

AMENDMENT TO MEMORANDUM OF LEASE

[CAHABA RIVER WMA]

This AMENDMENT TO MEMORANDUM OF LEASE (the "Amendment") is made and entered into as of the 19th day of June, 2015 (the "Effective Date") by and between **SWF Birmingham, LLC**, a Delaware limited liability company ("SWF") 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").

WHEREAS, SWF and Lessee previously entered into that certain Memorandum of Lease dated October 15, 2009 recorded as Instrument No. 20091118000428430 in the office of the Judge of Probate of Shelby County, Alabama, as amended (the "Memorandum").

WHEREAS, SWF and Lessee desire to amend the Memorandum to reflect a permanent termination of a portion of the Property (as defined in the Memorandum) from the Lease (as defined in the Memorandum).

NOW THEREFORE, in consideration of the premises and the mutual covenants set forth herein, SWF and Lessee hereby agree as follows:

1. As of the Effective Date, (i) the property described on Exhibit A attached hereto and incorporated herein (the "Removed Acres") shall be deleted from the definition of Property in the Memorandum, (ii) the Removed Acres shall be released from and no longer subject to the terms and conditions of the Lease, and (iii) Lessee shall no longer have any rights or interest in or to the Removed Acres.
2. All terms of the Memorandum, except as herein amended, shall remain in full force and effect; provided, however, in the event of any conflict in the terms of this Amendment and the terms of the Memorandum, the terms of this Amendment shall control.
3. Capitalized terms not otherwise defined herein shall have the meanings assigned to them in the Memorandum.
4. This Amendment may be executed in counterparts, each of which shall be deemed to be an original instrument. All such counterparts together shall constitute a fully executed Amendment.

[Signature Pages to Follow]

[Signature Page to Amendment to Memorandum of Lease]

SWF:

SWF BIRMINGHAM, LLC

By: [Signature]
Name: Ken Sewell
As: Chief Operating Officer
The Molpus Woodlands Group, LLC,
the duly appointed agent of SWF Birmingham, LLC

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 The Molpus Woodlands Group, LLC, a Mississippi limited liability company, as the duly appointed agent 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 The Molpus Woodlands Group, LLC, executed the same voluntarily and as the authorized act of said limited liability company as the duly appointed agent of SWF Birmingham, LLC.

Given under my hand this 17th day of June, 2015.

[Signature]
NOTARY PUBLIC

My Commission Expires: 2-21-2018

This document prepared by
and upon recordation return to:
Ashley Harris
Adams and Reese LLP
11 North Water Street, Suite 23200
Mobile, AL 36602
251-433-3234



20150624000211680 2/4 \$23.00
Shelby Cnty Judge of Probate, AL
06/24/2015 08:48:56 AM FILED/CERT

[Signature Page to Amendment to Memorandum of Lease]

LESSEE:

ALABAMA TRUST FUND FOR THE STATE
OF ALABAMA (PURSUANT TO
AMENDMENT 543 TO THE ALABAMA
CONSTITUTION OF 1901)

By: N. Gunter Guy, Jr., Chairman, Alabama
Forever Wild Land Trust

APPROVED:

Robert Bentley
GOVERNOR 6/19/15

ATTEST:

J. H. Merrill
SECRETARY OF STATE

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 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 4 day of June, 2015.

Betsy Fuller Jones
NOTARY PUBLIC

My Commission Expires: _____

20150624000211680 3/4 \$23.00
Shelby Cnty Judge of Probate, AL
06/24/2015 08:48:56 AM FILED/CERT



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

EXHIBIT A

Removed Acres

Shelby County, Alabama

Township 21 South, Range 5 West

Section 25: All that part of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying and being west of the Cahaba River; All that part of W $\frac{1}{2}$ of SE $\frac{1}{4}$ lying and being west of the Cahaba River; SE $\frac{1}{4}$ of SW $\frac{1}{4}$

Section 36: All that part of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying and being north of the Cahaba River; All that part of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ lying and being north of the Cahaba River



20150624000211680 4/4 \$23.00
Shelby Cnty Judge of Probate, AL
06/24/2015 08:48:56 AM FILED/CERT