

STATE OF ALABAMA)
SHELBY COUNTY)

**CORRECTION OF
TENANCY IN COMMON
OPERATING AGREEMENT**

THIS CORRECTION OF TENANCY IN COMMON OPERATING AGREEMENT
is made this 15 day of February, 1999, by and between:

FRANK C. ELLIS, JR., (Butch), ELLIS INVESTMENTS, L.L.C. (Ellis) BENNER
INVESTMENTS, L.L.C. (Benner), MCGEEVER INVESTMENTS, L.L.C. (McGeever)
ROBERTSON INVESTMENTS, L.L.C. (Robertson) and INTERSTATE RESTAURANT
INVESTORS, AN ALABAMA GENERAL PARTNERSHIP (IRI)

WITNESSETH

WHEREAS, the parties entered into a Tenancy In Common Operating Agreement on
October 2, 1998, which is recorded in Inst. No. 1998-38723 Office of the Judge of Probate
Shelby County, Alabama (referred to herein as the October 2nd Agreement); and

WHEREAS, there was an error in the legal Description attached to the October 2nd
Agreement appearing on Exhibit A to the October 2nd Agreement; and

WHEREAS, the parties are desirous of correcting such error.

NOW, THEREFORE, in consideration of the premises, the October 2nd Agreement is
hereby amended to reflect the following:

1. The Legal Description attached hereto as Exhibit A is the correct Legal
Description to be attached to the October 2nd Agreement.
2. Exhibit A appearing on the October 2nd Agreement is hereby void and of no
further effect.
3. Unless specifically modified by this document, all of the provisions of the
October 2nd Agreement shall remain in full force and effect.

Done this 15 day of February, 1999.


FRANK C. ELLIS, JR.

ELLIS INVESTMENTS, L.L.C.

By: 

Its: 

BENNER INVESTMENTS, L.L.C.

By: 

Its: MEMBER

MCGEEVER INVESTMENTS, L.L.C.

By: 

Its: Member

ROBERTSON INVESTMENTS, L.L.C.

By: 

Its: SOLE MEMBER

INTERSTATE RESTAURANT
INVESTORS AN ALABAMA
GENERAL PARTNERSHIP

BY: 

Its: _____

General Partner



General Partner



General Partner

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that FRANK C. ELLIS, JR., 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 this instrument, he executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal this 15th day of February, 1999.

Judith Anne Lemsky
Notary Public
My Commission Expires: 1-11-03

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Frank C. Ellis as Member of the ELLIS INVESTMENTS, L.L.C. Company, whose name as member 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 this instrument, he, in their capacity as such member, executed the same voluntarily, for and as the act of said limited liability company.

Given under my hand and official seal this 15th day of February, 1999.

Judith Anne Lemsky
Notary Public
My Commission Expires: 1-11-03

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that John Benner as member of the BENNER INVESTMENTS, L.L.C. Company, whose name member 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 this instrument, he, in their capacity as such member, executed the same voluntarily, for and as the act of said limited liability company.

Given under my hand and official seal this 15th day of February, 1999.

Judith Anne Lemsky
Notary Public
My Commission Expires: 1-11-03

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that John McGeever as Member of the McGEEVER INVESTMENTS, L.L.C. Company, whose name member 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 this instrument, he, in their capacity as such member, executed the same voluntarily, for and as the act of said limited liability company.

Given under my hand and official seal this 15th day of February, 1999.

Judith Ann Lemsky
Notary Public
My Commission Expires: 1-11-03

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that William Robertson as Sole Member of the ROBERTSON INVESTMENTS, L.L.C. Company, whose name William Robertson 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 this instrument, he, in their capacity as such William Robertson, executed the same voluntarily, for and as the act of said limited liability company.

Given under my hand and official seal this 15th day of February, 1999.

Judith Ann Lemsky
Notary Public
My Commission Expires: 1-11-03

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that John McGeever John C. Blum as General Partners of the INTERSTATE RESTAURANT INVESTORS AN ALABAMA GENERAL PARTNERSHIP, whose names MC 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 this instrument, they, in their capacity as such General Partners, executed the same voluntarily, for and as the act of said ~~limited liability company~~ General Partners.

Given under my hand and official seal this 15th day of February, 1999.

Judith Ann Lemsky
Notary Public
My Commission Expires: 1-11-03

EXHIBIT 'A'

Inst. • 1999-07605

A parcel of land located in the SW 1/4 of Section 31, Township 19 South, Range 2 West and the NW 1/4 of Section 6, Township 20 South, Range 2 West, Shelby County, Alabama; more particularly described as follows:

Commence at the SE corner of the SW 1/4 of Section 31; thence run North along the 1/4 line 506.79 feet; thence left 121 deg. 25 min. 36 sec. 517.90 feet to the point of beginning; thence continue Southwesterly along the same course a distance of 808.06 feet to the SE corner of Jenkins Brick Company; thence right 129 deg. 39 min. 08 sec. Northerly along the East line of Jenkins Brick Company 727.32 feet to the NE corner of Interstate Restaurant Investors being also a point on a curve on the Southerly right of way line of Alabama Highway No. 119 (an 80 foot right of way) having a radius of 1949.89 feet, a central angle of 14 deg. 34 min. 51 sec. and a chord of 494.92 feet; thence turn right 74 deg. 24 min. 29 sec. to the chord of said curve and run Easterly then Northeasterly along the arc of said curve 496.22 feet, concave Northerly; thence with an interior angle left of 97 deg. 17 min. 26 sec. from said chord Southeasterly 374.13 feet to the point of beginning; being situated in Shelby County, Alabama.

LESS AND EXCEPT the following described right of way:

A part of the SE 1/4 of the SW 1/4 of Section 31, Township 19 South, Range 2 West, identified as Tract No. 4 on Project No. STPAA-7136(1) in Shelby County, Alabama and being more fully described as follows:

Commencing at the SE corner of said SE 1/4 of the SW 1/4; thence North along the East line of said SE 1/4 of the SW 1/4 a distance of 830 feet, more or less, to a point on the present South right of way line of Alabama Highway 119; thence Southwesterly along said right of way line a distance of 590 feet, more or less, to the NE property line, and the point of beginning of the property herein to be conveyed; thence southeasterly along said Northeast property line a distance of 30 feet, more or less, to a point that is 70 feet Southeasterly of and at right angles to the centerline of said project; thence Southwesterly, parallel with said centerline a distance of 108 feet, more or less, to a point that is 70 feet Southeasterly of and at right angles to said centerline at Station 18+00; thence Southwesterly a distance of 402 feet, more or less, to the West property line; thence northerly along said property line a distance of 30 feet, more or less, to the South right of way line of Alabama Highway 119; thence Northeasterly along said right of way line a distance of 498 feet, more or less, to the point of beginning.

ALSO, LESS AND EXCEPT THE FOLLOWING:

A parcel of land situated in the southeast corner of the Southwest one-quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the said Southwest one-quarter of Section 31; thence run in a northerly direction along the east boundary of the said Southwest one-quarter for a distance of 506.79 feet; thence turn a deflection angle to the left 121 degrees 25 minutes 36 seconds and run in a southwesterly direction for a distance of 1325.96 feet; thence turn a deflection angle to the right 129 degrees 40 minutes 07 seconds and run in a northeasterly direction for a distance of 381.90 feet to the POINT OF BEGINNING; thence continuing in the last said course for a distance of 315.39 feet to a point on the south right-of-way line of Alabama Highway No. 119 and a point on a curve to the left, said curve having a radius of 1979.80 feet, a central angle of 05 degrees 20 minutes 52 seconds and a chord distance of 184.73 feet; thence turn an interior angle to the left 100 degrees 50 minutes 29 seconds to the chord of said curve and run in a easterly direction along said right-of-way line and along said curve for a distance of 184.80 feet; thence leaving said right of way, turn an interior angle to the left 102 degrees 31 minutes 45 seconds from chord of said curve and run in a southeasterly direction for a distance of 238.98 feet; thence turn an interior angle to the left 169 degrees 40 minutes 48 seconds and run in a southwesterly direction for a distance of 65.01 feet; thence turn an interior angle to the left 90 degrees 00 minutes 00 seconds and run in a southwesterly direction for a distance of 298.62 feet to the POINT OF BEGINNING.

02/23/1999-07605
03:05 PM CERTIFIED
SHELBY COUNTY JUDGE IF PROBATE
JES. NEL 18.50