

Site No.: _____
Site Name: County Road 42



20130129000038800 1/7 \$268.00
Shelby Cnty Judge of Probate, AL
01/29/2013 02:23:32 PM FILED/CERT

Prepared By:

J. Scott Sims, Esquire
Sirote & Permutt, P.C.
2311 Highland Avenue South
Birmingham, AL 35205

After recording return to:

ForeSite Towers Two, L.L.C.
5809 Feldspar Way
Birmingham, AL 35244
Attn: Lease Department

STATE OF ALABAMA

SHELBY COUNTY

The Above Space for Recorder's Use Only

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE ("Memorandum") is executed this 13th day September, 2012, by and between **THE WESTERVELT COMPANY, INC.** ("Landlord"), whose mailing address is 1400 Jack Warner Parkway, Tuscaloosa, AL 35404, and **FORESITE TOWERS TWO, L.L.C.**, a Nevada limited liability company ("Tenant"), whose mailing address is 5809 Feldspar Way, Birmingham, AL 35244.

WHEREAS, Landlord and Tenant executed and entered into an Option and Lease Agreement (the "Lease") dated as of September 18, 2012, for the purpose of installing, operating and maintaining radio communication facilities and other improvements on the Property (as hereinafter defined).

WHEREAS, the parties wish to provide a memorandum of the lease, to supplement the description of the Property (as hereinafter defined), to acknowledge Tenant's exercise of its option under the Lease and to provide for a commencement date under the Lease.

NOW, THEREFORE, in consideration of the Lease and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. Lease Term. The terms of the Lease shall be **Five (5)** years commencing on January 28, 2013, (the "Commencement Date"), and terminating at midnight on the **Fifth (5th)** anniversary of the Commencement Date (the "Initial Term"). Tenant has the option under the terms of the Lease to extend the Lease for **Four (4)** additional **Five (5)** year terms (the "Renewal Terms").

2. Property. Subject to the terms of the Lease, as may be amended from time to time, Landlord has leased to Tenant the real property described on Exhibit "A" attached hereto (the "Property") and Landlord has granted unto Tenant, for the Initial Term and any Renewal Term, easements for ingress, egress and utilities over that real property also described in Exhibit "A" attached hereto (the "Easement").

Shelby County, AL 01/29/2013
State of Alabama
Deed Tax: \$238.00

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3. **Notices.** All notices, requests, demands, and other communications to Landlord or Tenant shall be made at the addresses for each as set forth above, unless otherwise notified in writing.

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IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals.

LANDLORD:

THE WESTERVELT COMPANY, INC.

By: James J. King, Jr. (SEAL)
Name: James J. King, Jr.
Title: Vice President

TENANT:

FORESITE TOWERS TWO, L.L.C.,
a Nevada limited liability company

By: Krista M. Young (SEAL)
Name: Krista M. Young
Title: CFO

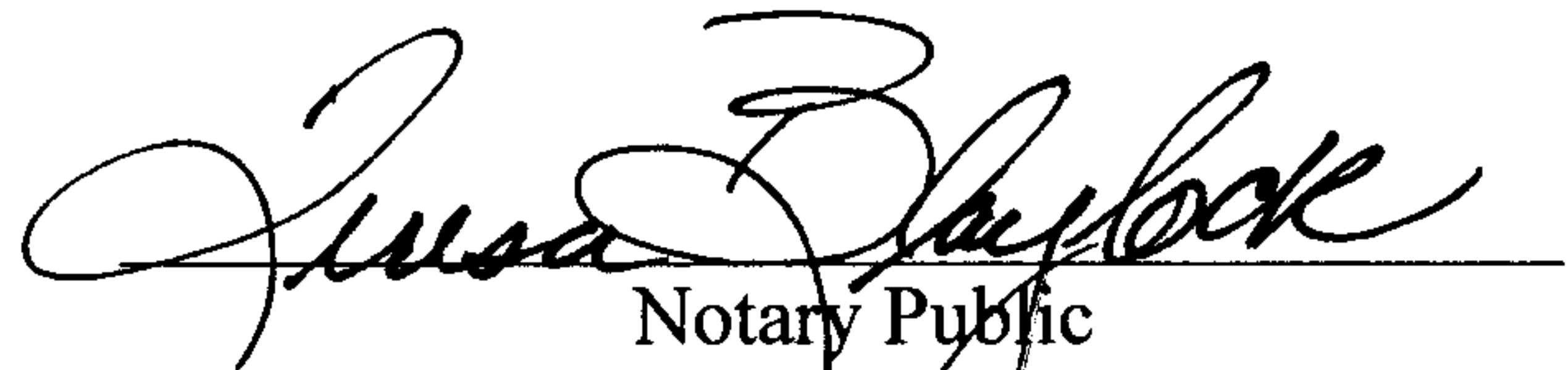
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STATE OF ALABAMA)
 :
TUSCALOOSA COUNTY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that James J. King, Jr., whose name as Vice President of **THE WESTERVELT COMPANY, INC.**, a Nevada corporation, 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 said instrument, she, 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 this the 13th day of September, 2012.

(NOTARIAL SEAL)


Notary Public

My Commission Expires: MY COMMISSION EXPIRES FEB. 16, 2014

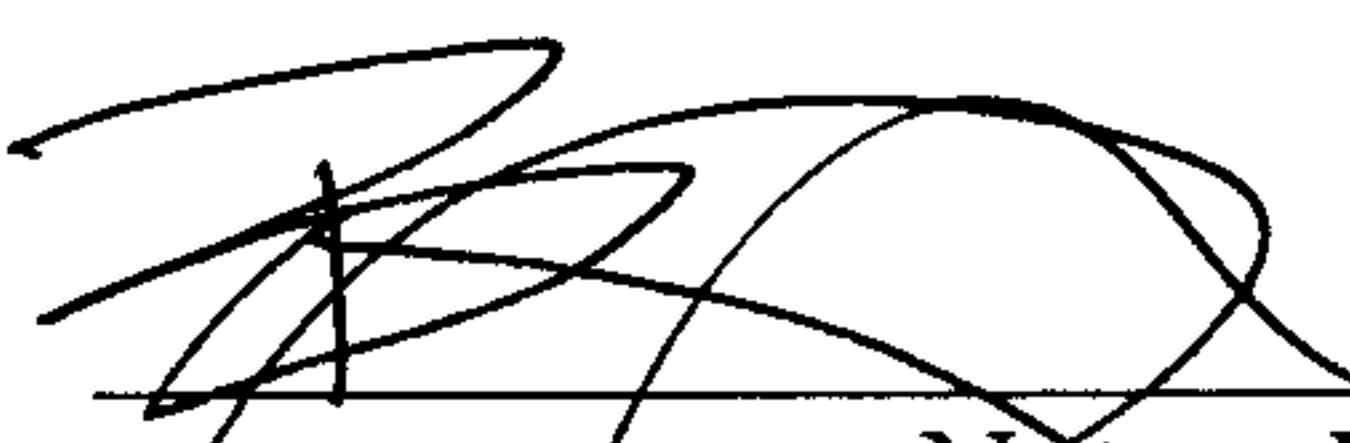
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STATE OF ALABAMA)
 :
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Krista M. Young, whose name as CFO of FORESITE TOWERS TWO, L.L.C., a Nevada 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 the said instrument, she, 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 this the 17th day of April, 2012.

(NOTARIAL SEAL)



NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Sept 27, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS
My Commission Expires: _____

EXHIBIT A

60' X 60' LEASE AREA (AS-SURVEYED)

A Lease Area being a portion of that certain tract of land as recorded in Volume 193, Page 41 in the Office of the Judge of Probate, Shelby County, lying in the Southwest 1/4, Section 13, Township 22 South, Range 1 East, said Shelby County and being more particularly described as follows:

Commencing at a 3" capped pipe found at the southeast corner of Section 14, Township 22 South, Range 1 East, said Shelby County; thence run S 88°59'31" W for a distance of 1337.57 feet to a steel beam found at the southwest corner of the Southeast 1/4 of the Southeast 1/4, Section 14, Township 22 South, Range 1 East; thence N 36°40'14" E for a distance of 2,210.99 to a 5/8" capped rebar set (19753) and the Point of Beginning; thence N 00°44'19" W for a distance of 60.00 feet to a 5/8" capped rebar set (19753); thence N 89°15'41" E for a distance of 60.00 feet to a 5/8" capped rebar set (19753); thence S 00°44'19" E for a distance of 60.00 feet to a 5/8" capped rebar set (19753); thence S 89°15'41" W for a distance of 60.00 feet to the Point of Beginning. Said above described Lease Area contains 360.0 square feet or 0.01 acres, more or less.

40' INGRESS/EGRESS & UTILITY EASEMENT "A" (AS-SURVEYED)

An Easement being a portion of that certain tract of land as recorded in Volume 193, Page 41 in the Office of the Judge of Probate, Shelby County, lying in the Southwest 1/4, Section 13 and the Southeast 1/4, Section 14, Township 22 South, Range 1 East, said Shelby County and being more particularly described as follows:

Commencing at a 3" capped pipe found at the southeast corner of Section 14, Township 22 South, Range 1 East, said Shelby County; thence run S 88°59'31" W for a distance of 1337.57 feet to a steel beam found at the southwest corner of the Southeast 1/4 of the Southeast 1/4, Section 14, Township 22 South, Range 1 East; thence N 36°40'14" E for a distance of 2,210.99 to a 5/8" capped rebar set (19753); thence N 00°44'19" W for a distance of 60.00 feet to a 5/8" capped rebar set (19753); thence N 89°15'41" E for a distance of 60.00 feet to a 5/8" capped rebar set (19753); thence S 00°44'19" E for a distance of 30.00 feet to the Point of Beginning of an Ingress/Egress & Utility Easement being 40 feet in width and lying 20 feet each side of the following described centerline; thence S 58°22'52" E for a distance of 29.97 feet to a point; thence with a curve turning to the right, with a radius of 25.00 feet, an arc length of 48.19 feet, and having a chord bearing of S 03°09'51" E for a chord length of 41.07 feet to a point; thence S 52°03'11" W for a distance of 31.91 feet to a point; thence with a curve turning to the left, with a radius of 75.00 feet, an arc length of 57.90 feet, and having a chord bearing S 29°56'07" W for a chord length of 56.48 feet to a point; thence S 07°49'03" W for a distance of 42.87 feet to a point; thence with a curve turning to the left, with a radius of 175.00 feet, an arc length of 135.75 feet, and having a chord bearing of S 14°24'18" E for a chord length of 132.37 feet to a point; thence S 36°37'39" E for a distance of 133.09 feet to a point; thence with a curve turning to the right, with a radius of 300.00 feet, an arc length of 299.27 feet, and having a chord bearing of S 08°02'58" E for a chord length of 287.01 feet to a point; thence S 20°31'43" W for a distance of 127.55 feet to a point; thence with a curve turning to the right, with a radius of 500.00 feet, an arc length of 125.21 feet, and having a chord bearing of S 27°42'10" W for a chord length of 124.89 feet to a point; thence S 34°52'37" W for a distance of 29.05 feet to a point; thence with a curve turning to the right, with a radius of 275.00 feet, an arc length of 119.16 feet, and having a chord bearing of S 47°17'24" W for a chord length of 118.23 feet to a point; thence S 59°42'10" W for a distance of 51.57 feet to a point; thence with a curve turning to the left, with a radius of 425.00



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feet, an arc length of 252.93 feet, and having a chord bearing of S 42°39'12" W for a chord length of 249.22 feet to a point; thence S 25°36'14" W for a distance of 17.82 feet to a point; thence with a curve turning to the left, with a radius of 250.00 feet, an arc length of 190.15 feet, and having a chord bearing of S 03°48'50" W for a chord length of 185.60 feet to a point; thence S 17°58'34" E for a distance of 85.91 feet to a point; thence with a curve turning to the right, with a radius of 250.00 feet, an arc length of 172.48 feet, and having a chord bearing of S 01°47'20" W for a chord length of 169.08 feet to a point; thence S 14°42'08" W for a distance of 106.81 feet to the south line of above said Section 14 and the Point of Ending. Said above described Easement contains 82,208.7 square feet or 1.89 acres, more or less.



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