

Recording Requested By  
WELLS FARGO LEASING CORPORATION

597

When Recorded Mail To  
Wells Fargo Leasing Corporation  
425 California Street  
San Francisco, California 94104



19800317000032440 1/3 \$.00  
Shelby Cnty Judge of Probate, AL  
03/17/1980 12:00:00 AM FILED/CERT

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### WAIVER AND CONSENT

Reference is made to that Equipment Lease Agreement ("Lease"), dated August 30, 19 79, between WELLS FARGO LEASING CORPORATION ("Lessor") and Shoney's South, Inc. ("Lessee").  
The execution of this Waiver and Consent is to insure that the following equipment, more particularly described in the Lease, is personal property owned by Lessor and will not be deemed real estate or security for repayment of any loan secured by a lien on or mortgage or trust deed affecting real property:

See Exhibit A attached hereto.

The undersigned owner or lienholder of the real property herein described agrees as follows:

1. The equipment listed above and described in the Lease or any exhibit or schedule related thereto may be installed on or affixed to real property in which the undersigned has an interest as owner or lienholder or otherwise. Said property and additions thereto shall remain Lessor's personal property and shall not become realty or a part of the real property upon which it is located or affixed.
2. The undersigned hereby expressly waives all right, title and interest in and to said personal property and additions thereto and agrees that Wells Fargo Leasing Corporation may, at any reasonable time, enter upon the premises for the purpose of detaching, removing and repossessing said personal property, regardless of the method by which it may be attached to the realty, and may remove and retake said personal property.
3. The undersigned further waives each and every right now or hereafter possessed under the laws of the state in which the real property is located and under the provisions of the Lease, and further waives the right to levy on or distrain the equipment for rent.

The real property herein referred to is located at 2698 Highway 31 South  
in the City of Pelham, County of Shelby  
State of Alabama, and is more fully described as follows:

#### To Be Used For Corporate Acknowledgment

STATE OF Tennessee ss.  
COUNTY OF Shelby  
On this 24 day of January, 19 80,  
before me, the undersigned, a Notary Public in and for said County, personally appeared James H. Prentiss  
known to me to be the President, and  
Dennis A. Reeve  
known to me to be the Treasurer Secretary of Shoney's South, Inc.  
the Corporation that executed the within and foregoing instrument, and known to me to be the persons who executed the within instrument on behalf of the Corporation therein named and acknowledged to me that such Corporation executed the same pursuant to its By-laws or a resolution of its Board of Directors.  
My Commission Expires August 29, 1983  
WITNESS my hand and official seal.

Signature Patricia A. LaRochelle

#### To Be Used For Partnership Acknowledgment

STATE OF \_\_\_\_\_ ss.  
COUNTY OF \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_,  
known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.  
WITNESS my hand and official seal.

Signature \_\_\_\_\_

James H. Prentiss President  
Signature Title  
JAMES H. PRENTISS  
Name (Typed or Printed)  
Dennis A. Reeve Treasurer  
Signature Title  
DENNIS A. REEVE  
Name (Typed or Printed)

#### To Be Used For Individual Acknowledgment

STATE OF \_\_\_\_\_ ss.  
COUNTY OF \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
before me, the undersigned, a Notary Public in and for said County, personally appeared \_\_\_\_\_  
and known to me to be the person (s) whose name(s) (is) (are) subscribed to the within instrument and acknowledged that (he) (they) executed the same.  
WITNESS my hand and official seal.

Signature \_\_\_\_\_

| <u>Company Name</u>     | <u>Items</u>                                     | <u>Total Amount</u> |
|-------------------------|--------------------------------------------------|---------------------|
| American Permenent Ware | Curb trays                                       | \$ 52.80            |
| Allen Blind & Awning    | Woven Blinds                                     | 981.00              |
| ABC Manufacturing       | Safety Signs                                     | 12.30               |
| Barnett Supply Company  | Ice Machines                                     | 3,643.00            |
| B & G Distributing      | Lettuce Cutter                                   | 234.45              |
| Bloomfield Distributing | Pans,Cutters,Covers,<br>& Utensils               | 564.06              |
| Boury, Inc.             | Panels, Inside Signs                             | 200.00              |
| Bunn-O-Matic            | Coffee Makers                                    | 793.40              |
| Cambro, Inc.            | Red Booster Seats                                | 37.52               |
| Coldelite Corp.         | Whip Cream Machine                               | 1,900.80            |
| Continental Mfg.        | Receptacles,squeegee,<br>Sand Urn, wringer       | 205.21              |
| Coca Cola USA           | Coke Dispenser                                   | 2,516.00            |
| Crescent Metal Products | Heated Cabinet                                   | 1,358.00            |
| Wilbur Curtis           | Tea Urns                                         | 119.00              |
| Dykes Restaurant Supply | Crocks,molds,tongs,<br>ladles,pans,pots,utensils | 1,380.28            |
| Edelman Jankow          | Booths,benches,table<br>tops                     | 14,527.80           |
| Gemini Guild            | Table Tops                                       | 825.00              |
| General Electric        | Griddle,fryers,oven,<br>hot plate,broilers       | 7,820.00            |
| Groen                   | Steam Kettle                                     | 1,285.00            |
| Hatco                   | Toaster                                          | 354.25              |
| Hobart                  | Mixer, Slicer                                    | 2,339.77            |
| Jet Spray               | Juice Dispenser                                  | 435.00              |
| Kolpak Industries       | Walk-in-cooler                                   | 10,646.17           |
| Leyse Aluminum          | Pans,Pitchers,trays                              | 286.60              |

  
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| <u>Company Name</u>    | <u>Items</u>                                                                | <u>Total Amount</u> |
|------------------------|-----------------------------------------------------------------------------|---------------------|
| Low Temp. Mfg.         | Fabricated Stainless Steel Equipment, Work Table, Cooking Lines, Dishtables | \$ 45,853.61        |
| Maxum Equipment        | Rangehood Filters                                                           | 147.30              |
| Toastmaster            | Toaster                                                                     | 207.00              |
| J. H. McKie            | Syrup Dispenser                                                             | 35.00               |
| Franklin Products      | Heat Lamps                                                                  | 364.50              |
| Metropolitan Wire      | Racks                                                                       | 555.90              |
| Howard Miller Clock    | Clock                                                                       | 70.50               |
| Monroe Calculator      | Calculator                                                                  | 231.00              |
| New Metal Crafts       | Decorative Light Fixtures                                                   | 7,805.00            |
| Peterson Baby Products | High Chairs                                                                 | 145.50              |
| Prawnto Shrimp Machine | Shrimp Deveiner                                                             | 276.50              |
| Rubbermaid             | Pitchers, Scoops, Cutting Boards, Pans, Containers, Food Boxes, Max Rack    | 1,078.20            |
| Savory Equipment       | Bread & Bun Toaster                                                         | 940.68              |
| Stephens Brothers      | Batter Pan Holder                                                           | 35.00               |
| Sweda                  | Cash Register                                                               | 1,195.00            |
| Traulsen               | Reach-in-Refrigerator                                                       | 1,543.00            |
| Vollrath               | Tray Racks                                                                  | 225.90              |
| Gary Safe Co.          | Safe                                                                        | 1,412.00            |
| Edwin Weigand          | Heat Lamps                                                                  | 141.40              |
| Davis Sign Company     | Street Sign, Letters, Storage Cell, Extension Arm, Building Sign            | 5,399.55            |
| Shoney's South, Inc.   | Paintings & Ships                                                           | 1,103.00            |
| Hobart                 | Dishwasher                                                                  | 7,520.80            |
| Hatco                  | Water Heater                                                                | 646.75              |
| Creative Display       | Big Boy Statue                                                              | 1,050.00            |
| Server Products        | Fudge Warmer                                                                | 69.78               |
| Victory Metal Mfg.     | Refrigerators                                                               | 2,800.00            |
| Metro Equipment        | Scales                                                                      | 75.60               |
| Metropolitan Wire      | Glass Racks, Plate Racks, Silver Racks                                      | 555.90              |
| Total                  |                                                                             | \$ 134,001.78       |

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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
WAS FILED

1980 MAR 17 PM 2:26

*Thomas A. Brantley, Jr.*  
JUDGE OF PROBATE

Rec. 4-58  
Ind. 1.00  
5-58

EXHIBIT A

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