


**STATE OF ALABAMA
COUNTY OF BIBB**


20130117000024840 1/9 \$36.00
Shelby Cnty Judge of Probate, AL
01/17/2013 02:13:29 PM FILED/CERT

**FIRST AMENDMENT TO
MEMORANDUM OF LEASE**

WHEREAS, **SWF BIRMINGHAM, LLC**, a Delaware limited liability company ("Lessor"), and the **ALABAMA TRUST FUND FOR THE STATE OF ALABAMA (pursuant to Amendment 543 to the Alabama Constitution of 1901)** [which pursuant to Amendment 543 is the entity in which all real property interests of the Alabama Forever Wild Land Trust are held] ("Lessee"), entered into a Hunting, Fishing and Recreational Lease Agreement [Cahaba River WMA] dated October 15, 2009 (the "Lease") pursuant to which Lessor agreed to lease to Lessee the sole and exclusive right to lawfully and non-commercially manage and use certain land in Bibb and Shelby Counties, Alabama for public hunting, fishing and recreation, all in accordance with the terms, covenants and conditions of the Lease;

WHEREAS, the parties filed a Memorandum of Lease ("Memo") dated October 15, 2009 and recorded at Instrument No. 20091118000428430 in the Judge of Probate of Shelby County, Alabama and RP Book 238, Page 266 in the Judge of Probate of Bibb County, Alabama;

WHEREAS, the Memo contains a cross-hatched map of the property covered thereby ("Property") and, for reference purposes only, legal descriptions of the Property, in addition to legal descriptions of other lands not intended to be leased;

WHEREAS, the Memo contains errors in the legal descriptions of that portion of the Property lying in Sections 4 and 9, Township 21 South, Range 4 West, Shelby County, Alabama and Section 26, Township 22 South, Range 6 West and Section 1, Township 24 North, Range 9 East, Bibb County, Alabama ("Erroneously Described Property"); and

WHEREAS, the parties desire to revise the legal descriptions of the Erroneously Described Property to correct said errors;

NOW, THEREFORE, in consideration of the foregoing and the premises and the mutual covenants of the parties, the parties do hereby revise the legal descriptions of the Erroneously Described Property as shown on Exhibit "A" attached hereto and made a part hereof.

It is understood that all other conditions, terms and agreements contained in the Memo shall remain the same.

All terms not specifically defined herein shall have the meanings set forth in the Memo.

IN WITNESS WHEREOF, the Lessor and the Lessee have caused this First Amendment to Memorandum of Lease to be executed in duplicate counterparts on this the 31 day of Oct., 2012.

[SIGNATURE PAGES TO FOLLOW]



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LESSOR:

SWF BIRMINGHAM, LLC

By: 

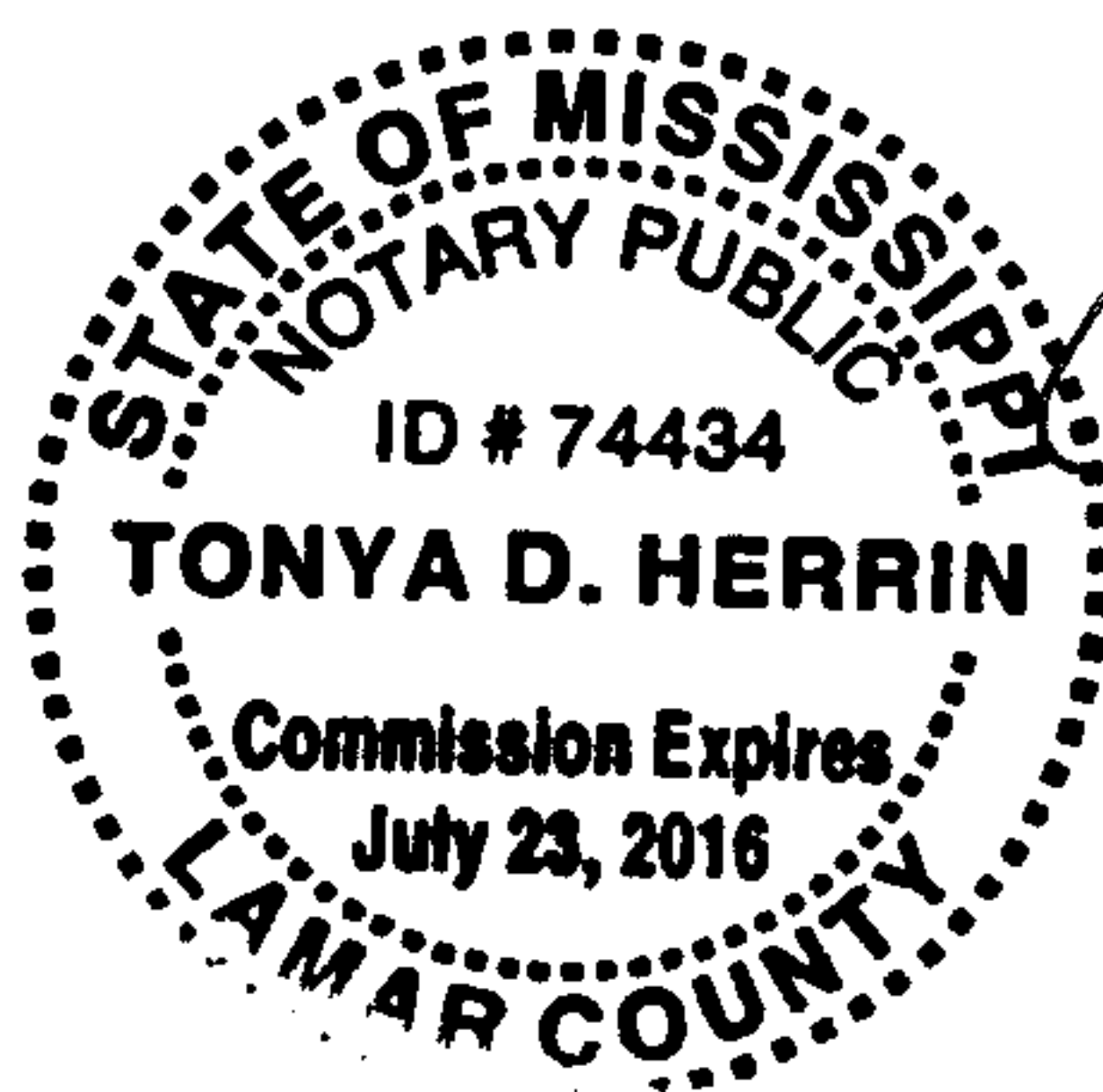
Name: Ken Sewell, Chief Operating
Officer of Molpus Timberlands Management, LLC,
its authorized agent and property manager


STATE OF MISSISSIPPI

COUNTY OF FORREST

I, THE UNDERSIGNED NOTARY PUBLIC, in and for the aforesaid county and state, hereby certify that Ken Sewell, whose name is signed to the foregoing instrument as Chief Operating Officer of Molpus Timberlands Management, LLC, a Mississippi limited liability company, as the authorized agent and property manager of SWF Birmingham, LLC, a Delaware limited liability company, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such Chief Operating Officer of Molpus Timberlands Management, LLC, executed the same voluntarily and as the authorized act of said limited liability company as the authorized agent and property manager of SWF Birmingham, LLC.

Given under my hand this 3rd day of December, 2012.




NOTARY PUBLIC
My Commission Expires: July 23, 2016

[ADDITIONAL SIGNATURE PAGE FOLLOWS]

LESSEE:

Alabama Trust Fund for the State of Alabama (pursuant to Amendment 543 to the Alabama Constitution of 1901)

By: [Signature]

Print Name: N. Gunter Guy, Jr.

As Its: Chairman of the Alabama Forever Wild Land Trust

APPROVED: [Signature]

GOVERNOR

ATTEST: [Signature]

SECRETARY OF STATE

STATE OF _____

COUNTY OF _____

I, THE UNDERSIGNED NOTARY PUBLIC, in and for the aforesaid county and state, hereby certify that N. Gunter Guy, Jr., whose name is signed to the foregoing instrument as Chairman of the Alabama Forever Wild Land Trust on behalf of Alabama Trust Fund for the State of Alabama (pursuant to Amendment 543 to the Alabama Constitution of 1901), and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he/she, as such Chairman, executed the same voluntarily and as the authorized act of Alabama Trust Fund for the State of Alabama (pursuant to Amendment 543 to the Alabama Constitution of 1901)..


Given under my hand this 31 day of October, 2012.

[Signature]
NOTARY PUBLIC
My Commission Expires: _____



BETSY FULLER JONES
NOTARY PUBLIC
STATE OF ALABAMA
MY COMM. EXP. 8-11-15

This document prepared by
and upon recordation return to:
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Adams and Reese LLP
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EXHIBIT "A"

The Property covered by the Memo is cross-hatched on the map attached to the Memo, said Property lying within the properties of **SWF BIRMINGHAM, LLC**, a Delaware limited liability company. Set forth below, for reference purposes only with respect to said map, are legal descriptions of the Erroneously Described Property along with legal descriptions of property not intended to be leased. No Property is covered by the Memo solely due to or on the basis of the below legal descriptions. It is the intention and expectation of **SWF BIRMINGHAM, LLC** that the Memo shall cover **ONLY** the Property cross-hatched on the map and not any other property described in the below legal descriptions that is not cross-hatched on the map.

Shelby County Township 21 South, Range 4 West

Section	
4	<u>That part of the West half of the Section that is South of Shelby County Road #13 and West of the Southern Railway Company right of way</u> , except a tract of land in lying the South-West quarter of the North-West quarter described as follows: commence at the Northwest Section corner; thence east along the North boundary of said Section 490 feet; thence turn an angle to the right of 90 degrees 00 minutes in a southerly direction 1,760 feet to the point of beginning of the tract herein excepted; thence continue on the last described course a distance of 300 feet; thence turn an angle to the left 90 degrees 00 minutes in a easterly direction 150 feet; thence turn an angle to the left 90 degrees 00 minutes in a northerly direction 300 feet; thence turn an angle to the left 90 degrees 00 minutes in a westerly direction 150 feet, more or less, to the point of beginning.
9	<u>The West half of the Section that is West of the Southern Railway Company right of way</u> , except the two (2) following described tracts: (1) commence at the Northeast corner of the North-East quarter of the North-West quarter; thence west along the North boundary of said quarter-quarter Section 211.45 feet; thence turning an angle of 94 degrees 23 minutes to the left southeast along the center line of right of way of Southern Railway Company as now located 696.00 feet; thence turning an angle of 90 degrees to the left northeast 50.00 feet to intersection with east boundary of said right of way of Southern Railway Company, this being point of beginning of tract of land herein excepted; thence south along said east boundary of right of way 372.75 feet to the point of beginning of a curve turning to the left southeast and having a radius of 1,392.69 feet, said arc being subtended by a chord 198.72 feet in length; thence southeast along said arc and also along said east boundary of right of way 198.89 feet to intersection with a straight line radial to said arc,

	<p>said radial line forming an angle of 94 degrees 07 minutes to the left from said chord; thence northeast along said radial line 50.00 feet to intersection with the arc of a curve turning to the right northwest and having a radius of 1,332.69 feet, said arc being subtended by a chord 191.54 feet in length; said chord forming an angle of 85 degrees 53 minutes to the left from said radial line; thence northwest along said arc 191.70 feet to point of beginning of a straight line tangent to said arc; thence northwest along said straight line 372.75 feet; thence turning an angle of 90 degrees to the left southwest 50.00 feet to point of beginning; (2) commence at the Northeast corner of the North-East quarter of the North-West quarter; thence west along the North boundary of said quarter-quarter Section 211.45 feet; thence turning an angle of 94 degrees 23 minutes to the left southeast along the center line of right of way of Southern Railway Company as now located 696.00 feet; thence turning an angle of 90 degrees 00 minutes to the right southwest along a straight line 50.00 feet to intersection with the west boundary of said right of way of Southern Railway Company, this being point of beginning of boundary of tract of land herein excepted; thence continuing southwest along said straight line 200.00 feet; thence turning an angle of 90 degrees 00 minutes to the left southeast 372.75 feet to point of beginning of the arc of a curve turning to the left and having a radius of 1,682.69 feet, said arc being subtended by a chord 241.82 feet in length; thence southeast along said arc 242.05 feet to intersection with a straight line radial to said arc, said radial line forming an angle of 94 degrees 07 minutes to the left from said chord; thence northeast along said radial line 200.00 feet to intersection with the west boundary of said right of way of Southern Railway Company, said intersection being in the arc of a curve turning to the right and having a radius of 1,482.69 feet, said arc being subtended by a chord 213.10 feet in length, said chord forming an angle of 85 degrees 53 minutes to the left from said radial line; thence northwest along said arc and also along said west boundary of right of way, 213.28 feet to the point of beginning of a straight line tangent to said arc; thence northwest along said straight line and also along said west boundary of right of way 372.75 feet to point of beginning.</p>
9	<p><u>That part of the West half of the Southeast Quarter that is West of the Southern Railway Company right of way and that part of the East half of the East half that is East of the Cahaba River.</u></p>

Bibb County
Township 22 South, Range 6 West

Section	
26	<p><u>That part of the Section (fractional) that is East of the Truman Aldrich Road, except the two (2) following described tracts: (1) begin at the Northeast</u></p>

	<p>Section corner; thence west along the North boundary 980.0 feet; thence turning an angle of 90 degrees 06 minutes to the left south 210.0 feet; thence turning an angle of 90 degrees 06 minutes to the right west 13.00 feet; thence turning an angle of 90 degrees 06 minutes to the left south 13.00 feet; thence turning an angle of 90 degrees 06 minutes to the right west 357.20 feet; thence turning an angle of 90 degrees 06 minutes to the left south 210.0 feet; thence turning an angle of 89 degrees 54 minutes to the left east 589.00 feet; thence turning an angle of 96 degrees 42 minutes to the right southwest 795.20 feet; thence turning an angle of 82 degrees 20 minutes to the right west 494.00 feet; thence turning an angle of 89 degrees 09 minutes to the left south 201.70 feet to the South boundary of said Section; thence turning an angle of 90 degrees 51 minutes to the left east along said South boundary 1,352.00 feet to the Southeast Section corner; thence north along the East boundary 1,410.00 feet to point of beginning; (2) commence at the Northeast corner of said Section 26, thence west along the North boundary of said Section 26 a distance of 2,661.83 feet; thence turning an angle of 90 degrees 00 minutes to the left in a southerly direction 598.04 feet to the point of beginning of boundary of tract of land herein described; thence turning an angle of 46 degrees 24 minutes 12 seconds to the left in a southeasterly direction 50.00 feet; thence turning an angle of 90 degrees 00 minutes to the right in a southwesterly direction 50.0 feet; thence turning an angle of 90 degrees 00 minutes to the right in a northwesterly direction 50.0 feet; thence turning an angle of 90 degrees 00 minutes to the right in a northeasterly direction along a straight line which is 25.0 feet southeasterly of and parallel to the center line of a public road 50.0 feet to the point of beginning.</p>
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Bibb County
Township 24 North, Range 9 East

Section	
1	<p>The North half of the North-East quarter except the following described tract: commence at the Northeast corner of said Section 1; thence west along the North boundary of said Section a distance of 1,255.0 feet, more or less, to the Southeast corner of Section 26, Township 22 South, Range 6 West; thence continue west along said North boundary of Section 1 a distance of 533.57 feet to the point of beginning of boundary of tract of land herein described; thence continue west along said North boundary 374.0 feet; thence turning an angle of 90 degrees 00 minutes to the left in a southerly direction 53.40 feet to intersection with the center line of a public road; thence turning an angle of 67 degrees 26 minutes 30 seconds to the left in a southeasterly direction along a straight line which is the center line of said road 15.17 feet to the point of beginning of the arc of a curve tangent to said straight line, said arc turning</p>



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	<p>to the left having a radius of 100.0 feet and being subtended by a central angle of 23 degrees 24 minutes; thence southeasterly and easterly along said arc which is the center line of said public road 40.84 feet; thence in an easterly direction along a straight line which is tangent to said arc and is the center line of said public road 78.18 feet to the point of beginning of the arc of a curve tangent to said straight line, said arc turning to the right, having a radius of 330.0 feet and being subtended by a central angle of 24 degrees 09 minutes; thence southeasterly along said arc which is the center line of said public road 139.09 feet; thence in a southeasterly direction along a straight line which is tangent to said arc and is the center line of said public road 80.81 feet to the point of beginning of the arc of a curve tangent to said straight line, said arc turning to the left, having a radius of 185.00 feet, being subtended by a central angle of 10 degrees 31 minutes 23 seconds and having a chord 33.93 feet in length; thence southeasterly along said arc which is the center line of said public road 33.98 feet; thence turning an angle of 108 degrees 02 minutes 48 seconds to the left from said chord in a northerly direction 135.00 feet to the point of beginning; the North-West quarter of the Section except that part of the South-East quarter of the North-West quarter described as follows: begin at the Southeast corner of said quarter-quarter; thence west along the South boundary of said quarter-quarter section 976.82 feet to intersection with the center line of right of way for a public road; thence turning an angle of 93 degrees 42 minutes 30 seconds to the right northeast along a straight line which is the center line of said right-of-way 948.50 feet to point of beginning of the arc of a curve turning left and having a radius of 1,432.70 feet, said straight line being tangent to said arc, said arc being subtended by a central angle of 13 degrees 13 minutes 30 seconds and having a chord 330.00 feet in length; thence northwest along said arc which is the center line of said right of way 331.07 feet to the North boundary of said quarter-quarter section; thence east along said North boundary 1,008.19 feet to the Northeast corner of said quarter-quarter section; thence south along the East boundary of said quarter-quarter section 1,270.27 feet to point of beginning.</p>
1	<p><u>That part of the Northeast Quarter of the Northwest Quarter that is East of the Truman Aldrich Road.</u></p>