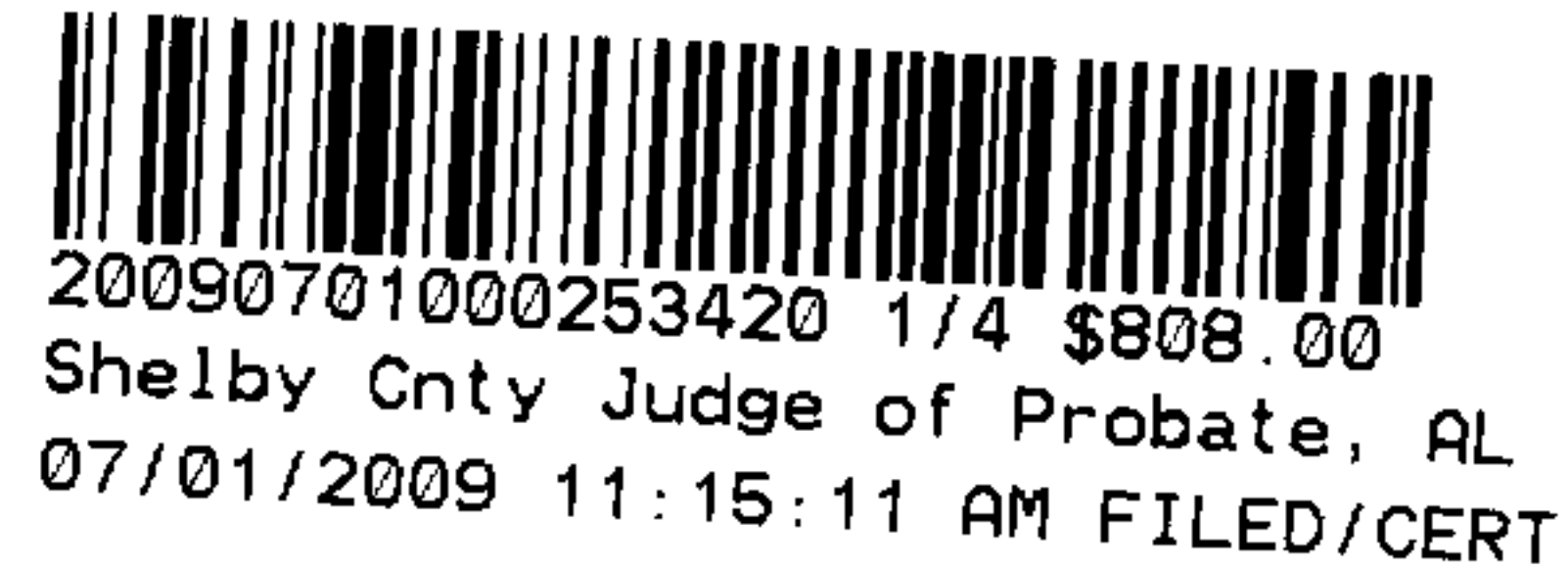


This instrument was prepared by:

Thomas C. Clark, III  
Maynard, Cooper & Gale, P.C.  
1901 Sixth Avenue, North  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203



## MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE (hereinafter, as amended from time to time in accordance with the terms hereof, "this Memorandum") is entered into as of ~~June~~ <sup>July</sup> 17, 2009, by and between Concrete Properties, LLC, a New York limited liability company ("Lessor") and Shelby 19 Property, LLC, an Alabama limited liability company ("Lessee").

### Recitals

Lessor and Lessee have entered into that certain Ground Lease dated as of June 17, 2009 (the "Lease"), pursuant to which Lessor will lease, demise and let to Lessee the leased premises described in Exhibit A hereto. Lessor and Lessee are recording this Memorandum in lieu of recording the Lease pursuant to the authority of Section 35-4-51.1, CODE OF ALABAMA 1975, as amended.

### Agreement

NOW, THEREFORE, in consideration of the foregoing recitals and to induce Lessor and Lessee to enter into the Lease, and for other good and valuable consideration in hand paid to Lessor and Lessee, the receipt and sufficiency of which is hereby acknowledged by each of them, Lessor and Lessee hereby agree as follows:

1. Names of Lessor and Lessee. The name of the lessor of the Lease is Concrete Properties, LLC, a New York limited liability company. The name of the lessee of the Lease is Shelby 19 Property, LLC, an Alabama limited liability company.

2. Term of the Lease. The Lease is for an initial term of fifty (50) years commencing on June 17, 2009.

3. Renewal Terms. Lessee may extend the initial term of the Lease for up to one (1) additional ten (10) year periods.

4. Description of Leased Premises. A specific description of the leased premises leased by Lessee from Lessor under the Lease is attached hereto as Exhibit A.

IN WITNESS WHEREOF, the Lessor and Lessee has caused this Memorandum to be executed, under seal, by their duly authorized representatives as of the date first set forth above and to be recorded in the office of the Judge of Probate of the county in which the leased premises are situated.

LESSOR:

CONCRETE PROPERTIES, LLC

By: [Signature]  
Name: GARY TETZ  
Title: Managing Member

STATE OF New York  
COUNTY OF Orange

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that GARY TETZ, whose name as Member of Concrete Properties, LLC, a New York 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.

Given under my hand and official seal, this 25<sup>th</sup> day of June, 2009.

[Signature]  
Notary Public

[AFFIX SEAL]

My Commission Expires: \_\_\_\_\_

BURT J. BLUSTEIN  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ORANGE COUNTY  
COMMISSION EXPIRES MARCH 30, 2010



20090701000253420 3/4 \$808.00  
 Shelby Cnty Judge of Probate, AL  
 07/01/2009 11:15:11 AM FILED/CERT

LESSEE:

SHELBY 19 PROPERTY, LLC

By: [Signature]

Name: C. Edward Harmon

Title: Its Manager

STATE OF Ohio)

COUNTY OF Franklin)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that C. Edward Harmon whose name as Its Manager of Shelby 19 Property, 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.

Given under my hand and official seal, this 17<sup>th</sup> day of June, 2009.




Christine L. Schulenberg  
 Notary Public, State of Ohio  
 My Commission Expires on 10/24/12

C. L. Schulenberg  
 Notary Public

My Commission Expires: October 24, 2012



## EXHIBIT "A"

  
20090701000253420 4/4 \$808.00  
Shelby Cnty Judge of Probate, AL  
07/01/2009 11:15:11 AM FILED/CERT

Site 19A, according to a redivision of Sites 19 & 20 of Final Plat of Sector I, Phase II, Shelby West Corporate Park, as recorded in Map Book 41, Page 11, in the Records of Probate in Shelby County, Alabama.