


STATE OF ALABAMA                     )  
COUNTY OF SHELBY                    )

  
20141003000311760 1/3 \$1283.50  
Shelby Cnty Judge of Probate, AL  
10/03/2014 03:23:42 PM FILED/CERT

**This Instrument Prepared By:**  
Whataburger Real Estate LLC  
300 Concord Plaza Drive  
San Antonio, Texas 78216  
Attn: Kay S. Behrens, Senior Corporate Counsel

**Send Tax Notice To:**  
Whataburger Real Estate LLC  
300 Concord Plaza Drive  
San Antonio, Texas 78216  
Attn: Real Estate Department

MEMORANDUM OF LEASE  
[Whataburger Unit 959, 557 Cahaba Valley Road, Pelham, Alabama 35124]

This Memorandum of Lease certifies that a certain Lease Agreement was executed to be effective on the 29th day of September 2014 ("Lease") by CAHABA VALLEY INVESTMENTS, L.L.C., an Alabama limited liability company, referred to therein as "Landlord," and WHATABURGER REAL ESTATE LLC, a Texas limited liability company, referred to therein as "Tenant," under the terms of which Landlord leased to Tenant the Demised Premises described therein, the Land for which is described in Exhibit "A" attached hereto and made a part hereof.

The Term of said Lease is two hundred forty (240) months and two (2) days from the Effective Date (as said term is defined in the Lease) (ending September 30, 2034) together with four (4) consecutive options to renew for additional terms of five (5) years each.

This Memorandum may be executed by counterparts, each of which shall be deemed an original, and together the counterparts, when taken together, shall comprise one instrument.

The Lease contains provisions for rental payments, together with certain other terms, conditions, covenants and restrictions.

*[The remainder of this page left intentionally blank;  
signature pages immediately follow.]*

Shelby County, AL 10/03/2014  
State of Alabama  
Deed Tax: \$1263.50

[Signature Page – Memorandum of Lease (959)]

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Lease as of the acknowledgement dates set forth below so as to be effective for all purposes as of September 29, 2014.

LANDLORD:

CAHABA VALLEY INVESTMENTS,  
L.L.C.

By: Lana G. Jebeles  
Laura G. Jebeles, Manager

TENANT:

WHATABURGER REAL ESTATE LLC

By: Preston W. Atkinson  
Preston W. Atkinson, Manager

STATE OF ALABAMA  
COUNTY OF Jefferson

I, Orlean M. Bruce a notary public in and for said county, in said state, hereby certify that Laura G. Jebeles, whose name as Manager of CAHABA VALLEY INVESTMENTS, L.L.C., an Alabama limited liability company, 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 said instrument, (s)he, in such capacity, and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 25<sup>th</sup> day of September, 2014.

(AFFIX NOTARIAL SEAL)  
NOTARY PUBLIC

Orlean M. Bruce

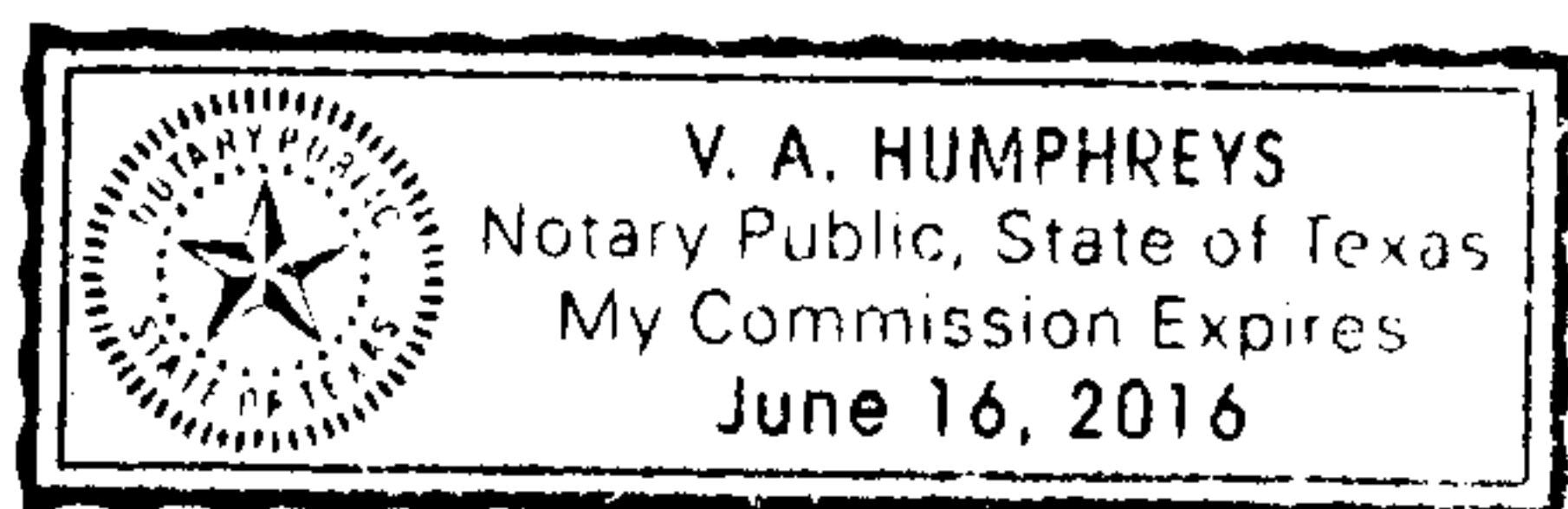
MY COMMISSION EXPIRES: My Commission Expires August 26, 2016

THE STATE OF TEXAS  
COUNTY OF BEXAR

§  
§

This instrument was acknowledged before me on September 26, 2014 by Preston W. Atkinson, Manager of Whataburger Real Estate LLC, a Texas limited liability company, on behalf of said limited liability company.

V. A. Humphreys  
Notary Public in and for the State of Texas





**Exhibit "A"**  
Legal Description of the Premises

A parcel of Land located in the West half of the Southeast quarter of Section 31, Township 19 South, Range 2 West, Shelby County Alabama, and being more particularly described as follows:

Commence at the Northeast corner of the Southwest 1/4 of Section 31, Township 19 South, Range 2 West; thence run in a Westerly direction along the Northern line of said quarter section for a distance of 301.28 feet; thence turn an angle to the left of 51°49'38" and run in a Southwesterly direction for a distance of 524.90 feet; thence turn an angle to the right of 15°42'53" and run in a Southwesterly direction for a distance of 15.00 feet; thence turn an angle to the left of 102°10'58" and run in a Southeasterly direction for a distance of 195.60 feet; thence turn an angle to the right of 13°53'06" and run in a Southeasterly direction for a distance of 185.5 feet; thence turn an angle to the right of 03°06'00" and run in a Southeasterly direction for a distance of 201.40 feet; thence turn an angle to the right of 03°14'59" and run in a Southeasterly direction for a distance of 894.19 feet to the Northwestern right of way line of Alabama Highway No. 119; thence turn an angle to the left of 93°41'50" and run in a Northeasterly direction along said right of way for a distance of 218.07 feet; thence turn an angle to the left of 30°20'28" and run in a Northeasterly direction for a distance of 115.40 feet; thence turn an angle to the right of 30°28'26" and run in a Northeasterly direction for a distance of 159.41 feet to the point of beginning; from the point of beginning thus obtained, thence continue the course last described for a distance of 193.52 feet; thence turn an angle to the left of 90°00'00" and run in a Northwesterly direction for a distance of 249.86 feet; thence turn an angle to the left of 90°00'00" and run in a Southwesterly direction for a distance of 185.25 feet; thence turn an angle to the left of 88°06'12" and run in a Southeasterly direction for a distance of 250.00 feet to the point of beginning.

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