West for a distance of 128.88 feet; thence run North 89 degrees 21 minutes 05 seconds West for a distance of 127.62 feet; thence run South 00 degrees 12 minutes 58 seconds East for a distance of 173.56 feet; thence run South 70 degrees 27 minutes 05 seconds East for a distance of 121.02 feet; thence run North 89 degrees 45 minutes 50 seconds East for a distance of 86.76 feet; thence run South 00 degrees 36 minutes 23 seconds West for a distance of 35.10 feet; thence run North 71 degrees 07 minutes 47 seconds West for a distance of 39.54 feet; thence run South 00 degrees 03 minutes 55 seconds East for a distance of 435.03 feet; thence run South 89 degrees 45 minutes 50 seconds West for a distance of 515.68 feet; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 90.46 feet; thence run South 89 degrees 45 minutes 50 seconds West for a distance of 239.44 feet to the POINT OF BEGINNING. Said parcel contains 429,786 square feet or 9.87 acres more or less.

STORE NO.:
SITE: CR 52 AND HUNTLEY PARKWAY,
PELHAM, SHELBY COUNTY,
ALABAMA
SHOPPING
CENTER: PELHAM TOWNE CENTER
STOREROOM: 45,600 Square Feet

EXHIBIT "B-1"

Outparcel Legal Descriptions


20071004000464340 5/7 \$29.00
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OUTPARCEL "A"

A parcel of land situated in the Southwest one-quarter of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

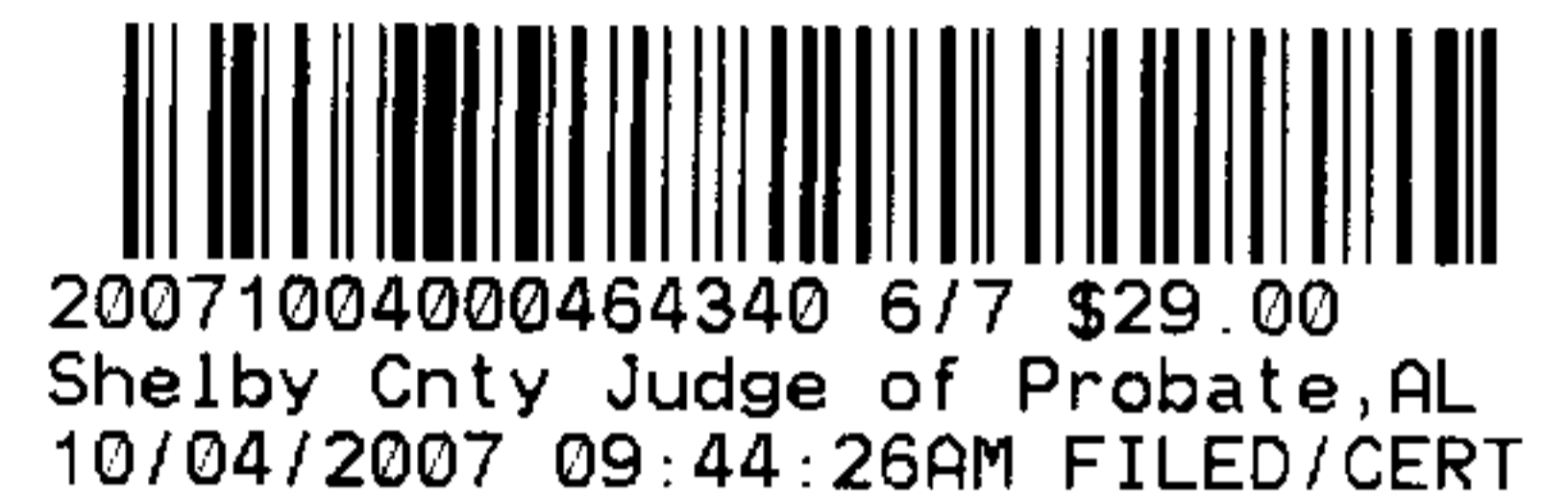
Commence at the Southwest corner of the Southwest one-quarter of the Southwest one-quarter of said Section; thence run South 89 degrees 58 minutes 11 seconds East for a distance of 645.80 feet to the point of commencement of a curve to the right, said curve having a radius of 720.00 feet, a central angle of 06 degrees 05 minutes 18 seconds, a chord bearing of North 11 degrees 10 minutes 26 seconds East for a chord distance of 76.47 feet; thence run along arc of said curve for a distance of 76.51 feet to the point of commencement of a reverse curve to the left, said curve having a radius of 780.00 feet, a central angle of 14 degrees 27 minutes 15 seconds, a chord bearing of North 06 degrees 59 minutes 28 seconds East for a chord distance of 196.25 feet; thence run along arc of said curve for a distance of 196.77 feet; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 617.88 feet; thence run North 89 degrees 45 minutes 50 seconds East for a distance of 241.63 feet; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 333.14 feet; thence run South 85 degrees 59 minutes 18 seconds East for a distance of 162.05 feet; thence run North 27 degrees 07 minutes 20 seconds East for a distance of 103.19 feet; thence run North 04 degrees 01 minutes 50 seconds East for a distance of 119.92 feet to a point on the Southernmost right of way line of Shelby County Highway 52 (right of way varies); thence run South 76 degrees 52 minutes 19 seconds East along said right of way for a distance of 65.83 feet to the POINT OF BEGINNING; thence leaving said right of way, run South 04 degrees 01 minutes 50 seconds West for a distance of 65.73 feet; thence run North 85 degrees 58 minutes 10 seconds West for a distance of 17.56 feet; thence run South 02 degrees 34 minutes 52 seconds West for a distance of 110.87 feet to the point of commencement of a curve to the right, said curve having a radius of 89.50 feet, a central angle of 25 degrees 08 minutes 43 seconds, a chord bearing of South 74 degrees 50 minutes 47 seconds East for a chord distance of 38.96 feet; thence run along arc of said curve for a distance of 39.28 feet to the point of commencement of a reverse curve to the left, said curve having a radius of 45.50 feet, a central angle of 27 degrees 57 minutes 44 seconds, a chord bearing of South 76 degrees 15 minutes 18 seconds East for a chord distance of 21.99 feet; thence run along arc of said curve for a distance of 22.21 feet; thence run North 89 degrees 45 minutes 50 seconds East for a distance of 110.69 feet to the point of commencement of a curve to the left, said curve having a radius of 82.50 feet, a central angle of 89 degrees 09 minutes 25 seconds, a chord bearing of North 45 degrees 11 minutes 07 seconds East for a chord distance of 115.81 feet; thence run along arc of said curve for a distance of 128.38 feet; thence run North 00 degrees 36 minutes 23 seconds East for a distance of 59.35 feet to a point on the said Southernmost right of way line of Shelby County Highway 52; thence run North 79 degrees 39 minutes 20 seconds West along said right of way for a distance of 69.86 feet; thence run North 76 degrees 52 minutes 19 seconds West along said right of way for a distance of 160.78 feet to the POINT OF BEGINNING. Said parcel contains 38,328 square feet or 0.88 acres more or less.

OUTPARCEL "B"

A parcel of land situated in the Southwest one-quarter of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Southwest one-quarter of the Southwest one-quarter of said Section; thence run South 89 degrees 58 minutes 11 seconds East for a distance of 645.80 feet to the point of commencement of a curve to the right, said curve having a radius of 720.00 feet, a central angle of 06 degrees 05 minutes 18 seconds, a chord bearing of North 11 degrees 10 minutes 26 seconds East for a chord distance of 76.47 feet; thence run along arc of said curve for a distance of 76.51 feet to the point of commencement of a reverse curve to the left, said curve having a radius of 780.00 feet, a central angle of 14 degrees 27 minutes 15 seconds, a chord bearing of North 06 degrees 59 minutes 28 seconds East for a chord

distance of 196.25 feet; thence run along arc of said curve for a distance of 196.77 feet; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 317.88 feet; thence run North 89 degrees 45 minutes 50 seconds East for a distance of 239.44 feet; thence run South 00 degrees 14 minutes 10 seconds East for a distance of 90.46 feet; thence run North 89 degrees 45 minutes 50 seconds East for a distance of 515.68 feet; thence run North 00 degrees 03 minutes 55 seconds West for a distance of 435.03 feet; thence run South 71 degrees 07 minutes 47 seconds East for a distance of 39.54 feet; thence run North 00 degrees 36 minutes 23 seconds East for a distance of 35.10 feet to the POINT OF BEGINNING; thence run South 89 degrees 45 minutes 50 seconds West for a distance of 86.76 feet; thence run North 70 degrees 27 minutes 05 seconds West for a distance of 121.02 feet; thence run North 00 degrees 12 minutes 58 seconds West for a distance of 173.56 feet; thence run South 89 degrees 21 minutes 05 seconds East for a distance of 127.62 feet; thence run North 36 degrees 47 minutes 32 seconds East for a distance of 128.88 feet; thence run South 00 degrees 36 minutes 23 seconds West for a distance of 315.46 feet to the POINT OF BEGINNING. Said parcel contains 44,673 square feet or 1.03 acres more or less.



OUTPARCEL "C"

A parcel of land situated in the Southwest one-quarter of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Southwest one-quarter of the Southwest one-quarter of said Section; thence run South 89 degrees 58 minutes 11 seconds East for a distance of 645.80 feet to the point of commencement of a curve to the right, said curve having a radius of 720.00 feet, a central angle of 06 degrees 05 minutes 18 seconds, a chord bearing of North 11 degrees 10 minutes 26 seconds East for a chord distance of 76.47 feet; thence run along arc of said curve for a distance of 76.51 feet to the point of commencement of a reverse curve to the left, said curve having a radius of 780.00 feet, a central angle of 14 degrees 27 minutes 15 seconds, a chord bearing of North 06 degrees 59 minutes 28 seconds East for a chord distance of 196.25 feet; thence run along arc of said curve for a distance of 196.77 feet; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 948.28 feet to the point of commencement of a curve to the left, said curve having a radius of 430.00 feet, a central angle of 23 degrees 59 minutes 46 seconds, a chord bearing of North 12 degrees 14 minutes 03 seconds West for a chord distance of 178.78 feet; thence run along arc of said curve for a distance of 180.09 feet to the point of commencement of a compound curve to the left, said curve having a radius of 270.00 feet, a central angle of 03 degrees 52 minutes 08 seconds, a chord bearing of North 22 degrees 17 minutes 52 seconds West for a chord distance of 18.23 feet; thence run along arc of said curve for a distance of 18.23 feet to the POINT OF BEGINNING and the point of commencement of a reverse curve to the right, said curve having a radius of 270.00 feet, a central angle of 56 degrees 17 minutes 17 seconds, a chord bearing of North 07 degrees 46 minutes 51 seconds East for a chord distance of 254.71 feet; thence run along arc of said curve for a distance of 265.25 feet; thence run South 50 degrees 12 minutes 05 seconds East for a distance of 61.12 feet; thence run South 75 degrees 44 minutes 24 seconds East for a distance of 123.67 feet; thence run South 00 degrees 26 minutes 49 seconds East for a distance of 181.22 feet; thence run South 89 degrees 33 minutes 19 seconds West for a distance of 202.72 feet to the POINT OF BEGINNING. Said parcel contains 44,476 square feet or 1.02 acres more or less.

OUTPARCEL "D"

A parcel of land situated in the Southwest one-quarter of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Southwest one-quarter of the Southwest one-quarter of said Section; thence run South 89 degrees 58 minutes 11 seconds East for a distance of 645.80 feet to the point of commencement of a curve to the right, said curve having a radius of 720.00 feet, a central angle of 06 degrees 05 minutes 18 seconds, a chord bearing of North 11 degrees 10 minutes 26 seconds East for a chord distance of 76.47 feet; thence run along arc of said curve for a distance of 76.51 feet to the point of commencement of a reverse curve to the left, said curve having a radius of 780.00 feet, a central angle of 14 degrees 27 minutes 15 seconds, a chord bearing of North 06 degrees 59 minutes 28 seconds East for a chord distance of 196.25 feet; thence run along arc of said curve for a distance of 196.77 feet; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 829.88 feet to the POINT OF BEGINNING; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 118.40 feet to the point of commencement of a curve to the left, said curve having a radius of 430.00 feet, a central angle of 23 degrees 59 minutes 46 seconds, a chord bearing of North 12 degrees 14 minutes 03 seconds West for a chord distance of 178.78 feet; thence run along arc of said curve for a distance of 180.09 feet to the point of commencement of a compound curve to the left, said curve having a radius of 270.00 feet, a central angle of 03 degrees 52

minutes 08 seconds, a chord bearing of North 22 degrees 17 minutes 52 seconds West for a chord distance of 18.23 feet; thence run along arc of said curve for a distance of 18.23 feet; thence run North 89 degrees 33 minutes 19 seconds East for a distance of 202.72 feet; thence run South 00 degrees 26 minutes 49 seconds East for a distance of 183.65 feet; thence run South 85 degrees 59 minutes 18 seconds East for a distance of 82.47 feet; thence run South 00 degrees 14 minutes 10 seconds East for a distance of 121.14 feet; thence run South 89 degrees 45 minutes 50 seconds West for a distance of 241.63 feet to the POINT OF BEGINNING. Said parcel contains 62,477 square feet or 1.43 acres more or less.

OUTPARCEL "E"

A parcel of land situated in the Southwest one-quarter of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Southwest one-quarter of the Southwest one-quarter of said Section; thence run South 89 degrees 58 minutes 11 seconds East for a distance of 645.80 feet to the point of commencement of a curve to the right, said curve having a radius of 720.00 feet, a central angle of 06 degrees 05 minutes 18 seconds, a chord bearing of North 11 degrees 10 minutes 26 seconds East for a chord distance of 76.47 feet; thence run along arc of said curve for a distance of 76.51 feet to the point of commencement of a reverse curve to the left, said curve having a radius of 780.00 feet, a central angle of 14 degrees 27 minutes 15 seconds, a chord bearing of North 06 degrees 59 minutes 28 seconds East for a chord distance of 196.25 feet; thence run along arc of said curve for a distance of 196.77 feet; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 617.88 feet to the POINT OF BEGINNING; thence run North 00 degrees 14 minutes 10 seconds West for a distance of 212.00 feet; thence run North 89 degrees 45 minutes 50 seconds East for a distance of 241.63 feet; thence run South 00 degrees 14 minutes 10 seconds East for a distance of 212.00 feet; thence run South 89 degrees 45 minutes 50 seconds West for a distance of 241.63 feet to the POINT OF BEGINNING. Said parcel contains 51,226 square feet or 1.18 acres more or less.



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