


**STATE OF ALABAMA
COUNTY OF SHELBY**


20140818000258330 1/8 \$36.00
Shelby Cnty Judge of Probate, AL
08/18/2014 02:00:26 PM FILED/CERT

**FIFTH 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 entered into that certain Fourth Amendment to Memorandum of Lease dated 6/12/14 and recorded as Instrument No. 20140818000258320 in the Judge of Probate of Shelby County, Alabama;

WHEREAS, Lessor and Lessee have now entered into a Fifth Amendment to Hunting, Fishing and Recreational Lease Agreement [Cahaba River WMA] dated simultaneously herewith pursuant to which they subtracted three (3) parcels of land located in Shelby County, Alabama, totaling approximately fifty-five and 81/100 (55.81) 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.


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NOW, THEREFORE, in consideration of the foregoing and the premises and the mutual covenants of the parties, the parties do hereby subtract 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 Fifth Amendment to Memorandum of Lease to be executed in duplicate counterparts on this the 12th day of

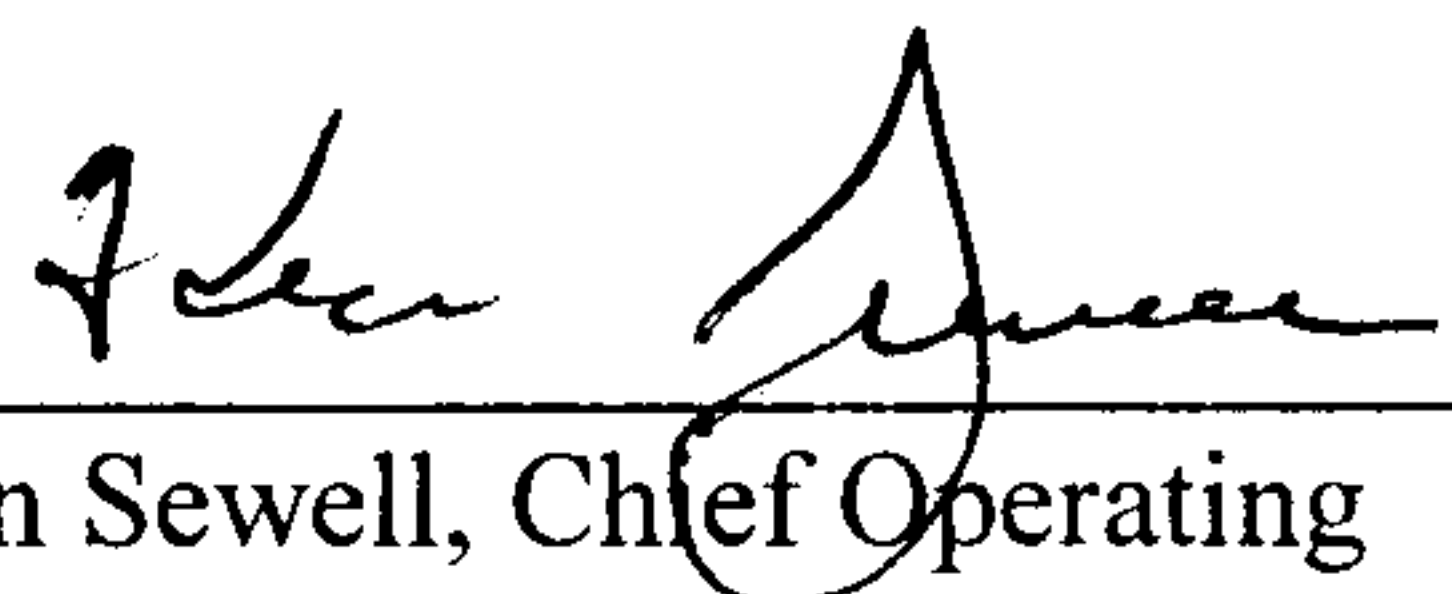
June, ~~2013~~.
2014

[SIGNATURE PAGES TO FOLLOW]


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LESSOR:

SWF BIRMINGHAM, LLC

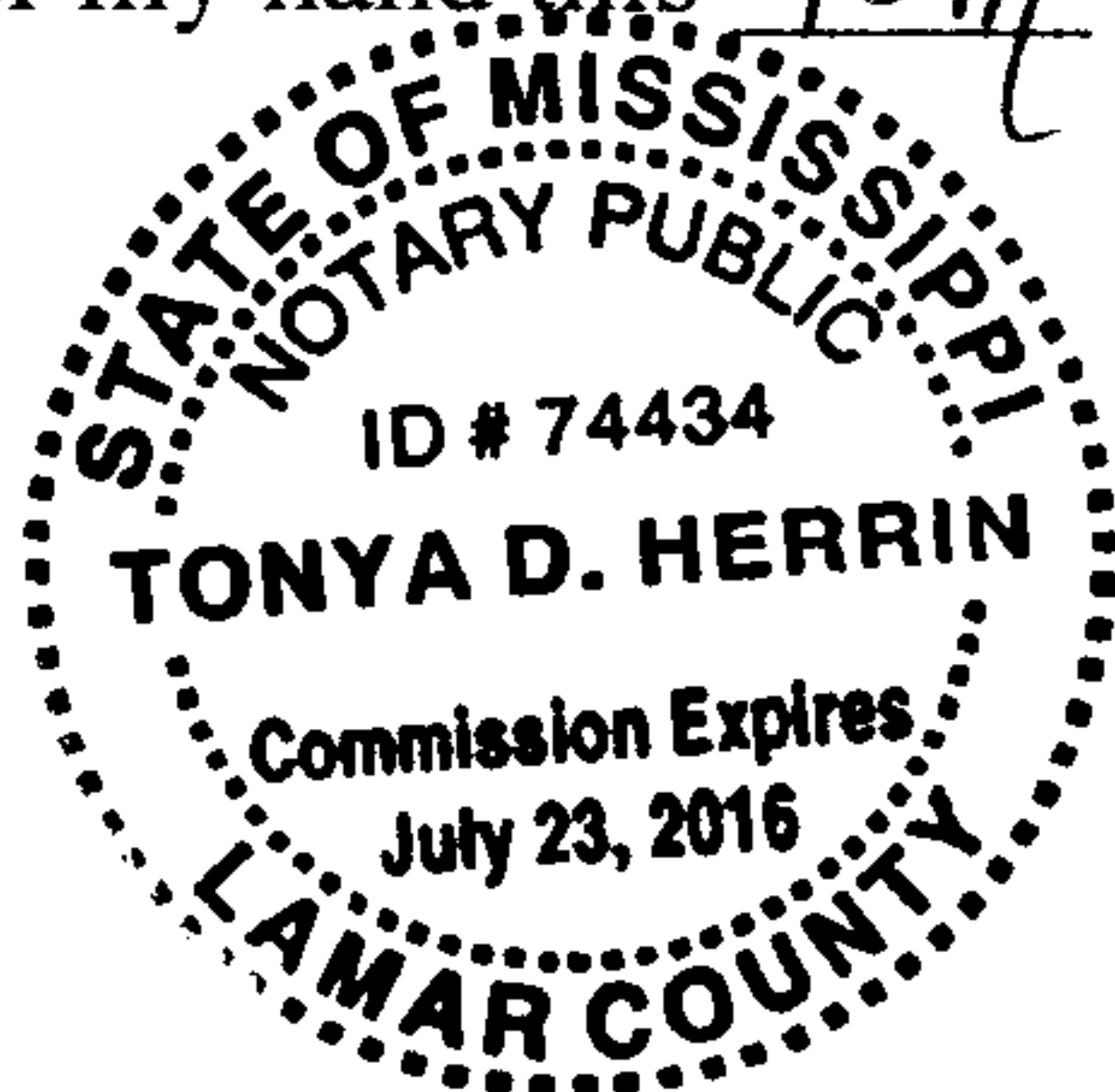
By: 
Name: Ken Sewell, Chief Operating
Officer of Molpus Timberlands Management, LLC,
its authorized agent and property manager


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 10th day of January, 2013.




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: 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, 2013.

Paula G. Mitchell
NOTARY PUBLIC
My Commission Expires: 2014

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

APPROVED:

Robert Bentley
GOVERNOR 6/12/14

ATTEST:

J. R. ...
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 1

A parcel of property located in the SE ¼ of the SE ¼ of Section 20, the SW ¼ of the SW ¼ of Section 21, the NW ¼ of the NW ¼ of Section 28, and the East ½ of the NE ¼ of Section 29, all in Township 21 South, Range 4 West, Shelby County, Alabama, described as follows: Commence at the NW corner of said Section 28 and run S 89°58' 00" E, along the North section line, 539.29 feet to the Point of Beginning of the herein described property; thence S 18°47'54" W, 705.80 feet; thence S 84°07'01" W, 388.13 feet; thence S 24°18'26" W, 1186.13 feet; thence S 61°01'54" W, 858.52 feet to the West line of the East ½ of the NE ¼ of said Section 29; thence N 0°25'23" W, along the West line of said East ½, 186.85 feet; thence run 349.34 feet, along the arc of a curve to the left, that ties into the Norfolk Southern railroad Easterly right of way line at the end of their railroad track, said curve has a radius of 897.50 feet, a chord bearing of N 24°23'50" E, and a chord distance of 347.14 feet; thence continue along said railroad right of way N 13°14'47" E, 44.03 feet to the property line for Kodiak Mining Company, LLC; thence run along said Kodiak Mining Company boundary these bearings and distances, S 78°59'15" E, 157.89 feet; thence N 45°20'56" E, 303.15 feet to a number 5 capped rebar stamped USX PLS 14979; thence N 24°36'19" E, 801.80 feet to a number 5 capped rebar stamped USX PLS 14979; thence N 8°16'06" E, 322.74 feet to a number 5 capped rebar stamped USX PLS 14979; thence N 53°37'12" W, 117.05 feet to the Easterly right of way for said Norfolk Southern railroad track; thence leaving said Kodiak boundary and run 246.11 feet, along the arc of a curve to the left for said railroad right of way, which has a radius of 1447.50, a chord bearing of N 30°16'23" E, and a chord distance of 245.81 feet; thence continue along said railroad right of way these bearings and distances, N 25°24'08" E, 114.26 feet; thence N 22°52'09" E, 118.38 feet; thence N 19°52'19" E, 116.07 feet; thence N 18°49'42" E, 754.66 feet to the property line for Kodiak Mining Company LLC; thence run along said Kodiak Mining Company boundary these bearings and distances, S 88°45'47" E, 219.16 feet; thence N 53°46'03" E, 217.55 feet to a number 5 capped rebar stamped USX PLS 14979; thence S 80°15'58" E, 96.35 feet to a number 5 capped rebar stamped USX PLS 14979; thence leaving said Kodiak boundary and run S 80°15'58" E, 375.92 feet; thence S 18°47'54" W, 986.46 feet to the Point of Beginning. Said described property contains 45.19 acres, less and except that part of Shelby County Road 270 right of way, that runs through said described property.



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Parcel 2

A parcel of property located in the E ½ of the SE ¼ of Section 20, and the W ½ of the SW ¼ of Section 21, all in Township 21 South, Range 4 West, Shelby County, Alabama, described as follows: Commence at the SE corner of said Section 20 and run N 63°30' 49" W, along the North line of the South diagonal of the S ½ of the SE ¼ of the SE ¼ of said Section 20, 393.30 feet to the Westerly right of way line for the Norfolk Southern railroad track, said point being the **Point of Beginning** of the herein described property; thence continue N 63°30'49" W, along the North line of said South diagonal and also the Kodiak Mining Company LLC boundary line, 301.94 feet; thence leaving said Kodiak boundary and run N 18°46'46" E, 1424.74 feet; thence S 71°12'06" E, 300.00 feet to a number 5 capped rebar stamped USX PLS 14979 at the Westerly right of way line for the Norfolk Southern railroad track; thence S 18°47'26" W, along the Westerly right of way for said Norfolk Southern railroad track, 708.25 feet to a number 5 capped rebar stamped USX PLS 14979; thence S 18°49'42" W, along said railroad right of way, 756.88 to the **Point of Beginning**. Said described property contains 9.94 acres.

Parcel 3

Part of the NW ¼ of the NW ¼ of Section 28, Township 21 South, Range 4 West, Shelby County, Alabama, described as follows: Commence at the NW corner of said Section 28 and run S 89°58' 00" E, along the North section line, 836.92 feet; thence S 0°02'00" W, 321.24 feet to the **Point of Beginning** of the herein described property; thence S 56°30'24" E, 142.00 feet; thence S 33°29'36" W, 208.00 feet; thence N 56°30'24" W, 142.00 feet; thence N 33°29'36" E, 208.00 feet to the **Point of Beginning**. Said described property contains 0.68 acres, less and except that part of Shelby County Road 260 right of way, that runs along the Easterly edge of said described property.


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