

Inst # 1994-16722

05/24/1994-16722
10:49 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
003 MCR 13.50

This instrument was prepared by Chris A. Paul, Esq., Kemp, Smith, Duncan & Hammond, P.C., 1900 State National Plaza, El Paso, Texas 79901

No. 2554

Shelby County, Alabama

ASSIGNMENT AND BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, THE PROVIDENT BANK, Trustee under Trust Agreement dated April 30, 1984 ("Seller"), for and in consideration of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, does hereby assign, convey, transfer, grant, bargain, sell and deliver to SIMPLE INVESTMENTS, INC., a Alabama corporation, whose address is 1120 ALFORD AVENUE HOOPER, ALABAMA 35226 ("Purchaser"), its successors and assigns, all of Seller's right, title and interest in and to any fixtures or equipment located in, on, about or under Store No. 2554 as of ^{May}~~April~~ 16, 1994, such Store No. 2554 and the fixtures and equipment being located upon the following described real property situated in Shelby County, Alabama:

A parcel of land situated in the Southwest Quarter of Section 11, Township 21 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of the Southwest quarter of said Section 11 and run East along the North line of Quarter Section for 1235.17 feet; thence turn an angle to the right of 90 degrees 00 minutes and run Southerly for 466.53 feet; thence turn an angle to the left of 90 degrees 57 minutes 47 seconds and run Easterly for 773.61 feet to the point of beginning. From the point of beginning thus obtained thence continue along the last described course for 210.00 feet; thence turn an angle to the right of 98 degrees 47 minutes 27 seconds to the tangent of a curve to the right, having a central angle of 4 degrees 09 minutes 53 seconds and a radius of 2841.09 feet; thence run in a Southwesterly direction along the arc of said curve for 206.51 feet to the point of commencement of a curve to the right having a central angle of 91 degrees 07 minutes 08 seconds and a radius of 25.00 feet; thence run in a Southwesterly and Westerly direction along the arc of said curve for 39.76 feet; thence run in a Northwesterly direction along the tangent of said curve if extended for 189.46 feet;

thence turn an angle to the right of 89 degrees 45 minutes 26 seconds and run Northeasterly for 180.56 feet to the point of beginning.

TO HAVE AND TO HOLD, all and singular, the said fixtures and equipment hereby conveyed, transferred, granted, bargained, sold, and delivered to Purchaser, its successors and assigns, forever. Seller does hereby bind itself and its successors and assigns to warrant and forever defend all and singular title to the fixtures and equipment unto Purchaser, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof, by, through and under Seller, but not otherwise.

This instrument shall be binding upon Seller, its successors and assigns, and shall inure to the benefit of Purchaser, its successors and assigns.

SELLER, BY THIS INSTRUMENT, MAKES NO REPRESENTATION OR WARRANTY WHATSOEVER, WHETHER EXPRESS OR IMPLIED, AS TO THE MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE, DESIGN, COMPLIANCE WITH ANY SPECIFICATIONS, OPERABLE CONDITION, CAPACITY, SUITABILITY, PERFORMANCE, QUALITY, COMPLIANCE WITH ANY ENVIRONMENTAL LAWS OR OTHERWISE WITH RESPECT TO ANY FIXTURES OR EQUIPMENT CONVEYED HEREBY; PURCHASER, BY ITS ACCEPTANCE HEREOF, ACKNOWLEDGES THAT ITS AGREEMENT IS TO ACCEPT THE FIXTURES AND EQUIPMENT CONVEYED HEREBY IN AN "AS-IS" STATE OF CONDITION AND REPAIR WITH ALL FAULTS.

IN WITNESS WHEREOF, Seller has executed this Assignment and Bill of Sale this 18 day of April, 1994.

ATTEST:

THE PROVIDENT BANK, TRUSTEE,
an Ohio banking corporation

By: [Signature]
Name: Eugenia H. Kelly
Title: VICE PRESIDENT AND
TRUST OFFICER

By: [Signature]
Name: S. Taylor Wood
Title: ASSISTANT VICE PRESIDENT
AND TRUST OFFICER

Purchaser, by its execution hereof, hereby acknowledges its acceptance of the terms hereof.

SIMPLE INVESTMENTS, INC.

By: [Signature]
Name: Simple Investments
Title: Pres

STATE OF OHIO)

COUNTY OF HAMILTON)

I, PAMELA V. MARTINA, a Notary Public in and for said County in said State, hereby certify that D. Taylor Wood, whose name as Asst. V.P. & Trust Off. of THE PROVIDENT BANK, an Ohio banking corporation, as Trustee, 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 the corporation, as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 18 day of April, 1994.

[Signature]
NOTARY PUBLIC IN AND FOR
Inst # 1994-16722

My Commission Expires:
PAMELA V. MARTINA
Notary Public, State of Ohio
My Commission Expires Sept. 9, 1996

STATE OF Alabama)
COUNTY OF Jefferson)

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I, The undersigned, a Notary Public in and for said County in said State, hereby certify that T. Wayne Terry, whose name as President of SIMPLE INVESTMENTS, INC., a Alabama corporation, 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 the corporation on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 16th day of April, 1994.

[Signature]
NOTARY PUBLIC IN AND FOR
Alabama at Large

My Commission Expires:
5-11-97