

Inst # 1994-29570

WHEREAS, FES PROPERTIES, an Alabama general partnership ("FES") made a certain Assignment of Leases and Contracts on August 23, 1993, to EFV PROPERTIES, LTD., an Alabama limited partnership ("EFV"), which is recorded in the Office of the Judge of Probate of SHELBY County, ALABAMA, as Instrument # 1994-13988; and

WHEREAS, said Assignment inadvertently omitted to mention the Assignment of a certain Short Form Lease, dated August 3, 1993, between FES PROPERTIES (as Landlord) and WINN-DIXIE MONTGOMERY, INC. (as Tenant); and

WHEREAS, the undersigned desire hereby to correct said omission:

NOW THEREFORE, FES does hereby assign all of its right, title and interest in and to that certain Short Form Lease dated August 3, 1993, which is more fully referred to in the preamble hereof, unto EFV, its successors and assigns.

IN WITNESS WHEREOF, the parties have executed this agreement, effective as of August 23, 1993.

FES PROPERTIES, an Alabama general partnership

By: Marc A. Eason

By: A. Charles Perlisi

By: Paul J. Spina, Jr.

By: Fiorella Family Partnership, Ltd.

By: Jack Fiorella, III,
Its General Partner.

Being all of the Partners of
FES Properties.

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, (State of Alabama at Large,) hereby certify that MARC A. EASON; A. CHARLES FERLISI; and PAUL J. SPINA, JR., whose names as General Partners of FES Properties, an Alabama general partnership, and JACK FIORELLA, III, whose name as General Partner of FIORELLA FAMILY PARTNERSHIP, LTD., are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such General Partners and with full authority, each executed the same voluntarily for and as the act of said general partnership, and, in the case of JACK FIORELLA, III, as the act of said limited partnership, on the 28th day of September, 1994, but effective as of August 23, 1993.

GIVEN under my hand, this 28th day of September, 1994.

(NOTARIAL SEAL)

Notary Public
MY COMMISSION EXPIRES: 09/28/1994

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(9/16/94)

This instrument was prepared by
Rufus M. King
67 Adams Avenue
Montgomery, AL 36104

09/28/1994-29570
02:55 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MCD 9.50