

Site Name: Pelham Parkview

**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

STATE OF ALABAMA

SHELBY COUNTY

  
20160810000285340 1/6 \$180.00  
Shelby Cnty Judge of Probate, AL  
08/10/2016 02:04:49 PM FILED/CERT

The Above Space for Recorder's Use Only

**MEMORANDUM OF LEASE**

**THIS MEMORANDUM OF LEASE** ("Memorandum") is executed this 9<sup>th</sup> day March, 2016, by and between **E & R PROPERTIES, LLC**, an Alabama Limited Liability Company ("Landlord"), whose mailing address is 907 Timberline Circle, Calera, Alabama 35040, 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 March 9<sup>th</sup>, 2016, 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 August 4, 2014, (the "Commencement Date"), and terminating at midnight on the **Fifth (5<sup>th</sup>)** anniversary of the Commencement Date (the "Initial Term"). Tenant has the option under the terms of the Lease to extend the Lease for **Four ( 4 )** 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").

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**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:**

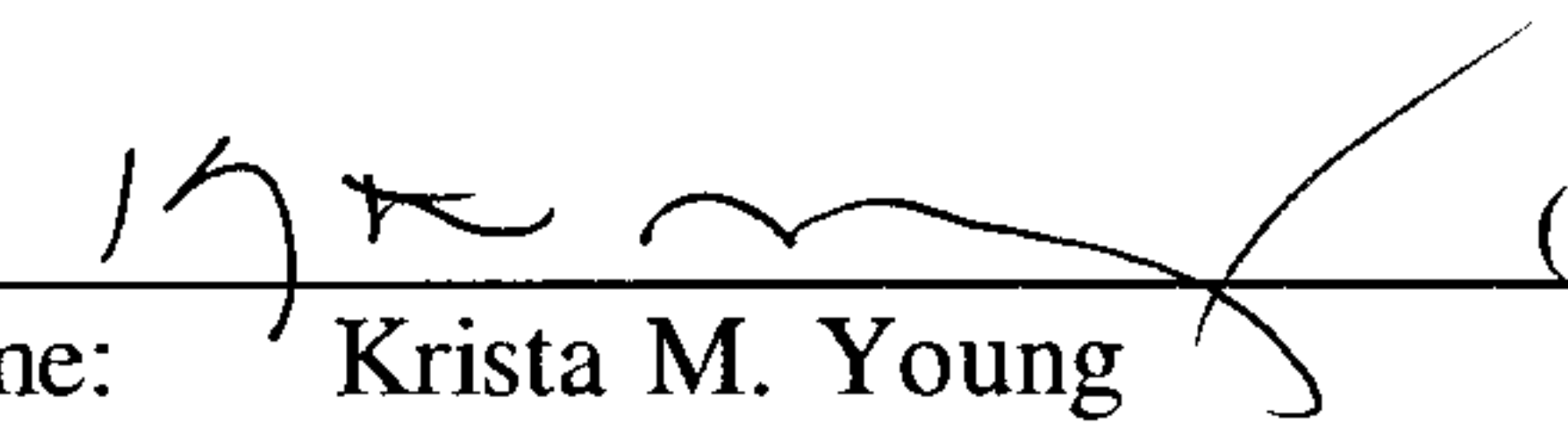
**E & R PROPERTIES, LLC,**  
an Alabama Limited Liability Company


By:  (SEAL)  
Name: Eddie R. Gentry, Member

By:  (SEAL)  
Name: Robin L. Gentry, Member

**TENANT:**

**FORESITE, LLC,**  
an Alabama limited liability company

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

  
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STATE OF ALABAMA )  
:  
SHELBY COUNTY )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **E & R PROPERTIES, LLC**, an Alabama Limited Liability Company, Eddie R. Gentry, Member, whose name as Landlord, 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, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand this the 4 day of March, 2016.

(NOTARIAL SEAL)

Brenda K Marsh  
Notary Public

My Commission Expires: 10/25/17

STATE OF ALABAMA )  
:  
SHELBY COUNTY )


I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **E & R PROPERTIES, LLC**, an Alabama Limited Liability Company, Robin L. Gentry, Member, whose name as Landlord, 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 executed the same voluntarily on the day the same bears date.

GIVEN under my hand this the 4 day of March, 2016.

(NOTARIAL SEAL)

Brenda K Marsh  
Notary Public

My Commission Expires: 10/25/17

  
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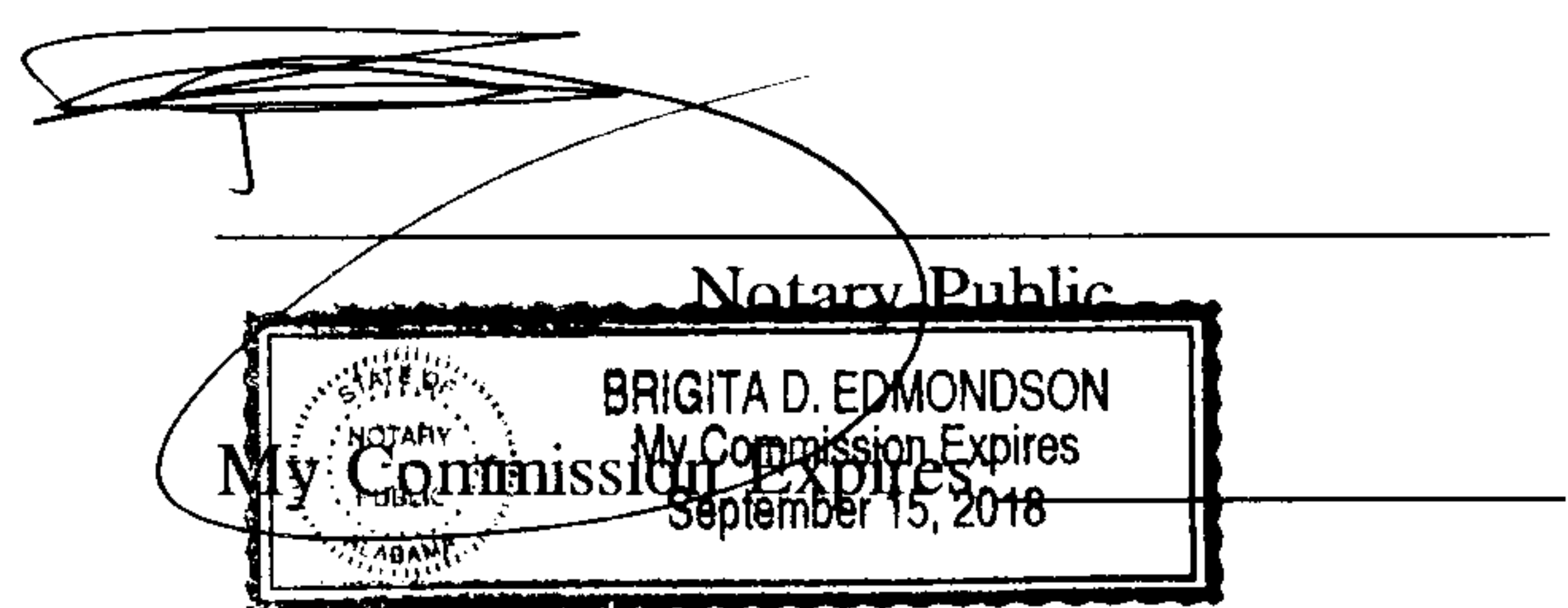
Site Name: Pelham Parkview

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 9<sup>th</sup> day of March, 2016.

(NOTARIAL SEAL)



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## EXHIBIT A

### Tower Lease Area – as surveyed

A parcel of land located in the Southeast Quarter of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

**COMMENCE** at the Southeast corner of the Southeast Quarter of Section 24, Township 20 South, Range 3 West; thence run N 0°56'22" E along the East Section line of Section 24 for a distance of 634.89' to a point on the Southeast corner of parcel 13-6-24-4-001-001.008; thence continue along said Section line a distance of 22.67'; thence S 89°06'54"W a distance of 1.06' to a fence post and the **POINT OF BEGINNING**; thence S 89°06'54" W a distance of 60.00' to a 5/8" capped rebar (Bailey CA 899LS); thence N 0°53'06" W a distance of 60.00' to a 5/8" capped rebar (Bailey CA 899LS); thence N 89°06'54" E a distance of 60.00' to a 5/8" capped rebar (Bailey CA 899LS); thence S 0°53'06" E a distance of 60.00' to the **POINT OF BEGINNING**. Said parcel containing 3,600 square feet (0.08 Acres) more or less.

### 30' Access & Utility Easement – as surveyed

An easement of land located in the Southeast Quarter of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

**COMMENCE** at the Southeast corner of the Southeast Quarter of Section 24, Township 20 South, Range 3 West; thence run N 0°56'22" E along the East Section line of Section 24 for a distance of 634.89' to a point on the Southeast corner of parcel 13-6-24-4-001-001.008; thence continue along said Section line a distance of 22.67'; thence S 89°06'54"W a distance of 1.06' to a fence post and the; thence S 89°06'54" W a distance of 60.00' to a 5/8" capped rebar (Bailey CA 899LS); thence N 0°53'06" W a distance of 30.00' to **POINT OF BEGINNING** of an easement 30' in width situated 15' on each side of the following described centerline; thence S 81°54'08" W a distance of 186.57'; thence S 87°56'17" W a distance of 210.15' to the East Right-of-Way of McCain Parkway and the **POINT OF ENDING**. Said easement containing 11,896 square feet (0.27 Acres) more or less.



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