

**STATE OF ALABAMA
COUNTY OF SHELBY**

20140818000258320 1/8 \$36.00
Shelby Cnty Judge of Probate, AL
08/18/2014 02:00:25 PM FILED/CERT

**FOURTH 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 (as amended, 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 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 (as amended, the "Memo");

WHEREAS, the Memo contains a cross-hatched map of the property covered thereby ("Property");

WHEREAS, Lessor and Lessee entered into that certain First Amendment to Memorandum of Lease dated 10/31/12 and recorded in 277 Book, Page 759 in the Judge of Probate of Bibb County, Alabama;

WHEREAS, Lessor and Lessee entered into that certain First Amendment to Memorandum of Lease dated 10/31/12 and recorded in 277 Book, Page 759 in the Judge of Probate of Shelby County, Alabama;

WHEREAS, Lessor and Lessee entered into that certain Second Amendment to Memorandum of Lease dated 12/3/12 and recorded as Instrument No. 20130117000024850 in the Judge of Probate of Shelby County, Alabama;

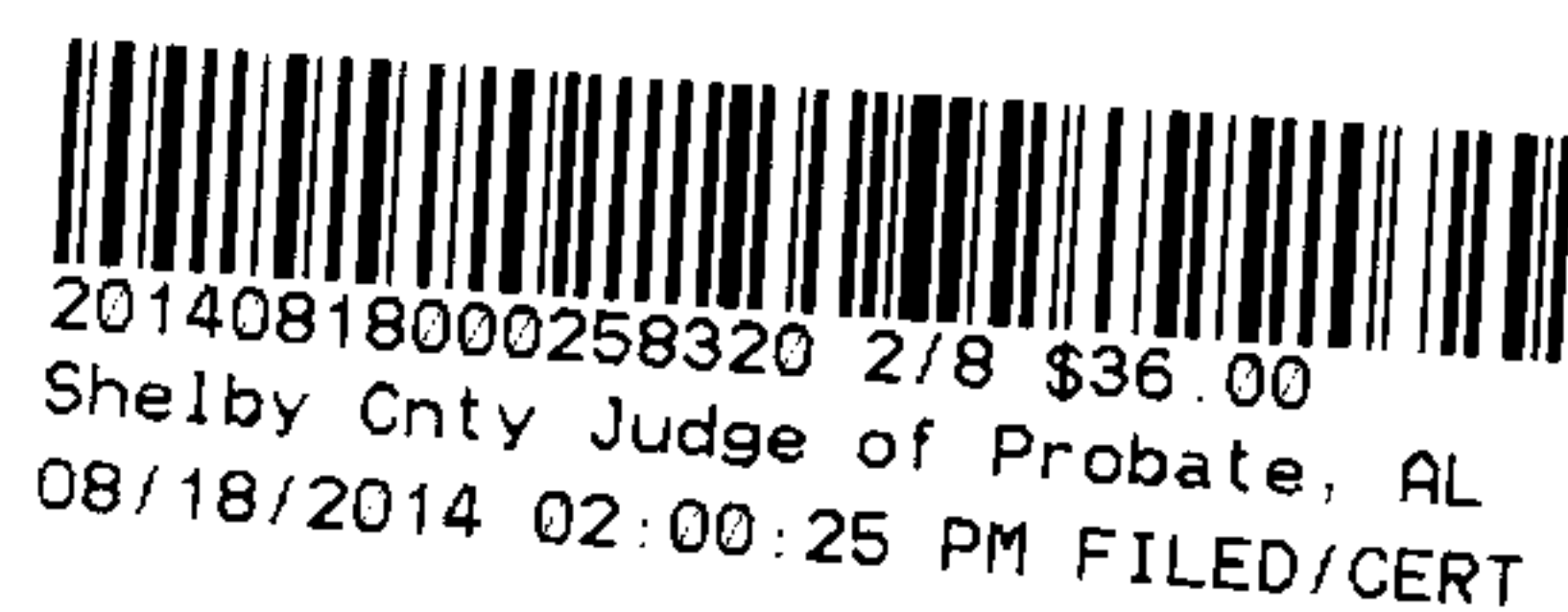
WHEREAS, Lessor and Lessee entered into that certain Third Amendment to Memorandum of Lease dated 6/12/14 and recorded as Instrument No. 20140818000258310 in the Judge of Probate of Shelby County, Alabama;

WHEREAS, Lessor and Lessee have now entered into a Fourth Amendment to Hunting, Fishing and Recreational Lease Agreement [Cahaba River WMA] dated simultaneously herewith pursuant to which they (i) subtracted one (1) parcel of land located in Jefferson County, Alabama and four (4) parcels of land located in Shelby County, Alabama, totaling approximately thirty-eight and 34/100 (38.34) acres, more or less, from the Property (the "Subtracted Parcels").

WHEREAS, Lessor and Lessee now desire to amend the Memo in accordance with the terms hereof.

NOW, THEREFORE, in consideration of the foregoing and the premises and the mutual covenants of the parties, the parties do hereby remove the Subtracted Parcels from the Property, both of which are described 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 Fourth Amendment to Memorandum of Lease to be executed in duplicate counterparts on this the

12th day of June, ~~2012~~.
2014.

[SIGNATURE PAGES TO FOLLOW]

LESSOR:

SWF BIRMINGHAM, LLC

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

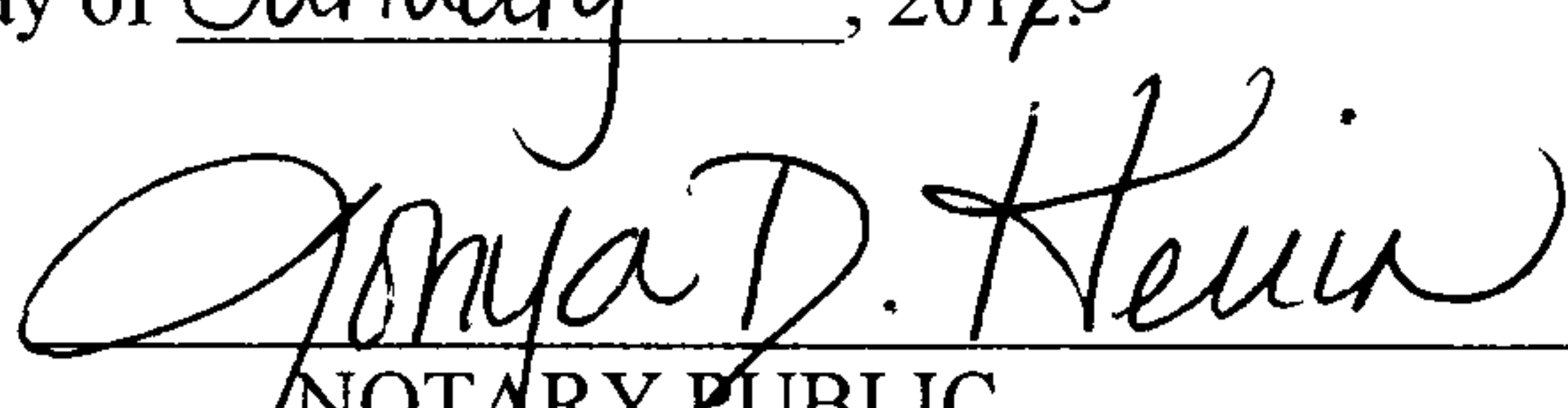
STATE OF MISSISSIPPI

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 10th day of January, 2012TH




NOTARY PUBLIC
My Commission Expires: July 23, 2016

[ADDITIONAL SIGNATURE PAGE FOLLOWS]


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LESSEE:

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

By: N. Gunter Guy Jr.

Print Name: N. Gunter Guy Jr.

As Its: Commissioner.

STATE OF Alabama

COUNTY OF Montgomery

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 Commissioner, 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 9 day of June, 2012.

Paula G. Mitchell
2014.

NOTARY PUBLIC
My Commission Expires:

PAULA G. MITCHELL
NOTARY PUBLIC
STATE OF ALABAMA
MY COMM. EXP. 2-11-2018

APPROVED:

Robert Bentley
GOVERNOR 6/12/14

ATTEST:

J. R. [Signature]
SECRETARY OF STATE

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This document prepared by
and upon recordation return to:
Amy L. Travis, Esq.
Molpus Timberlands Management, LLC
178 Bonhomie Road
Hattiesburg, MS 39401
Main: (601) 545-3063
Fax: (601) 545-2888



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EXHIBIT "A"

LEGAL DESCRIPTIONS OF SUBTRACTED LANDS

Parcel 2:


A tract of land, mineral and mining rights excepted, lying in the Southeast quarter of the Southeast quarter of Section 20, Township 21 South, Range 4 West, Shelby County, Alabama, and also in the West half of the Southwest quarter of Section 21, Township 21 South, Range 4 West, Shelby County, Alabama, more particularly described as follows, to wit:

Commence at the Southwest corner of the Southwest quarter of the Southwest quarter of Section 21 Township 21 South Range 4 West; thence run north along the west line of said Section 21 890.01 feet to the point of beginning; thence turn left 88 degrees 31 minutes 17 seconds and run westerly 103.06 to a point on the westerly right of way of Southern Railroad; thence turn right 107 degrees 37 minutes 39 seconds and run northeasterly along said right of way 708.44 feet; thence turn right 90 degrees and run southeasterly 184.26 feet; thence turn right 30 degrees 13 minutes 17 seconds and run southeasterly 226.97 feet; thence turn right 33 degrees 50 minutes 13 seconds and run southeasterly 144.96 feet; thence turn left 0 degrees 19 minutes 22 seconds and run southeasterly 192.25 feet; thence turn right 107 degrees 11 minutes 36 seconds and run northwesterly 96.36 feet; thence turn left 45 degrees 53 minutes 31 seconds and run southwesterly 217.55 feet; thence turn right 37 degrees 20 minutes 08 seconds and run westerly 220.97 feet to the point of beginning. Containing 5.93 acres, more or less.

Parcel 3:

A tract of land, mineral and mining rights excepted, situated in the Southwest quarter of the Southeast quarter and in the Northwest quarter of the Southeast quarter of Section 21, Township 21 South, Range 4 West, Shelby County, Alabama, more particularly described as follows, to wit:

Commence at the Southeast corner of Section 21 Township 21 South Range 4 West; thence run westerly along the south line of said Section 21 1875.40 feet; thence turn right an angle of 90 degrees and run northerly and at right angles to said south line 978.69 feet to the point of beginning; thence turn left an angle of 86 degrees 42 minutes 02 seconds and run westerly 333.28 feet; thence turn right an angle of 76 degrees 00 minutes 24 seconds and run northwesterly 444.58 feet; thence turn right an angle of 76 degrees 53 minutes 05 seconds and run northeasterly 230.20 feet; thence turn left an angle of 26 degrees 45 minutes 26 seconds and run northeasterly 400.06 feet; thence turn right an angle of 31 degrees 49 minutes and run northeasterly 266.25 feet; thence turn right an angle of 52 degrees 51 minutes 13 seconds and run southeasterly 128.05 feet; thence turn right an angle of 64 degrees 49 minutes 30 seconds and run southwesterly 675.16 feet; thence turn left an angle of 21 degrees 27 minutes 52 seconds and run southeasterly 360.58 feet; thence turn right an angle of 123 degrees 39 minutes 23 seconds and run northwesterly 408.55 feet to the point of beginning. Containing 12.83 acres, more or less.


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Parcel 4:


A tract of land, mineral and mining rights excepted, situated in the Southeast quarter of the Northwest quarter of Section 28, Township 21 South, Range 4 West, Shelby County, Alabama, more particularly described as follows, to wit:

Commence at the Southwest corner of Section 28 Township 21 South Range 4 West; thence run north along the west line of said Section 28 a distance of 3388.73 feet; thence turn right 90 degrees and run easterly a distance of 1942.04 to the point of beginning; thence turn left 48 degrees 49 minutes 55 seconds and run northeasterly a distance of 189.06 feet; thence turn right 72 degrees 12 minutes 18 seconds and run southeasterly a distance of 203.99 feet; thence turn right 90 degrees 42 minutes 46 seconds and run southwesterly a distance of 200.80 feet; thence turn right 93 degrees 52 minutes 03 seconds and run northwesterly a distance of 260.10 feet to the point of beginning. Containing 1.02 acres more or less.

Parcel 5:

A tract of land, mineral and mining rights excepted, lying in the Northwest quarter of the Southwest quarter and the Northeast quarter of the Southwest quarter of Section 28, Township 21 South, Range 4 West, Shelby County, Alabama, more particularly described as follows, to wit:

Commence at the Southwest corner of the Southwest quarter of the Southwest quarter of Section 28 Township 21 South Range 4 West; thence run north along the west line of said Section 21 a distance of 1760.98 feet;; thence turn right 90 degrees 0 minutes 0 seconds and run easterly 1274.44 feet to the point of beginning; thence turn left 78 degrees 39 minutes 30 seconds and run northeasterly 219.49 feet; thence turn right 89 degrees 59 minutes 56 seconds and run southeasterly 87.15 feet; thence turn right 90 degrees 00 minutes 00 seconds and run southwesterly 219.49 feet; thence turn right 90 degrees 00 minutes 19 seconds and run northwesterly 87.15 feet to the point of beginning. Containing 0.44 acres, more or less.


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