

Cell Site ID: WS018  
State: North Carolina  
City: Forsyth

FORSYTH CO, NC 195 FEE: \$ 34.00  
PRESENTED & RECORDED: 09/10/1997 4:53PM  
DICKIE C. WOOD REGISTER OF DEEDS BY: HODDVA  
DRAWN BY AND MAIL TO:  
SMITH HELMS MULLISS & MOORE, LLP  
Post Office Box 31247  
Charlotte, North Carolina 28231

STATE OF NORTH CAROLINA

FORSYTH COUNTY

**MEMORANDUM OF LEASE  
AND EASEMENT AGREEMENT**

THIS MEMORANDUM OF LEASE AND EASEMENT AGREEMENT (this "Memorandum"), dated as of this day of 17th, July, 1996, is by and between GRANDVIEW, INCORPORATED, IRENE F. GAMBILL, and PFAFFTOWN CENTER, INC. ("Landlord") and AT&T WIRELESS PCS, INC., a Delaware corporation ("Tenant").

1. Landlord and Tenant have heretofore entered into that certain Lease dated as of the date hereof (the "Lease") for certain premises more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Premises"). The Premises are a part of the property owned by Landlord described in Exhibit B, attached hereto and incorporated herein by reference (the "Property").
2. The term of the Lease commences on the first day after the expiration of eighteen (18) months after the date hereof (unless Tenant elects to accelerate such commencement date) and continues for a maximum period of twenty-five (25) years, including extensions and renewals.
3. The Lease contains an easement in favor of Tenant (the "Easement") on, over, under and upon the Property as described or depicted on the attached Exhibit A benefitting the Premises for pedestrian and vehicular ingress and egress and the installation, maintenance and replacement of utilities, wiring, cables and other conduits serving the Premises and improvements thereon. The Lease also provides that Tenant shall have a temporary construction easement to use the remaining portions of the Property as reasonably necessary for the storage of materials and staging of construction or installation of facilities on the Premises and the Easement area.
4. The address of the Landlord as set forth in the Lease is Box 129, Winston-Salem, North Carolina 27040.
5. The address of the Tenant as set forth in the Lease is AT&T Wireless PCS, Inc., 2223 Executive Street, Charlotte, North Carolina 28208.

Document Number: 132230

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6. Attached hereto and made a part hereof as Exhibit C are copies of two Certificates setting forth the authority of William Goddard to execute lease documents on behalf of Wireless PCS, Inc., as agent for the Tenant.

All of the terms and provisions of the Lease are incorporated herein by reference.

IN WITNESS WHEREOF, Landlord and Tenant have duly executed this Memorandum under seal as of the day and year first above written.

TENANT:

AT&T WIRELESS PCS, INC. (SEAL)

By: Wireless PCS, Inc., its Agent (SEAL)

By: William Goddard (SEAL)  
William Goddard  
Director of Site Development

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

I, Rebecca L. Coulter, a Notary Public, do hereby certify that **WILLIAM GODDARD** personally appeared before me this day and acknowledged that he is the Director of Site Development of **WIRELESS PCS, INC.**, which is the agent for **AT&T WIRELESS PCS, INC.**, a Delaware corporation, and that by authority duly given, and as the act of the Wireless PCS, Inc. for and on behalf of AT&T Wireless PCS, Inc., the foregoing instrument was signed in its name by him as its Director of Site Development.

WITNESS my hand and official seal this 3 day of June, 1997.

My Commission Expires:

My Commission Expires October 10, 2000

Rebecca L. Coulter  
Notary Public

[NOTARIAL SEAL/STAMP]

[See next Page For Counterpart Signature Page of Landlord]

Landlord Counterpart Signature Page

LANDLORD:

GRANDVIEW INCORPORATED

BY: *P. H. Gault*  
\_\_\_\_ President

ATTEST:

*David L. Hambrick*  
\_\_\_\_ Secretary

[CORPORATE SEAL]

STATE OF NORTH CAROLINA

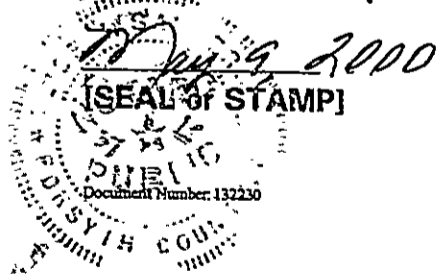
COUNTY OF *Perquimans*

I, the undersigned, a Notary Public of said County and State, do hereby certify that *David L. Hambrick* personally appeared before me this day and acknowledged that *he* is the \_\_\_\_\_ Secretary of GRANDVIEW INCORPORATED, a North Carolina corporation, and that by authority duly given, and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by *him* as its Secretary.

WITNESS my hand and official seal or stamp, this the *4* day of *June*, 1997.

*David L. Hambrick*  
Notary Public

My Commission Expires:



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PFAFFTOWN CENTER, INC.

BY: *[Signature]*  
\_\_\_\_ President

ATTEST:

*[Signature]*  
\_\_\_\_ Secretary  
[CORPORATE SEAL]  
STATE OF NORTH CAROLINA  
COUNTY OF *Lenoir*

I, the undersigned, a Notary Public of said County and State, do hereby certify that *[Signature]* personally appeared before me this day and acknowledged that *she* is the \_\_\_\_\_ Secretary of PFAFFTOWN CENTER, INC., a North Carolina corporation, and that by authority duly given, and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by *her* as its Secretary.

WITNESS my hand and official seal or stamp, this the *4* day of *June*, 1997.

*[Signature]*  
Notary Public

My Commission Expires:

*May 9, 2000*  
[SEAL or STAMP]  
*[Circular Notary Seal]*

Document Number: 132230

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Irene F. Gambill (SEAL)  
IRENE F. GAMBILL

STATE OF NORTH CAROLINA

COUNTY OF Forsyth

I, the undersigned, a Notary Public of said County and State, do hereby certify that IRENE F. GAMBILL personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

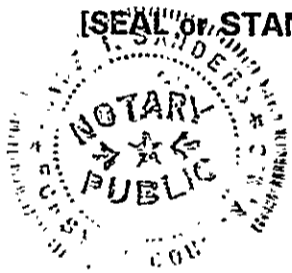
Irene F. Gambill WITNESS my hand and official seal or stamp, this the 4 day of June, 1997.

Alice I. Sanders  
Notary Public

My Commission Expires:

May 9, 2000

[SEAL or STAMP]



STATE OF NC - FORSYTH CO  
The foregoing certificate of Rebecca Coulter and  
Alice I. Sanders NP(s)  
is certified to be correct this the 10 day of September, 1997  
Dickie C. Wood, Register of Deeds by: Dickie C. Wood Deputy

**EXHIBIT A**

**To the Memorandum of Lease and Easement Agreement  
dated October 23, 1996,  
between GRANDVIEW INCORPORATED, PFAFFTOWN CENTER, INC., and  
IRENE F. GAMBILL, as Landlord,  
and AT&T Wireless PCS, Inc., by and through its  
agent Wireless PCS, Inc., as Tenant**

The location of the Premises and the Easement within the Property is more particularly described or depicted on the map attached hereto as Exhibit A-1. If for any reason the Easement as then located shall at any time during the term of the Lease prove inadequate to provide Tenant with the rights and access sought to be provided by the Lease, the Easement shall be relocated to such other portions of the Property as Tenant reasonably determines will enable Tenant to have and enjoy such rights and access.

# NOTES

This map or drawing and any accompanying documents are furnished to the person(s) named thereon and no alterations or use by others is permitted unless authorized by LARRY L. CALLAHAN SURVEYING COMPANY, INC.

This plot is subject to any Easements, Agreements, or Rights-of-Way of record prior to the date of this plot, which were not visible at the time of my inspection.

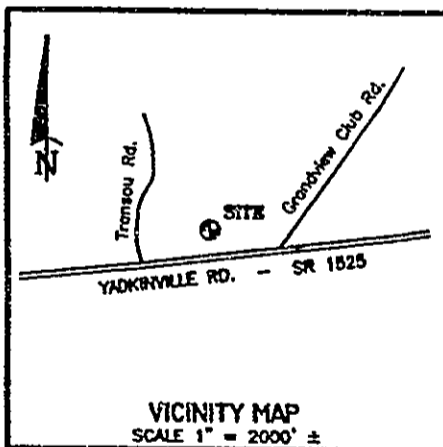
## ADJOINERS

TAX LOT 402P  
HUBERT B. PARKS, et al  
D.B. 1723, PG. 4146  
ZONED R59

TAX LOT 492  
PFAFFTOWN CENTER, INC.  
D.B. 1869, PG. 3139  
ZONED LB

CORNER	NORTHING	EASTING	ELEV
①	877934.67	1598429.60	811.43
②	877938.91	1598479.42	810.32
③	877889.04	1598483.10	810.61
④	877884.80	1598433.28	811.23

LINE	DIRECTION	DISTANCE
L1	N85°08'12"E	50.00'
L2	S04°13'23"E	50.00'
L3	S85°08'12"W	50.00'
L4	S73°08'49"E	66.30'
L5	N46°19'58"E	78.75'
L6	N04°13'23"W	13.20'
L7	S04°13'23"E	32.37'
L8	N04°13'23"W	4.43'
L9	S48°19'58"W	15.36'



I CERTIFY THAT ON NOVEMBER 19TH  
1996, WE SURVEYED THE PROPERTY SHOWN ON THIS PLAT.

*Larry L. Callahan*  
Larry L. Callahan, RLS

Ratio of Precision = 1:10,000+

## MJA COMMUNICATIONS CORP.

PLAT SHOWING 80'x 50' (±2500 SF) LEASE PARCEL with  
20' and 25' INGRESS/EGRESS and UTILITY EASEMENT  
BEING PART OF TAX LOT 401C

Located at  
YADKINVILLE ROAD  
WINSTON-SALEM, NC

SITE NAME - PFAFFTOWN

TAX LOT 401C, BLOCK 4443

SITE NUMBER - W908

Prepared by  
LARRY L. CALLAHAN SURVEYING COMPANY, INC.  
935 EAST MOUNTAIN STREET, SUITE E  
KERNERSVILLE, NC 27284

Phone (810) 908-3528 WWW.LCALLAHAN@aol.com Fax (810) 906-8825

SCALE	TOWNSHIP	COUNTY	STATE	DATE
1" = 80'	MECKA	FORSYTH	NC	10-1-96

h:\86\8683-1 12-30-96 9:29:04 am EST

"This map is not a certified survey and  
no reliance may be placed in its accuracy."

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TAX LOT 402P  
TAX LOT 401B

TAX LOT 402P

# NOTES

A Boundary Survey was not performed in conjunction with this survey.  
All points shown are points unless otherwise noted.

ALUM. BLDG

TAX LOT 401C  
GRANDVIEW, INC.  
D.B. 1815, PG. 545  
ZC 1ED LB

CENTER POINT of  
LEASE PARCEL  
LAT 38°09'16.3913"  
LONG 80°21'36.4834"  
ELEV 810.95

North Carolina Grid System (NAD 83)

BLOCK BUILDING

TAX LOT 492  
PFAFFTOWN CENTER, INC.  
D.B. 1869, PG. 3139  
ZONED LB

TAX LOT 49Y  
GRANDVIEW, INC.  
D.B. 1869, PG. 3142  
ZONED LB

TAX LOT 49X  
GRANDVIEW, INC.  
D.B. 1869, PG. 3142  
ZONED LB

TAX LOT 61A  
PFAFFTOWN CENTER, INC.  
D.B. 1869, PG. 3139  
ZONED LB

NORTH CAROLINA GRID SYSTEM  
CONTROL MONUMENT  
"LIVENGOOD"  
N 877424.892  
E 1599182.93  
ELEV 789.37

TAX LOT 138  
GRANDVIEW PLAZA ASSOC.  
D.B. 1891, PG. 2845  
ZONED LB

TAX LOT 137  
IRENE FOWLER GAMBILL  
D.B. 1304, PG. 1121  
ZONED LB

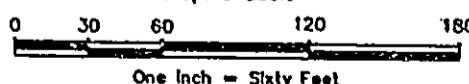
YADKINVILLE ROAD - SR 1525

## EXHIBIT

A-1

NO.	DATE	REVISION DESCRIPTION	BY
1	11-25-96	RELOCATED LEASE PARCEL and EASEMENT per CLIENT	WFG

Graphic Scale



RECEIVED

JAN - 2 1997

MJA - CHARLOTTE

LEGAL DESCRIPTION  
LEASE PARCEL WS018

Beginning at a point located within the property of Grandview, Inc., recorded in Deed Book 1895, Page 545, and being located N. 55°40'58" W. 823.11' from North Carolina Grid System Control Monument "LIVENGOD," Having grid coordinates of N. 877,424.992, and E. 1,599,162.93. Running thence from said beginning point S. 85°08'12" W. 50.00' to a point; Thence N. 04°13'23" W. 50.00' to a point; Thence N. 85°08'12" E. 50.00' to a point; Thence S. 04°13'23" E. 50.00' to the point and place of Beginning. Containing 2,500 sq. Ft. more or less

LEGAL DESCRIPTION FOR  
INGRESS AND EGRESS FOR  
LEASE PARCEL WS018

Beginning at an existing iron rod located in the Northern right-of-way of Yadkinville Road, S.R. 1525, and being S. 80°30'24" W. 111.92' from and existing iron rod located at the southeast corner of the Iron Fowler Gambill property as recorded in Deed Book 1304, Page 1121, and further described as the southwest corner of the Grandview Plaza Assoc. property as recorded in Deed Book 1891, Page 2845. Running thence with said right-of-way S. 80°49'04" W. 25.87' to a point; Thence the following four courses and distances within the land of Grandview, Inc. N. 04°15'59" W. 173.47' to a point; Thence N. 29°50'19" E. 133.06' to a point; Thence N. 04°12'36" W. 170.09' to a point; Thence N. 40°01'38" W. 77.40' to a point in the southern line of lease parcel WS018, said point being N. 85°08'12" E. 9.71' from said lease parcels southwest corner; Thence with said lease parcels southern line N. 85°08'12" E. 30.58' to a point; Thence S. 40°01'38" E. 59.32' to a point in the eastern line of the Grandview, Inc. property as recorded in Deed Book 1895, Page 545; Thence with said eastern line S. 04°12'36" E. 200.34' to a point; Thence A. 26°50'19" W. 123.35' to a point; Thence S. 04°32'06" E. 164.29' to the point and place of Beginning, as surveyed by Larry L. Callahan Surveying Co., Inc. on November 19th, 1996. Job No. 8663-1.

C:\files\8663-1.doc

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## **EXHIBIT B**

**To the Memorandum of Lease and Easement Agreement  
dated October 24, 1996,  
between GRANDVIEW INCORPORATED, PFAFFTOWN CENTER, INC., and  
IRENE F. GAMBILL, as Landlord,  
and AT&T Wireless PCS, Inc., by and through its  
agent Wireless PCS, Inc., as Tenant**

### **Legal Description**

The Property is legally described as follows:

#### **TRACT I**

All that parcel of land lying in Vienna Township, County of Forsyth and State of North Carolina containing 0.61 acres, more or less, as shown on a survey dated August 3, 1995 (and revised March 27, 1996) by Richard P. Bennett, Registered Land Surveyor, and being described more particularly as follows:

Beginning at an iron stake located in the West line of the Property of Grandview Plaza Associates, LLC, said point also being the Northeast corner of the Property of Grandview, Inc. (R. B. 1295, page 1050 - Tax Block 4633, Lot 49N) and running thence with the North line of the property of Grandview, Inc. (R. B. 1295, page 1050), South 85° 07' 15" West 99.94 feet located in the east line of the property of Pfafftown Center, Inc. (R. B. 832, page 439 - Tax Block 4633, Lot 49H); running thence with the east property line of Pfafftown Center, Inc.; North 02° 38' 30" West 275.0 feet to an iron stake; running thence South 89° 16' 15" East 92.52 feet to an iron stake, Northwest corner of the property of Grandview Plaza Associates, LLC, and running thence South 04° 13' 40" East 271.20 feet to the place of Beginning.

See Deed Book 1475, page 837. Part of Lot 401, Tax Block 4633.

#### **Tract II**

All that parce of land lying in Vienna Township, County of Forsyth and State of North Carolina containing 927 sq. feet, more or less, as shown on a survey dated August 3, 1995 by Richard Parks, Bennett, Registered Land Surveyor being described more particularly as follows:

Beginning at an iron stake, Northeast corner of the property of Pfafftown Center, Inc. (Deed Book 832, page 439 - Tax Block 4633, Lot 49H) and the Northwest corner of the Property of Grandview, Inc. (D. B. 1295, page 1050 - Block 4633, Lot 49N) and running thence North 85° 07' 15" East 11.27 feet to a point; running thence south 00° 18' 40" East 164.94 feet to a point located in the center of a party wall; and running thence North 04° 13' 45" West 164.42 feet to the place of Beginning.

Together with and subject to a permanent non-exclusive right and easement in common with Grantor, its successors and assigns, for the use, maintenance, repair or replacement of a party wall 12 inches in width and 56 feet in length lying 6 inches on both sides of center line described as follows:

Beginning at an iron stake lying in the two following courses and distances from an iron stake lying in the North right of way line of Yadkinville Road, said point on Yadkinville Road being the Southeast corner of the property of Pfafftown center, Inc. (R. B. 842, page 320 - Block 4633, Lot 61A) and being the Southeast corner of the property of Grandview, Inc. (R. B. 1295, page 1050 - Block 4633, Lot 49N); (1) North 04° 13' 45" West 293.58 feet to a point; and (2) South 89° 36' 55" West 1.96 feet to the place of Beginning in the center of a 12 inch block wall at its southern terminus and running thence 6 inches on either side of centerlines of said wall North 00° 18' 40" West 56 feet to a point located at the Northern terminus of aforesaid party wall.

#### Tract III

All that parcel of land lying in Vienna Township, County of Forsyth and State of North Carolina containing 28 square feet, more or less, as shown on a survey dated August 3, 1995 by Richard Parks Bennett, Registered Land Surveyor being described more particularly as follows:

Beginning at an iron stake being located North 04° 13' 45" West 293.58 feet from an iron stake located in the North right of way line of Yadkinville Road (NCSR 1525), said point on Yadkinville Road being the Southeast corner of the property of Pfafftown Center, Inc. (R. B. 842, page 320 - Block 4633, Lot 61A) and being the Southwest corner of the property of Grandview, Inc. (R. B. 1295, page 1050 - Block 4633, Lot 49N) and running from said point of beginning North 04° 13' 35" West 28.73 feet to a point located in the center of a party wall; running thence South 00° 18' 40" East 28.66 feet to a point; and running thence North 89° 36' 55" East 1.96 feet to the place of Beginning.

Together with and subject to a permanent non-exclusive right and easement in common with Grantor, its successors and assigns, for the use, maintenance, repair or replacement of a party wall 12 inches in width and 56 feet in length lying 6

inches on both sides of center line described as follows:

Beginning at an iron stake lying in the two following courses and distances from an iron stake lying in the he North right of way line of Yadkinville Road, said point on Yadkinville Road being the Southeast corner of the property of Pfafftown Center, Inc. (R. B. 842, page 320 - Block 4633, Lot 61A) and being the Southeast corner of the property of Graanview, Inc. (R. B. 1295, page 1050 - Block 4633 Lot 49N); (1) North  $04^{\circ} 13' 45''$  West 293.58 feet to a point; and (2) South  $89^{\circ} 36' 55''$  West 1.96 feet to the place of Beginning in the center of a 12 inch block wall at its southern terminus and running thence 6 inches on either side of centerlines of said wall North  $00^{\circ} 18' 40''$  West 56 feet to a point located at the Northern terminus of aforesaid party wall.

Beginning at a point in the center of U. S. Highway No. 421 the southwestern most corner of O. T. Fowler; thence running along the line of O. T. Fowler north  $1^{\circ} 14'$  west 175.75 feet to a point corner of O. T. Fowler; thence running with a south line of O. T. Fowler south  $82^{\circ} 31'$  west 317.34 feet to a point the southeast corner of a .936 acre lot conveyed to grantor and recorded in Deed Book 376 at page 307 in the Office of the Register of Deeds of Forsyth County; thence running along the south line of said .936 acre lot south  $82^{\circ} 55'$  west 170.75 feet to a point marked by an iron, the northeast corner of a lot conveyed to W. Grady Flyn in Deed Book 620 at page 114 in the Office of the Register of Deeds of Forsyth County; thence running south  $1^{\circ} 59'$  east 170.29 feet to the center line of U. S. Highway No. 421; thence running along the center line of U. S. Highway No. 421 north  $83^{\circ} 16'$  east 485.50 feet tot he beginning, containing 1.92 acres, more or less. Said lot being known as Lot No. 61, Block 4633, Tax Supervisor's Office, Forsyth County, North Carolina.

EXHIBIT C

To the Memorandum of Lease and Easement Agreement  
dated October 24, 1996,  
between GRANDVIEW INCORPORATED, PFAFFTOWN CENTER, INC.,  
and IRENE F. GAMBILL, as Landlord,  
and AT&T Wireless PCS, Inc., by and through its  
agent Wireless PCS, Inc., as Tenant

Corporate Resolutions attached hereto as Exhibits C-1 and C-2

## EXHIBIT C-1

### CERTIFICATE REGARDING AGENCY

For purposes of recording memoranda of leases and similar documents sought to be recorded or filed as part of the public records, the undersigned AT&T WIRELESS PCS, INC., a Delaware corporation ("AT&T PCS") and WIRELESS PCS, INC., a Delaware corporation ("Wireless PCS"), hereby certify as follows:

1. Wireless PCS is duly authorized and empowered to execute and deliver lease or sublease agreements (and memoranda or short forms thereof) on behalf of AT&T PCS.

2. Local recorder's and registrar's offices may rely upon a photocopy of this certificate attached to any memorandum of lease or other document sought to be recorded or filed.

This 28 day of February, 1996.

AT&T WIRELESS PCS, INC.

By: [Signature]

Title: Vice President

WIRELESS PCS, INC.

By: [Signature]

Title: Senior Vice President

RECORDER'S MEMO  
Record of Poor Quality Due  
to Condition of Original

BK1963 P3846

**EXHIBIT C-2**

**CERTIFICATE OF ASSISTANT SECRETARY  
OF  
WIRELESS PCS, INC.**

The undersigned, William W. Hague, certifies:

I am a duly elected, qualified and acting Assistant Secretary of Wireless PCS, Inc. a Delaware corporation, and that as such I am authorized to certify on behalf of the Corporation that the following resolution is a full and correct copy of a resolution duly adopted by the Board of Directors of said Corporation on March 5, 1996, and that said resolution has not been rescinded, modified or repealed and remains in full force and effect on the date hereof.

**RESOLVED**, that William Goddard, Director of Site Development, shall have the authority to enter into and sign site leases on behalf of the corporation within the ordinary course of business, for a one year term to be renewed on the first Tuesday in March of each year.

IN WITNESS WHEREOF, I have signed this Certificate on behalf of the corporation on the 5 day of April, 1996.

WIRELESS PCS, INC.

By: William W. Hague  
William W. Hague  
Its Assistant Secretary

RECORDER'S MEMO  
Record of Poor Quality Due  
to Condition of Original

BK1963 P3947