

Alabaster, Al.

ASSIGNMENT OF LEASES

EFV PROPERTIES, LTD., an Alabama Limited Partnership, having its principal office at 500 Southland Drive, Suite 102, Birmingham, Alabama 35226 (herein called Assignor"), for and in consideration of the sum of \$100.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby TRANSFER, SET-OVER, ASSIGN, and CONVEY to RANDY ROARK, having his principal office at 418 Scott Street, Montgomery, Alabama 36104 (herein called "Assignee"), all of its right, title, and interest as Landlord, in and to those certain leases, guarantees, and amendments to leases as set forth on Exhibit "A" attached.

This Assignment is effective as of midnight of the 30th day of APRIL, 1994.

The Assignor does hereby agree to indemnify and hold the Assignee harmless from any claims, costs, liabilities, damages, expenses or demands, of whatsoever nature arising out of, under or pursuant to said leases, guarantees, and amendments to leases, including all costs of defense and reasonable counsel fees arising therefrom, which shall arise prior to the effective date and time of this Assignment.

The Assignee does hereby agree to indemnify and hold the Assignor harmless from any claims, costs, liabilities, damages, expenses or demands, of whatsoever nature arising out of, under or pursuant to said leases, guarantees, and amendments to leases, including all costs of defense and reasonable counsel fees arising therefrom, which shall occur on or after the effective date and time of this Assignment.

Assignor hereby represents to Assignee that, at the date hereof, it is the owner of said leases, and that it has right,

THIS INSTRUMENT WAS PREPARED BY:
Rufus M. King
Capell, Howard, Knabe & Cobbs, P.A.
P. O. Box 2069 (36102-2069)
57 Adams Avenue
Montgomery, Alabama 36104

(4/26/94)

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power, and authority to execute and deliver this Assignment and the said leases, guarantees, and amendments to leases, subject, however, to a prior Assignment of Rents and Leases, dated August 23, 1993, to SouthTrust Bank of Alabama, National Association, recorded as Instrument No. 1993-25607, on August 25, 1993.

Anything else in this Assignment to the contrary notwithstanding, this Assignment, and the rights and obligations of both parties hereunder, are subject to applicable surviving warranties, representations and agreements between Assignor and Assignee contained in a certain Real Estate Sales Agreement, dated April 28, 1994.

EXECUTED, this 28 day of APRIL, 1994.

ASSIGNOR:

EFV PROPERTIES, LTD., an Alabama Limited Partnership,

By: EFV Properties, Inc., an Alabama corporation, As Its General Partner,

By: A. Charles Ferlisi
A. Charles Ferlisi
(Print Name)
Its Secretary
(Title)

ASSIGNEE:

Randy Roark
RANDY ROARK.

(L.S.)

STATE OF ALABAMA)
COUNTY OF Jefferson)

I, the undersigned, a Notary Public in and for said County in said State, (State of Alabama at Large,) hereby certify that A. Charles Ferlisi as Secretary of EFV PROPERTIES, INC., whose name as General Partner of EFV 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, in his capacity as such officer of EFV PROPERTIES, INC., General Partner of EFV PROPERTIES, LTD., an Alabama Limited Partnership, executed the same voluntarily and with full authority, on the day the same bears date.

GIVEN under my hand and official seal, this the 28th day of April, 1994.

(NOTARIAL SEAL)

William R. Ayler
NOTARY PUBLIC

MY COMMISSION EXPIRES:

MY COMMISSION EXPIRES SEPTEMBER 26, 1997

STATE OF ALABAMA)
 :
COUNTY OF MONTGOMERY)

I, the undersigned, a Notary Public in and for said County in said State, (State of Alabama at Large,) hereby certify that RANDY ROARK, whose name 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 executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal, this the 28th day of April, 1994.

(NOTARIAL SEAL)

Betty Sue Bailey
NOTARY PUBLIC

MY COMMISSION EXPIRES:

2-6-96

EXHIBIT A

- A. Leases in which FES Properties, an Alabama General Partnership, is Landlord, and whose interest has been assigned to EFV Properties, Ltd., and the following tenants:
1. Winn-Dixie Montgomery, Inc., as Tenant, dated August 3, 1993, which is guaranteed by Winn-Dixie Stores, Inc., together with a Memorandum Lease, of the same date and between the same parties.
 2. Harco Drug, Inc., dated July 21, 1993; as amended by First Amendment to Lease Agreement dated April 7, 1994.
- B. Leases in which EFV Properties, Ltd., is Landlord, and the following Tenants:
1. Johnny and Brenda Venz, d/b/a Video Express, dated November 8, 1993.
 2. Head Start Hair Care Salons, Inc., dated March 14, 1994.
 3. Bradley A. Fields and Michael N. McQueen d/b/a Action Rentals with Alabaster, dated February 28, 1994.
 4. Kascorp, Inc., d/b/a Classic Cleaners, dated October 21, 1993.

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