

Site Name: Wilborn Lake BTS

Prepared By:

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


After recording return to:

FORESITE, LLC
3795 Asbury Road
Birmingham, AL 35243
Attn: Lease Department

Shelby County, AL 06/16/2016
State of Alabama
Deed Tax: \$212.50

STATE OF ALABAMA

SHELBY COUNTY


20160616000207970 1/8 \$248.50
Shelby Cnty Judge of Probate, AL
06/16/2016 11:34:11 AM FILED/CERT

The Above Space for Recorder's Use Only

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE ("Memorandum") is effective the 9th day of December, 2015, by and between **WALTER CARLOS ANDERTON** and **MARIAN BREEDEN ANDERTON**, as Co-Trustees of the Anderton Family Trust created by Declarations of Trust dated January 30, 1976, and amended May 1, 2003; March 22, 2010; and April 26, 2012 and **WALTER CARLOS ANDERTON**, Individually, (collectively, "Landlord"), whose mailing address is 3889 South Shades Crest Road, Hoover, AL 35244, and **FORESITE, LLC**, an Alabama limited liability company ("Tenant"), whose mailing address is 3795 Asbury Road, Birmingham, AL 35243.

WHEREAS, Landlord and Tenant executed and entered into an Option and Lease Agreement (the "Lease") dated December 9, 2015, 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.

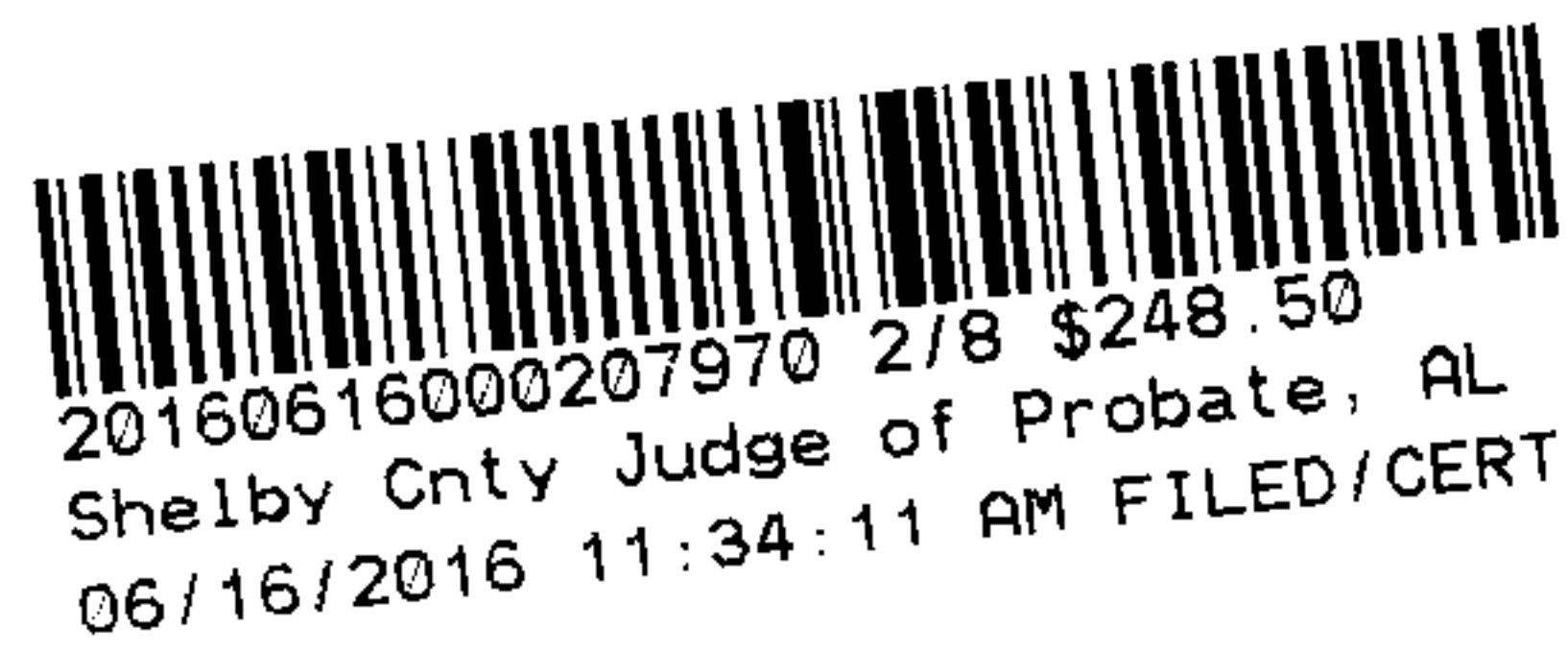
NOW, THEREFORE, in consideration of the Lease and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. **Lease Term.** The terms of the Lease shall be **Five (5)** years commencing on June 9, 2016, (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 **Five (5)** 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").

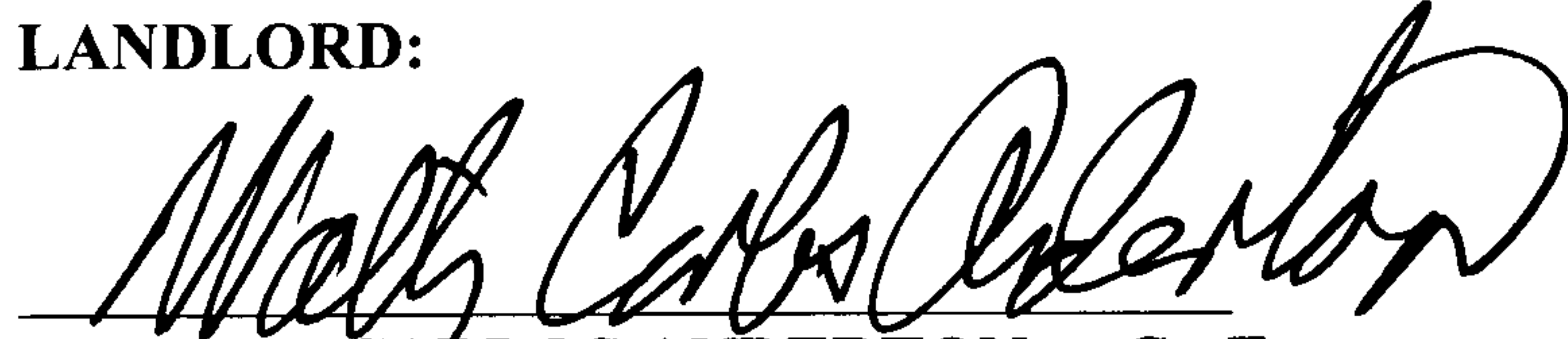
3. **Notices.** All notices, requests, demands, and other communications to Landlord or Tenant shall be made at the addresses for each as set forth above, unless otherwise notified in writing.

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

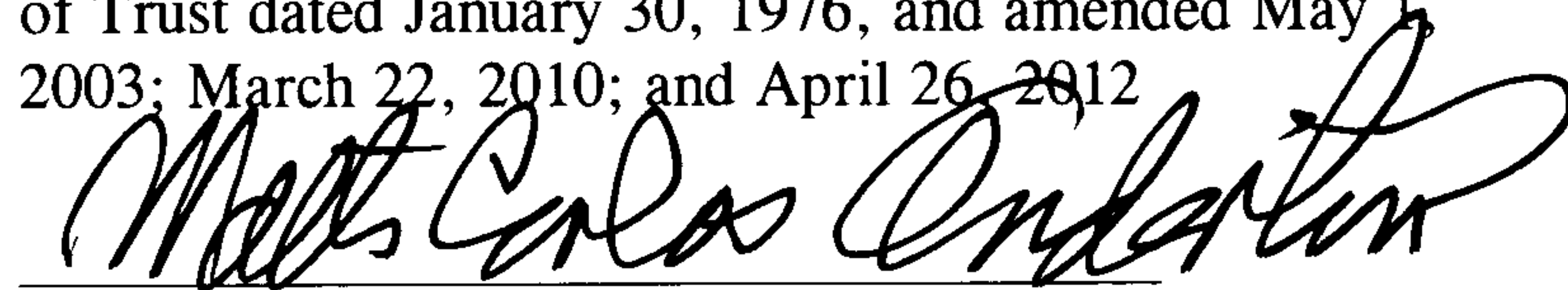
LANDLORD:



WALTER CARLOS ANDERTON as Co-Trustee
of the Anderton Family Trust created by Declarations
of Trust dated January 30, 1976, and amended May 1,
2003; March 22, 2010; and April 26, 2012



MARIAN BREEDEN ANDERTON as Co-Trustee
of the Anderton Family Trust created by Declarations
of Trust dated January 30, 1976, and amended May 1,
2003; March 22, 2010; and April 26, 2012



WALTER CARLOS ANDERTON, Individually


TENANT:

FORESITE, LLC,
an Alabama limited liability company

By: _____ (SEAL)

Name: Krista M. Young

Title: CFO



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

LANDLORD:

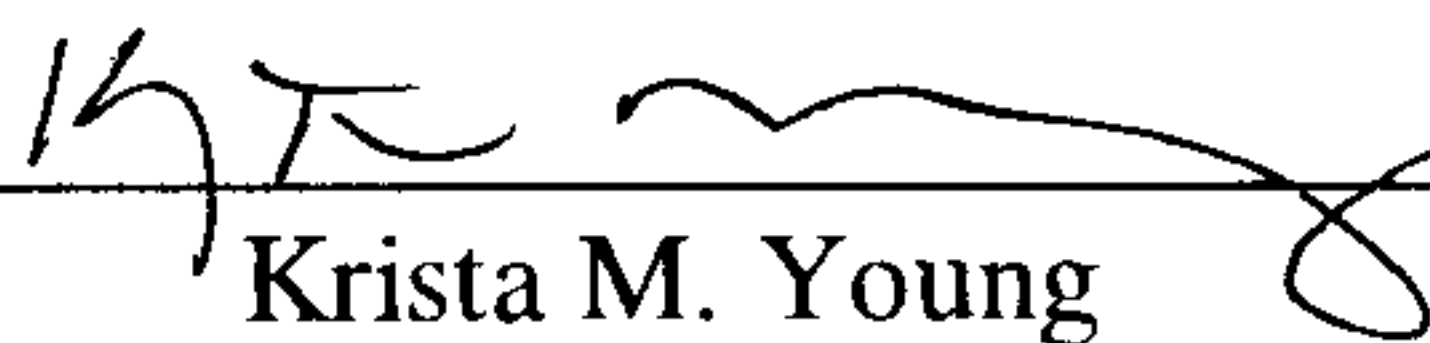
WALTER CARLOS ANDERTON as Co-Trustee
of the Anderton Family Trust created by Declarations
of Trust dated January 30, 1976, and amended May 1,
2003; March 22, 2010; and April 26, 2012


MARIAN BREEDEN ANDERTON as Co-Trustee
of the Anderton Family Trust created by Declarations
of Trust dated January 30, 1976, and amended May 1,
2003; March 22, 2010; and April 26, 2012

WALTER CARLOS ANDERTON, Individually

TENANT:

FORESITE, LLC,
an Alabama limited liability company

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


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STATE OF ALABAMA)
 :
COUNTY OF SHELBY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that **WALTER CARLOS ANDERTON** and **MARIAN BREEDEN ANDERTON**, whose names as Co-Trustees of the Trust Created by Declarations of Trust dated on January 30, 1976, and amended May 1, 2003; March 22, 2010; and April 26, 2012, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, each in their capacity as such Co-Trustee and with full authority, executed the same voluntarily for and as the act of said Trust on the day the same bears date.

Given under my hand and seal this 29th day of March, 2016.

(SEAL)

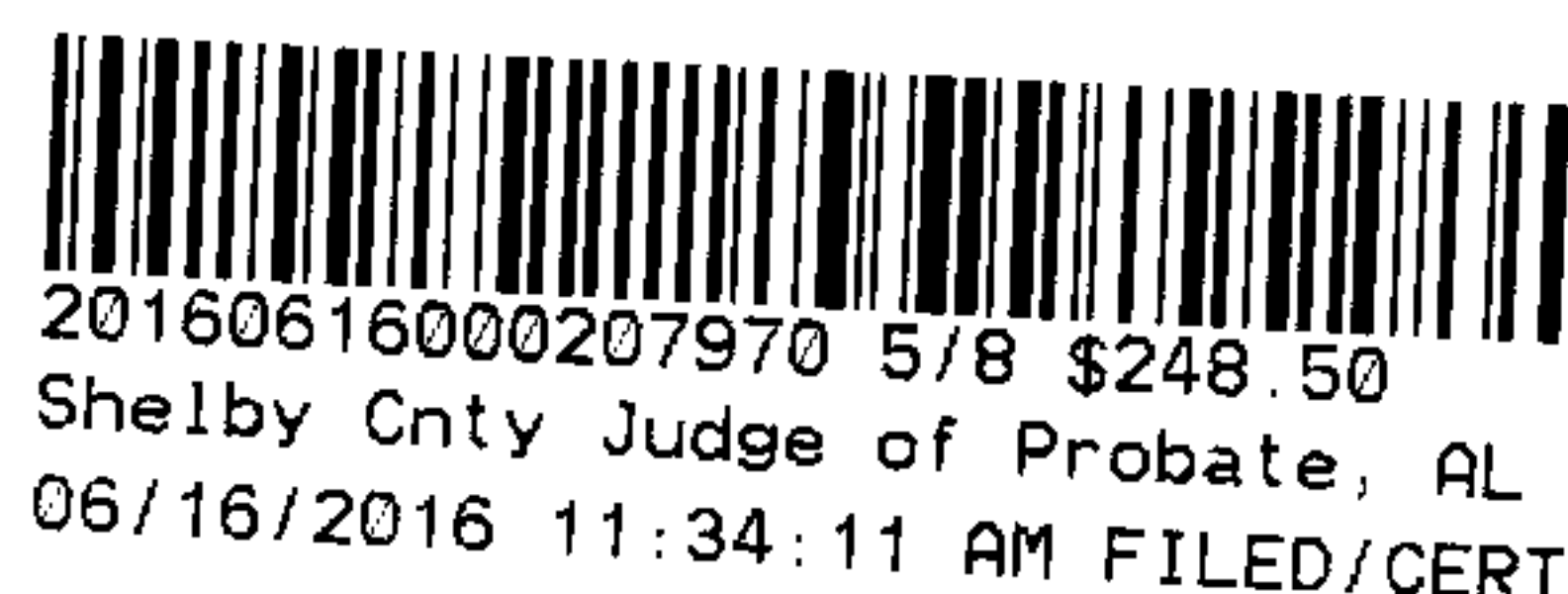
Pamela B. Thomas
Notary Public
My Commission Expires: 06/13/2017
MY COMMISSION EXPIRES 06/13/2017

STATE OF ALABAMA)
) ss:
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Walter Carlos. Anderton** whose name 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 instrument, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand, this the 29th day of March, 2016.

Pamela B. Thomas
Notary Public: Pamela B. Thomas
My Commission Expires: _____
MY COMMISSION EXPIRES 06/13/2017



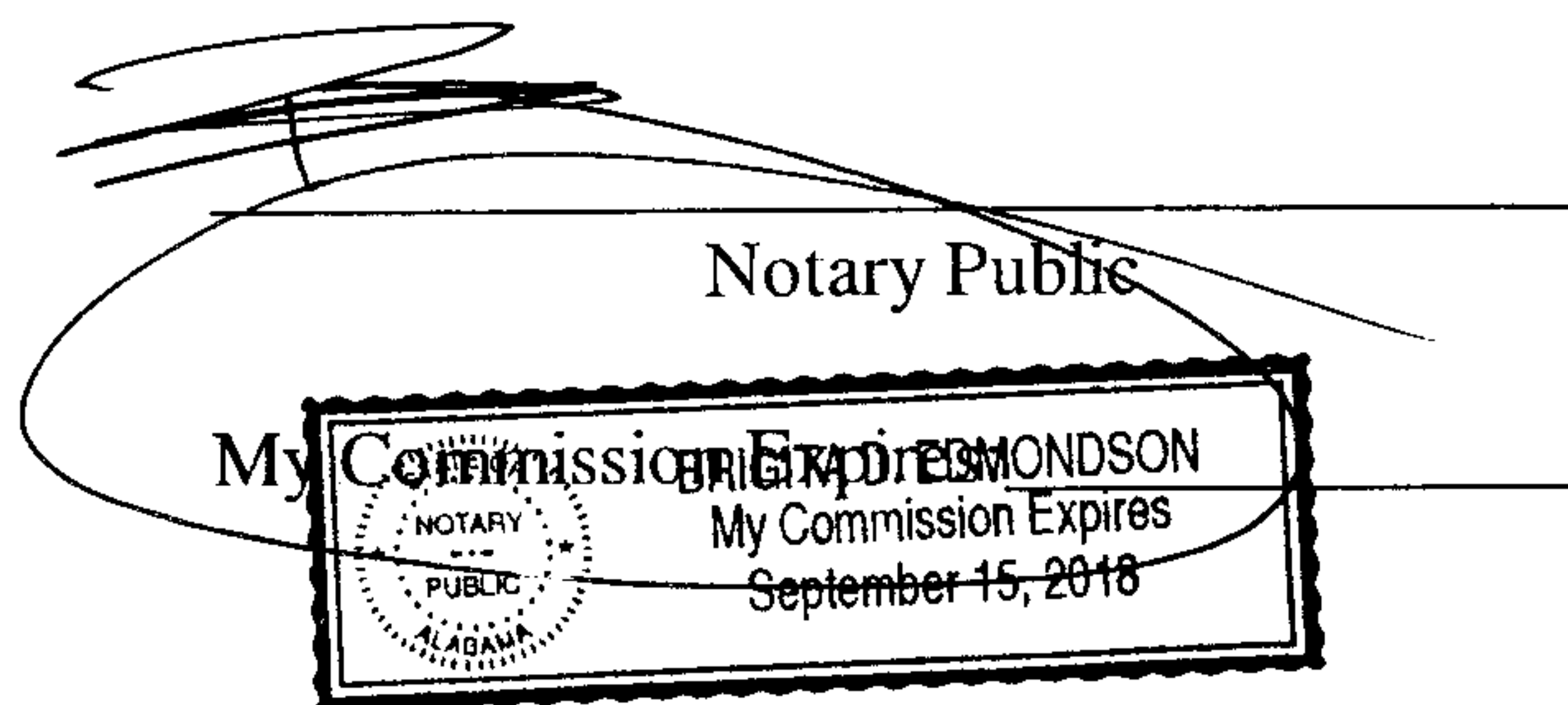
Site Name: Wilborn Lake BTS

STATE OF ALABAMA)
 :
JEFFERSON 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, LLC, an Alabama 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 4th day of April, 2016.

(NOTARIAL SEAL)



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EXHIBIT A

LEASE AREA (AS SURVEYED):

A lease area being a portion of a certain tract of land described in Book 296, Page 721 as recorded in the Office of the Judge of Probate for Shelby County, Alabama, lying in the SW 1/4 of the NW 1/4 of Section 5, Township 20 South, Range 3 West, Shelby County, Alabama and being more particularly described as follows;

Commence at a 1/2" crimp pipe found in place at the SW corner of Lot 11, Rushing Parc Sector One as recorded in Map Book 19, Page 20 in said Probate Office; thence S 89°04'02" E along the southerly line of said Rushing Parc Sector One and the northerly line of said certain tract a distance of 855.57 feet to a point; thence S 00°55'57" W leaving said line a distance of 999.21 feet to a 5/8" rebar set and the Point of Beginning; thence S 42°46'30" E a distance of 100.00 feet to a 5/8" rebar set; thence S 47°13'30" W a distance of 100.00 feet to a 5/8" rebar set; thence N 42°46'30" W a distance of 100.00 feet to a 5/8" rebar set; thence N 47°13'30" E a distance of 100.00 feet to the Point of Beginning.

Said lease area contains 0.23 acres, more or less.

30' INGRESS/EGRESS & UTILITY EASEMENT "A" (AS SURVEYED):

An easement being a portion of a certain tract of land described in Book 296, Page 721 as recorded in the Office of the Judge of Probate for Shelby County, Alabama, lying in the SW 1/4 of the NW 1/4 of Section 5, Township 20 South, Range 3 West, Shelby County, Alabama and being more particularly described as follows;

Commence at a 1/2" crimp pipe found in place at the SW corner of Lot 11, Rushing Parc Sector One as recorded in Map Book 19, Page 20 in said Probate Office; thence S 89°04'02" E along the southerly line of said Rushing Parc Sector One and the northerly line of said certain tract a distance of 855.57 feet; thence S 00°55'57" W leaving said line a distance of 999.21 feet to a 5/8" rebar set; thence S 42°46'30" E a distance of 100.00 feet to a 5/8" rebar set; thence S 47°13'30" W a distance of 100.00 feet to a 5/8" rebar set; thence N 42°46'30" W a distance of 50.00 feet to the Point of Beginning of an Ingress/Egress & Utility Easement being 30 feet wide and lying 15 feet each side of the following described centerline; thence S 47°13'30" W a distance of 112.70 feet to a point; thence with a curve to the right having an arc length of 26.53 feet, a radius of 25.00 feet, and a chord bearing and distance of S 77°37'34" W, 25.30 feet to a point; thence N 71°58'22" W a distance of 307.46 feet to a point; thence N 67°47'42" W a distance of 85.01 feet to a point; thence N 60°45'13" W a distance of 53.72 feet to a point; thence with a curve to the left having an arc length of 28.71 feet, a radius of 20.00 feet, and a chord bearing and distance of S 78°07'03" W, 26.31 feet to a point; thence S 36°59'19" W a distance of 32.38 feet to a point; thence S 65°23'35" W a distance of 60.44 feet to a point; thence with a curve to the right having an arc length of 49.35 feet, a radius of 25.03 feet, and a chord bearing and distance of N 58°05'13" W, 41.74 feet to a point; thence N 04°12'05" W a distance of 52.20 feet to a point; thence N 01°10'13" W a distance of 107.30 feet to a point; thence N 12°38'49" E a distance of 48.26 feet to a point; thence N 02°09'26" W a distance of 114.70 feet to a point; thence N 08°42'39" W a distance of 47.18 feet to a point; thence N 01°40'32" W a distance of 144.50 feet to a point; thence N 07°37'51" W a distance of 58.98 feet to a point; thence N 12°18'23" W a distance of 106.35 feet to a point; thence N 40°40'31" W a distance of 20.10 feet to a point; thence N 27°43'39" W a distance of 34.31 feet to a point; thence N 22°12'22" W a distance of 178.22 feet to a point; thence with a curve to the right having an arc length of 54.88 feet, a radius of 160.00 feet, and a chord bearing and distance of N 12°22'49" W, 54.61 feet; thence N 02°33'16" W a distance of 142.76 feet, more or less to a point on northerly line of said certain tract and the Point of Ending. Said easement to join lease area and northerly line of said certain tract contiguously and contains 1.28 acres, more or less




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30' INGRESS/EGRESS & UTILITY EASEMENT "B" (AS SURVEYED):

An easement being a portion of a certain tract of land described in Instrument No.20080205000046290 as recorded in the Office of the Judge of Probate for Shelby County, Alabama, lying in the NW 1/4 of the NW 1/4 of Section 5, Township 20 South, Range 3 West, Shelby County, Alabama and being more particularly described as follows;

Commence at a 1/2" crimp pipe found in place at the SW corner of Lot 11, Rushing Parc Sector One as recorded in Map Book 19, Page 20 in said Probate Office; thence S 89°04'02" E along the southerly line of said Rushing Parc Sector One and the northerly line of said certain tract a distance of 855.57 feet; thence S 00°55'57" W leaving said line a distance of 999.21 feet to a 5/8" rebar set; thence S 42°46'30" E a distance of 100.00 feet to a 5/8" rebar set; thence S 47°13'30" W a distance of 100.00 feet to a 5/8" rebar set; thence N 42°46'30" W a distance of 50.00 feet to a point; thence S 47°13'30" W a distance of 112.70 feet to a point; thence with a curve to the right having an arc length of 26.53 feet, a radius of 25.00 feet, and a chord bearing and distance of S 77°37'34" W, 25.30 feet to a point; thence N 71°58'22" W a distance of 307.46 feet to a point; thence N 67°47'42" W a distance of 85.01 feet to a point; thence N 60°45'13" W a distance of 53.72 feet to a point; thence with a curve to the left having an arc length of 28.71 feet, a radius of 20.00 feet, and a chord bearing and distance of S 78°07'03" W, 26.31 feet to a point; thence S 36°59'19" W a distance of 32.38 feet to a point; thence S 65°23'35" W a distance of 60.44 feet to a point; thence with a curve to the right having an arc length of 49.35 feet, a radius of 25.03 feet, and a chord bearing and distance of N 58°05'13" W, 41.74 feet to a point; thence N 04°12'05" W a distance of 52.20 feet to a point; thence N 01°10'13" W a distance of 107.30 feet to a point; thence N 12°38'49" E a distance of 48.26 feet to a point; thence N 02°09'26" W a distance of 114.70 feet to a point; thence N 08°42'39" W a distance of 47.18 feet to a point; thence N 01°40'32" W a distance of 144.50 feet to a point; thence N 07°37'51" W a distance of 58.98 feet to a point; thence N 12°18'23" W a distance of 106.35 feet to a point; thence N 40°40'31" W a distance of 20.10 feet to a point; thence N 27°43'39" W a distance of 34.31 feet to a point; thence N 22°12'22" W a distance of 178.22 feet to a point; thence with a curve to the right having an arc length of 54.88 feet, a radius of 160.00 feet, and a chord bearing and distance of N 12°22'49" W, 54.61 feet; thence N 02°33'16" W a distance of 142.76 feet, more or less to a point on northerly line of said certain tract and the Point of Beginning of an Ingress/Egress & Utility Easement being 30 feet wide and lying 15 feet each side of the following described centerline; thence N 04°30'41" W a distance of 78.54 feet to a point; thence N 01°27'04" W a distance of 93.43 feet to a point; thence N 04°20'59" W a distance of 82.59 feet to a point; thence N 00°37'37" W a distance of 347.13 feet to the Point of Ending,

Said easement to join southerly line of said certain tract and the southeasterly right-of-way line of South Shades Crest Road contiguously and contains 0.42 acres, more or less


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