


THIS INSTRUMENT PREPARED BY AND AFTER  
RECORDATION SHOULD BE RETURNED TO:

Wendy N. Hardegree  
ENGEL, HAIRSTON & JOHANSON, P.C.  
P.O. Box 370027  
Birmingham, Alabama 35237  
(205)328-4600

State of Alabama  
County of Shelby

  
20130403000138620 1/6 \$27.00  
Shelby Cnty Judge of Probate, AL  
04/03/2013 02:00:06 PM FILED/CERT

MEMORANDUM OF LEASE

On January 1, 2007, that certain Lease Agreement for Commercial Marina (hereinafter the "Lease") was entered into between **Alabama Power Company** (hereinafter "Landlord") and **R & R Properties, L.L.C. (also known as R & R Properties, LLC)**, an Alabama limited liability company (hereinafter "Tenant").

FOR AND IN CONSIDERATION OF the sum of Ten Dollars (\$10.00) and other valuable consideration paid by Tenant to Landlord, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows and present this Memorandum of the Lease for recording:

1. The name of Landlord as set forth in the Lease is Alabama Power Company.
2. The name of Tenant as set forth in the Lease is R & R Properties, L.L.C. (also known as R & R Properties, LLC).
3. The address of Landlord as set forth in the Lease is Post Office Box 2641, Birmingham, Alabama 35291.
4. The address of Tenant as set forth in the Lease is Post Office Box 119, Shelby, Alabama 35143.
5. The legal description of the real property governed by the Lease is set forth on Exhibit "A" attached hereto and made a part hereof.
6. The date on which the term of the Lease commenced was January 1, 2007.
7. The term of the Lease is five (5) years following January 1, 2007 until December 31, 2011 with an option to renew for five (5) consecutive years that was elected by Tenant and accepted by Landlord in writing.
8. Counterparts: This Memorandum of Lease may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one and the same instrument.

9. The parties hereto incorporate by reference herein all the terms, covenants and conditions contained in the Lease and incorporate into the Lease all the terms, covenants and conditions contained herein. Landlord and Tenant hereby agree to observe, conform to and comply with such terms, covenants and conditions on the part of each of them to be observed and performed under the Lease and hereunder. Reference is hereby made to the Lease for a complete statement of the rights, privileges and obligations created under and by the Lease and of the terms, covenants and conditions contained herein.

*[Signature Lines on Following Page]*



20130403000138620 2/6 \$27.00  
Shelby Cnty Judge of Probate, AL  
04/03/2013 02:00:06 PM FILED/CERT

This Memorandum of Lease was executed on the 29th day of March, 2013.

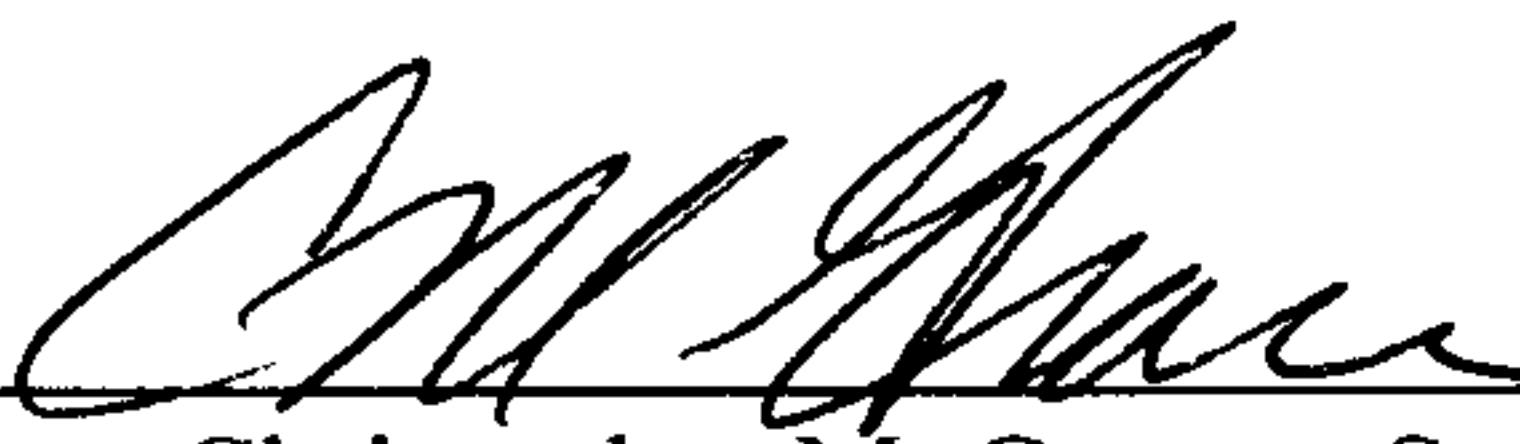
LANDLORD

ALABAMA POWER COMPANY

By: (see attached)  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

TENANT

**R & R PROPERTIES, L.L.C. (also known as R & R PROPERTIES, LLC),** an Alabama limited liability company

BY:   
Print Name: Christopher M. Graves, Sr.  
Title: Manager and Managing Member

STATE OF ALABAMA  
COUNTY OF \_\_\_\_\_

I, the undersigned Notary Public, in and for said County, in said State, hereby certify that \_\_\_\_\_, whose name as \_\_\_\_\_ of **ALABAMA POWER COMPANY**, a corporation, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, he/she as such officer, and with full authority, executed the same voluntarily, as an act of said corporation.

Given under my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 2013.

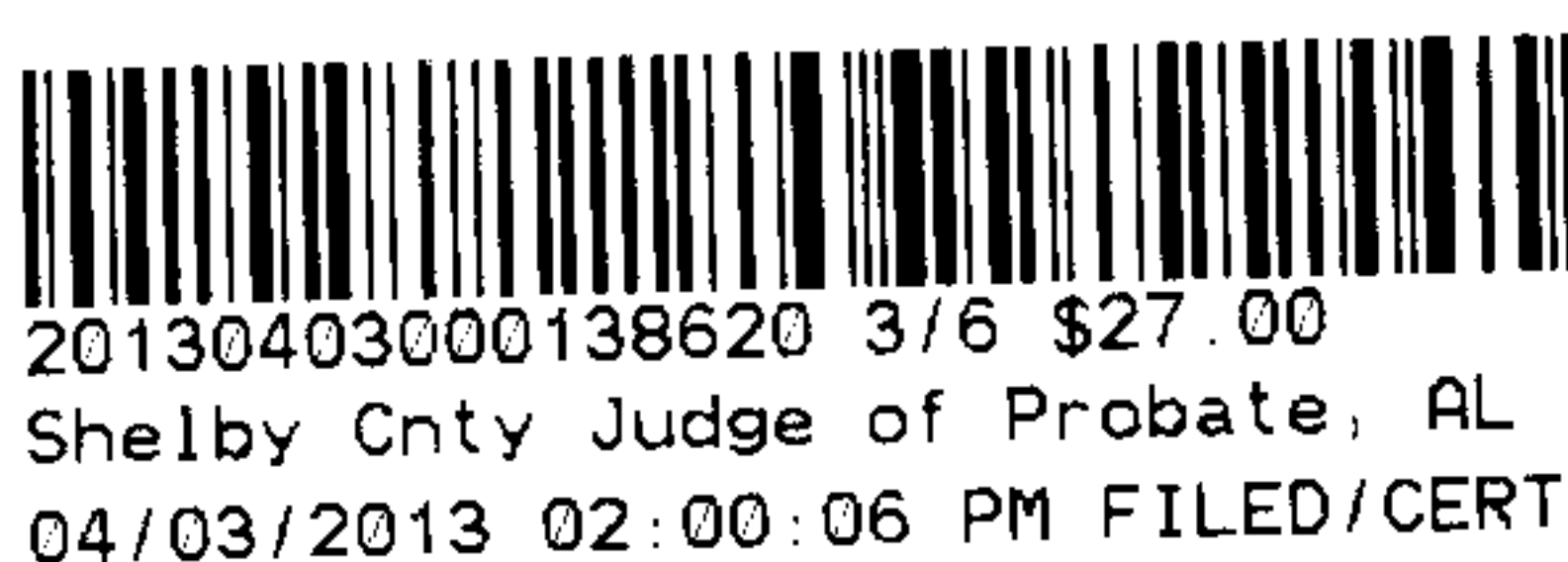
(see attached)  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned Notary Public, in and for said County, in said State, hereby certify that Christopher M. Graves, Sr., whose name as Manager and Managing Member of **R & R PROPERTIES, L.L.C. (also known as R & R PROPERTIES, LLC)**, an Alabama limited liability company, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, he as such manager and managing member, and with full authority, executed the same voluntarily, as an act of said company.

Given under my hand and official seal, this the 29th day of March, 2013.

Wendy Nicole Sandegree  
NOTARY PUBLIC  
My Commission Expires: 7/2/14





This Memorandum of Lease was executed on the 29<sup>th</sup> day of March, 2013.

LANDLORD

ALABAMA POWER COMPANY

By: Jon Golden  
Print Name: Jon Golden  
Title: Team Leader Leasing

TENANT

R & R PROPERTIES, L.L.C. (also known as R & R PROPERTIES, LLC), an Alabama limited liability company

BY: \_\_\_\_\_  
Print Name: Christopher M. Graves, Sr.  
Title: Manager and Managing Member

STATE OF ALABAMA  
COUNTY OF Jefferson

I, the undersigned Notary Public, in and for said County, in said State, hereby certify that Jon Golden, whose name as Team Leader-Leasing of **ALABAMA POWER COMPANY**, a corporation, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, he/she as such officer, and with full authority, executed the same voluntarily, as an act of said corporation.

Given under my hand and official seal, this the 29<sup>th</sup> day of March, 2013.

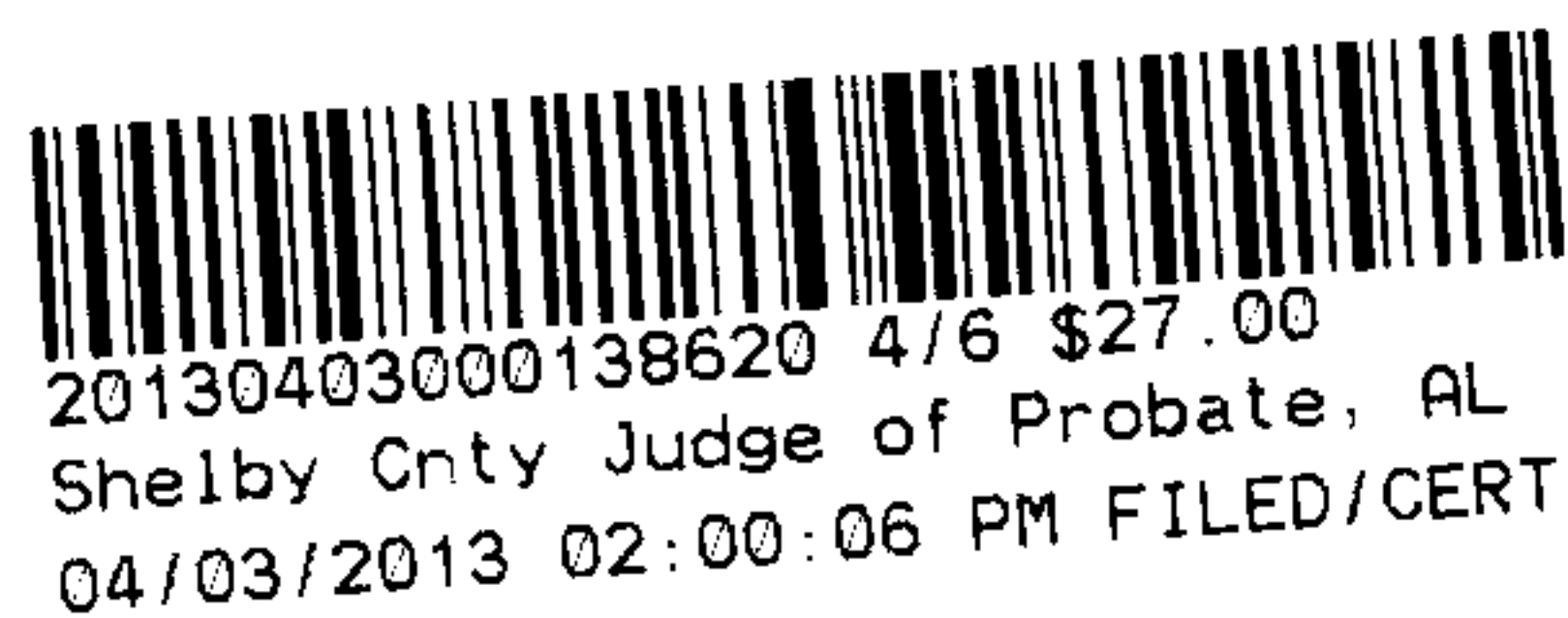
Rhonda J. Ripen  
NOTARY PUBLIC  
My Commission Expires: 9-2-2015

STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned Notary Public, in and for said County, in said State, hereby certify that Christopher M. Graves, Sr., whose name as Manager and Managing Member of **R & R PROPERTIES, L.L.C. (also known as R & R PROPERTIES, LLC)**, an Alabama limited liability company, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, he as such manager and managing member, and with full authority, executed the same voluntarily, as an act of said company.

Given under my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 2013.


\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_



**EXHIBIT "A"**  
**TO**  
**MEMORANDUM OF LEASE**

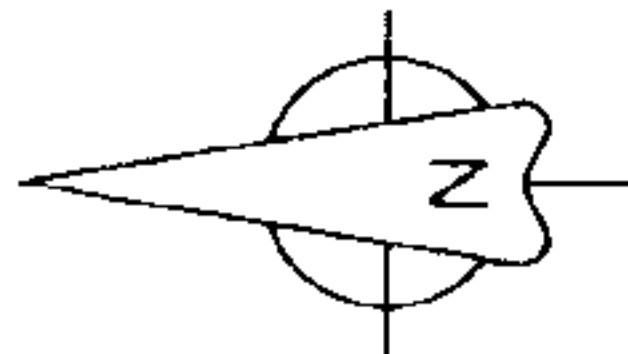
LANDLORD: Alabama Power Company  
TENANT: R & R PROPERTIES, L.L.C.

Commence at the East line of Adams Ferry Road and the North boundary of the Southeast one-fourth of Section 34, Township 24 North, Range 15 East, Shelby County, Alabama, said point being the point of beginning. From this beginning point proceed East along the North boundary of said Southeast one-fourth for a distance of 300 feet, more or less to the 397 contour of Waxahatchee Creek; thence proceed Southerly and Westerly along the meandering 397 contour for a distance of 490 feet, more or less to its point of intersection with the East line of said Adams Ferry Road; thence proceed North along the East line of said road for a distance of 30 feet, more or less to the point of beginning, being the same as shown by survey of James M. Ray dated December 5, 2005 and also being the same as Shelby County Tax Parcel No. 33-8-34-0-002-035.000.

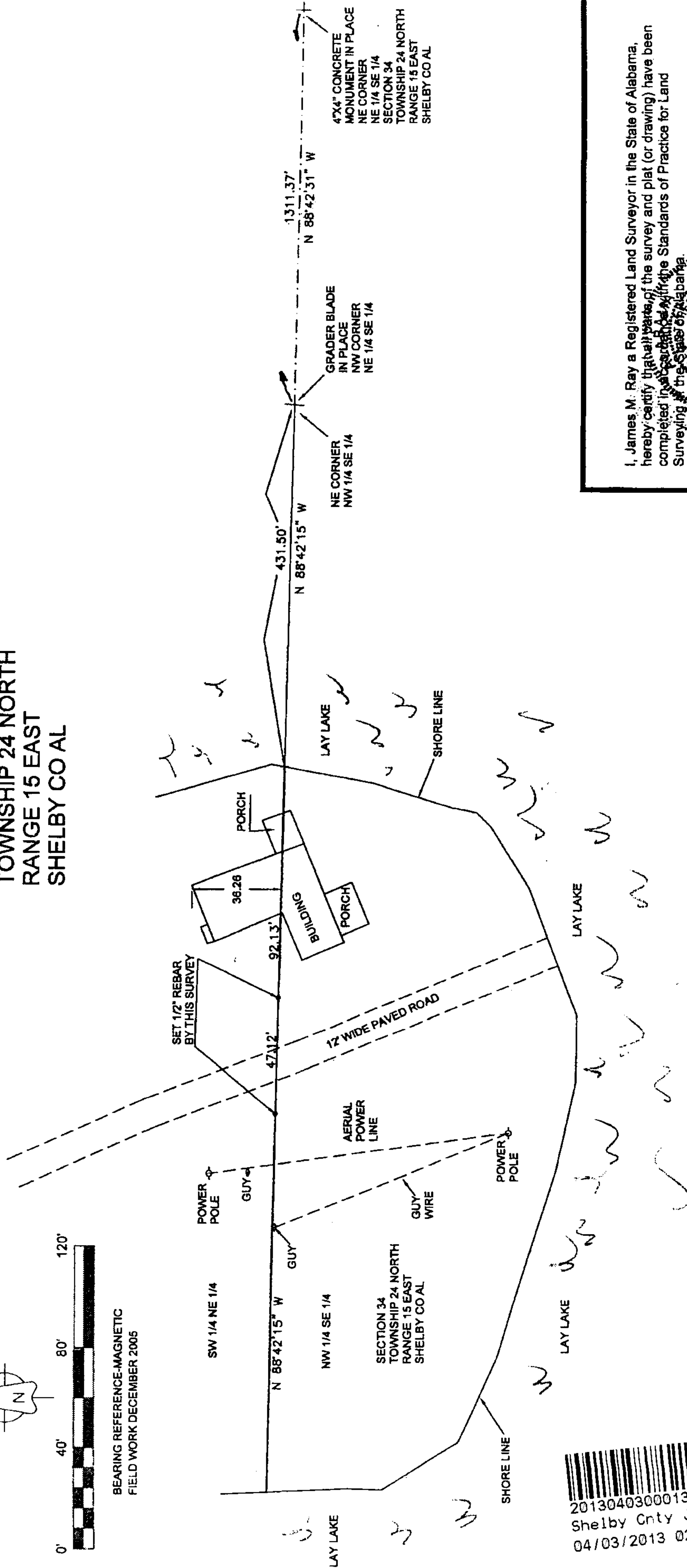
  
20130403000138620 5/6 \$27.00  
Shelby Cnty Judge of Probate, AL  
04/03/2013 02:00:06 PM FILED/CERT

# PREPARED FOR ALABAMA POWER CO A SOUTHERN COMPANY

SECTION 34  
TOWNSHIP 24 NORTH  
RANGE 15 EAST  
SHELBY CO AL



BEARING REFERENCE-MAGNETIC  
FIELD WORK DECEMBER 2005



RAY & GILLILAND, P.C.	
103 E FORT WILLIAMS ST.	TEL NO. (256) 246-3243
P.O. BOX 1183	FAX NO. (256) 246-3202
SYLACAUGA, ALABAMA 35150	FILE: APC1205
DRAWN BY: J-RAY	SCALE: 1"=40'
BOUNDARY SURVEY	DATE: 12-05

I, James M. Ray, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of the survey and plat (or drawing) have been completed in accordance with the Standards of Practice for Land Surveying in the State of Alabama.

According to my subv. 6930315 the 12th day of December 2005.

James M. Ray, Registered Professional Surveyor  
Ray and Gilliland, P.C.  
Board Cert. No. CA-0114-L5

20130403000138620 6/6 \$27.00  
Shelby Cnty Judge of Probate, AL  
04/03/2013 02:00:06 PM FILED/CERT