

1570

Send Tax Notice To:

Treetop Enterprises, Inc.  
5100 Linbar Drive  
Nashville, Tennessee 37211-5098

STATE OF ALABAMA )

SHELBY COUNTY )

STATUTORY WARRANTY DEED

THIS IS A STATUTORY WARRANTY DEED executed and delivered this 19<sup>th</sup> day of December, 1989, by 119 PROPERTIES, LTD., an Alabama limited partnership (hereinafter referred to as the "Grantor"), to TREETOP ENTERPRISES, INC., a Tennessee corporation (hereinafter referred to as the "Grantee").

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) in hand paid by Grantee to Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, the Grantor does by these presents, grant, bargain, sell and convey unto the Grantee, TREETOP ENTERPRISES, INC., that certain real property situated in the City of Pelham, Shelby County, Alabama, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Subject Property"),

TOGETHER WITH all appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantor, if any, in and to any and all roads, alleys and ways bounding said premises.

This conveyance is subject to the following:

1. Ad valorem taxes for tax year 1990, not yet due and payable; and

2. Concrete slope pavement and pipe in the northeasterly corner of subject property, as shown by survey of Joseph A. Miller, Jr dated September 13, 1989.

The Grantor reserves from this conveyance, for the use and benefit of Grantor and Grantor's successors and assigns, a non-exclusive, perpetual easement for the construction, installation and operation of a sanitary sewer line under and across the Subject Property as more particularly described on Exhibit "B" attached hereto.

The Grantor herein warrants and covenants that Grantor will not buy, sell, or lease or otherwise make available any land, either now controlled by Grantor or acquired subsequent to the date of this deed, within 500 lineal feet of the Subject Property (the "Restricted Area") for use for any twenty-four (24) hour restaurant or twenty-four (24) hour foodservice purposes for a period of fifty (50) years from the date hereof. This covenant shall be binding upon Grantor, its successors and assigns. Grantor does further agree that any instrument of conveyance of any parcel of land within the Restricted Area shall contain restrictive covenants equivalent to the above, which fully protect Grantee's interest herein. The foregoing restriction and covenant shall automatically terminate and be of no further force and effect in the event the Subject Property ceases to be used for restaurant or foodservice purposes either by Grantor or its successors or assigns.

BOOK 271 PAGE 450

*Alabama Title*

TO HAVE AND TO HOLD, to the said Grantee, TREETOP ENTERPRISES, INC., a Tennessee corporation, its successors and assigns forever.

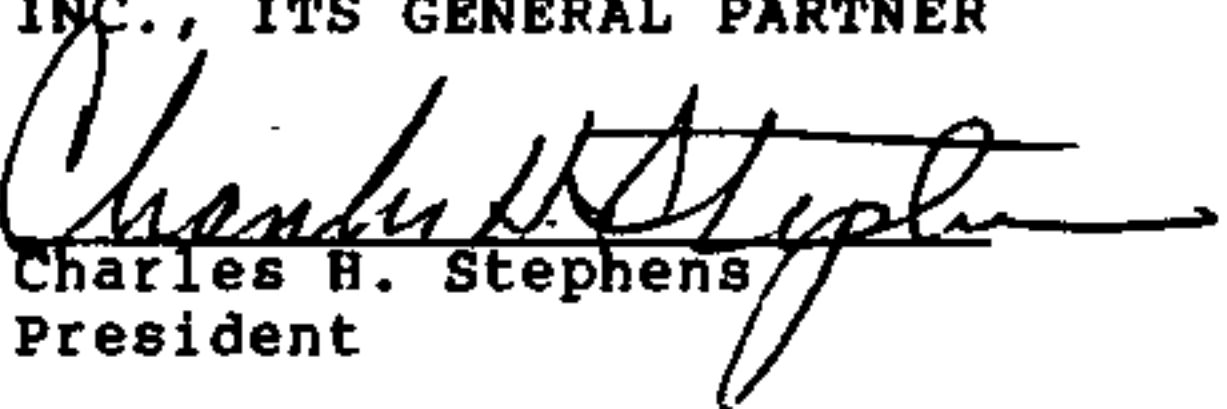
The Grantor hereby covenants and agrees with Grantee, its successors and assigns, that the Grantor, its successors and assigns, will warrant and defend the above described real estate against the lawful claims (unless otherwise noted above) of all persons claiming by, through, or under the Grantor, but not further or otherwise.

IN WITNESS WHEREOF, the Grantor has caused this Statutory Warranty Deed to be executed by its General Partner which is duly authorized hereunto.

119 PROPERTIES, LTD., an Alabama limited partnership

BY: CAHABA VALLEY PROPERTIES, INC., ITS GENERAL PARTNER

By:

  
Charles H. Stephens  
President

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Charles H. Stephens, whose name as President of Cahaba Valley Properties, Inc., the general partner of 119 Properties, Ltd., an Alabama limited partnership, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as general partner of said limited partnership.

Given under my hand this the 19<sup>th</sup> day of December, 1989.

  
Notary Public

My Commission Expires: 8-6-92

THIS INSTRUMENT PREPARED BY:

David L. Silverstein  
Berkowitz, Lefkovits, Isom & Kushner  
1100 Financial Center  
Birmingham, Alabama 35203

08360

BOOK 271 PAGE 451

# EXHIBIT A

PART OF S.E. 1/4 SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE RUN EAST ALONG THE SOUTH LINE OF SAME FOR 1,826.71 FEET; THENCE 122°-59'-53" LEFT AND RUN NORTHWESTERLY FOR 399.97 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF OAK MOUNTAIN PARK ROAD; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE FOR 846.69 FEET; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY FOR 152.01 FEET; THENCE 90° LEFT AND RUN NORTHWESTERLY FOR 349.02 FEET; THENCE 90° LEFT AND RUN SOUTHWESTERLY FOR 160.00 FEET; THENCE 86°-41'-21" RIGHT AND RUN NORTHWESTERLY FOR 25.0 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ALABAMA HIGHWAY 119; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 253.07 FEET; THENCE 14°-02'-10" RIGHT AND CONTINUE NORTHEASTERLY FOR 9.51 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF A COUNTY ROAD; THENCE 30°-57'-50" RIGHT AND RUN EASTERLY ALONG SAID RIGHT OF WAY LINE FOR 62.56 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 45°-00' RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 390.67 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 90° LEFT AND RUN NORTHEASTERLY FOR 575.98 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF I-65 SERVICE DRIVE; THENCE 86°-19'-31" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 142.98 FEET; THENCE 22°-07'-10" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 23.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 163.81 FEET TO A POINT ON THE APPROXIMATE FLOODWAY LINE OF BISHOP CREEK; THENCE 104°-36'-32" RIGHT AND RUN ALONG NORTHWESTERLY ALONG SAID FLOODWAY LINE FOR 178.84 FEET; THENCE 55°-56'-47" RIGHT AND RUN NORTHWESTERLY FOR 95.24 FEET; THENCE 100°-30'-00" RIGHT AND RUN NORTHEASTERLY FOR 205.16 FEET TO THE POINT OF BEGINNING.

# EXHIBIT B

AN EASEMENT (20 FEET WIDE) FOR SANITARY SEWER IS RESERVED.

DESCRIPTION OF SEWER EASEMENT: AN EASEMENT FOR SANITARY SEWER IN THE SE 1/4 OF SECTION 31, T-19-S, R-2-W, SHELBY COUNTY, ALABAMA. SAID EASEMENT BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE RUN EAST ALONG THE SOUTH LINE OF SAME FOR 1,826.71 FEET; THENCE 122°-59'-53" LEFT AND RUN NORTHWESTERLY FOR 399.97 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF OAK MOUNTAIN PARK ROAD; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE FOR 846.69 FEET; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY FOR 152.01 FEET; THENCE 90° LEFT AND RUN NORTHWESTERLY FOR 349.02 FEET; THENCE 90° LEFT AND RUN SOUTHWESTERLY FOR 160.00 FEET; THENCE 88°-41'-21" RIGHT AND RUN NORTHWESTERLY FOR 25.0 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ALABAMA HIGHWAY 119; THENCE 91°-18'-39" RIGHT AND RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 253.07 FEET; THENCE 14°-02'-10" RIGHT AND CONTINUE NORTHEASTERLY FOR 9.51 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF A COUNTY ROAD; THENCE 30°-57'-50" RIGHT AND RUN EASTERLY ALONG SAID RIGHT OF WAY LINE FOR 62.56 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 45°-00' RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 390.67 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 90° LEFT AND RUN NORTHEASTERLY FOR 575.98 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 1-65 SERVICE DRIVE; THENCE 86°-19'-31" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 142.98 FEET; THENCE 22°-07'-10" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 23.50 FEET TO THE NORTHEAST CORNER OF THE TRACT THROUGH WHICH THIS SEWER EASEMENT TRAVERSES; THENCE CONTINUE SOUTHEASTERLY ALONG THE SAME COURSE FOR 78.81 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE 75°-55'-08" RIGHT AND RUN SOUTHWESTERLY FOR 67.18 FEET; THENCE 28°-41'-29" RIGHT AND RUN WESTERLY FOR 131.00 FEET TO A POINT ON THE WESTERLY LINE OF THE TRACT THROUGH WHICH THIS EASEMENT TRAVERSES. SAID POINT BEING 55.65 FEET NORTHERLY OF (AS MEASURED ALONG THE WESTERLY LINE) THE SOUTHWEST CORNER OF SAID TRACT. SAID POINT BEING ALSO THE END OF SAID CENTERLINE.

BOOK 271 PAGE 453

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

89 DEC 22 AM 8:22

*Thomas P. Shivers, Jr.*  
JUDGE OF PROBATE

1. Deed Tax -----	\$ 100.00
2. Int. Tax -----	\$
3. Notary Fee -----	10.00
4. -----	3.00
5. -----	
6. -----	1.00
Total -----	\$ 114.00