

FILED
GREENVILLE CO. S.C.

NOV 6 10 29 AM '79

DONNIE S. TANKERSLEY
R.M.C.

THIRD AMENDMENT TO
CONSTRUCTION, OPERATING, AND RECIPROCAL
EASEMENT AGREEMENT

Relay + Kelly
VOL 1115 PAGE 25

THIS AGREEMENT, made and entered into this 26th day of October, 1979, by and between Greenville Mall Partners, a Texas Partnership, (DEVELOPER), and Mercantile Properties, Inc., a Delaware corporation and J. B. White & Company, a South Carolina corporation (collectively MERCANTILE).

WHEREAS, by deed from FIRST HARTFORD REALTY CORPORATION, a Delaware corporation, ("FHRC"), dated June 14, 1978 recorded in the R.M.C. Office for Greenville County in Deed Book 1084 at Page 130, DEVELOPER succeeded to FHRC's interest under the OPERATING AGREEMENT; and is therefore the owner of that certain tract of land outlined in green (DEVELOPER TRACT) on Exhibit A to the OPERATING AGREEMENT; and

WHEREAS, MERCANTILE and FHRC had entered into a certain Construction, Operating, and Reciprocal Easement Agreement dated February 25, 1976, recorded in the R.M.C. Office for Greenville County in Volume 1062, Page 767; as amended by First Amendment to Construction, Operating, and Reciprocal Easement Agreement dated May 11, 1977, recorded in the R.M.C. Office for Greenville County in Volume 1062, Page 852; and Second Amendment to Construction, Operating, and Reciprocal Easement Agreement dated July 22, 1977, recorded in the R.M.C. Office for Greenville County in Volume 1062, Page 855; (collectively OPERATING AGREEMENT) concerning and affecting the respective rights and duties of DEVELOPER and MERCANTILE with respect to that certain real property on Woodruff Road at I-85 and I-385 in Greenville County, Greenville, South Carolina sometimes known as "Greenville Shopping Mall"; and

WHEREAS, DEVELOPER and MERCANTILE mutually desire to effect certain changes in and additions to the terms and provisions of the OPERATING AGREEMENT as are hereinafter set forth.

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency

GCTO -----2 NO 6 79 436

8.00CI

0020

4328 RV-2