

STATE OF ALABAMA

COUNTY OF MOBILE

SPECIAL WARRANTY DEED

455,000.00

KNOW ALL MEN BY THESE PRESENTS that MMR HOLDINGS, L.L.C., a North Carolina limited liability company, the grantor, WITNESSETH, that the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations hereby acknowledged to have been paid to the said grantor by AMSOUTH BANK, AS TRUSTEE FOR PAUL B. EDMUNDSON, JR., UNDER IRREVOCABLE AGREEMENT DATED JUNE 17, 1992, the grantee, with an office at P. O. Box 10463, Birmingham, Alabama 35202, does hereby REMISE, RELEASE, ALIEN AND CONVEY unto the said grantee, subject to the provisions hereinafter contained, all that real property in the County of Shelby, State of Alabama, described as follows:

Lot 1-BB, according to a Resurvey of Lot 1-B of Resurvey of Lot 1-A, of Resurvey of Lot 1, B & S Subdivision, as recorded in Map Book 13, Page 143, in the Probate Office of Shelby County, Alabama.

EXCEPTING THEREFROM such oil, gas and other minerals in, or and under said real property, together with all rights in connection therewith, as have previously been reserved by or conveyed to others; it being the intention of the grantor to convey to grantee only the interest grantor owns therein;

together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD the same unto the said grantee, its successors and assigns, forever.

This conveyance is made subject to terms and conditions of easement granted to Alabama Power Company recorded in Real Property Volume 48, page 49; Volume 111, page 404; Volume 111, page 406 and Volume 136, page 312.

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SHELBY COUNTY JUDGE OF PROBATE
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And, except as to the above and the taxes hereafter falling due, the said grantor, for itself, and for its successors and assigns, hereby covenants with the said grantee, its successors and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that it will SPECIALLY WARRANT AND DEFEND the said premises against all persons lawfully claiming, or to claim the same, by through or under it..

IN WITNESS WHEREOF, the grantor has caused these presents to be executed on this the ____ day of September, 2001.

MMR Holdings, L.L.C.,
a North Carolina limited liability company

By: CAR MMR, LLC,
a Delaware limited liability company,
Its Managing Member

By: CAPITAL AUTOMOTIVE, L.P.,
a Delaware limited partnership,
Its Managing Member

By: CAPITAL AUTOMOTIVE REIT,
a Maryland real estate investment
trust, Its General Partner

By: John M Weaver
Name: John M Weaver
Title: VP

Commonwealth
State of Virginia

County of Fairfax

I, the undersigned notary public in and for said state and county, hereby certify that John M. Weaver, whose name as Vice President of Capital Automotive REIT, a Maryland real estate investment trust as general partner of Capital Automotive, L.P., the Managing Member of CAR MMR, LLC, the Managing Member of MMR Holdings, L.L.C., is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that being informed of the contents of said conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said trust on the day the same bears date.

Given under my hand and notarial seal on this 27th day of September 2001.

Cindy M. Mitchell
Notary Public
My Commission Expires: 11-30-02

The grantee's address is:
P. O. Box 10463
Birmingham, Alabama 35202

This instrument was prepared by:
Douglas E. Wambach
Burke, Warren, MacKay & Serritella, P.C.
330 N. Wabash
22nd Floor
Chicago, IL 60611
(312) 840-7000

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