

1263

CERTIFICATE OF LESSEES

Henry S. Arnold and Amy B. Arnold (herein called the "Arnolds") the lessees under that certain Lease Agreement dated as of June 1, 1975 (herein called the "Lease Agreement") by and between the Arnolds and The Industrial Development Board of the Town of Pelham (herein called the "Board"), recorded in the office of the Judge of Probate of Shelby County, Alabama, does hereby notify the Board and South Trust Bank of Alabama, National Association (formerly known as Birmingham Trust National Bank), as trustee under that certain Mortgage and Indenture of Trust dated as of April 1, 1975 that, pursuant to Section 9.5 of the Lease Agreement, it intends to exercise its option to purchase the real property described on Exhibit A attached hereto, and incorporated herein.

The Arnolds hereby certify that it is not in default under the Lease Agreement and that the real property described in Exhibit A that the Arnolds request to purchase does not include any existing buildings or other structures except rights, if any, granted in party walls, the right to "tie into" existing utilities, the right to connect and join any building, structure or improvement with existing structures, facilities and improvements on the Leased Realty (as such term is defined in the Lease Agreement) and the right of ingress or egress to and from the public highway which shall not interfere with the use and occupancy of existing structures, improvements and buildings.

The Arnolds intend to exercise their option to purchase such real property as described in Exhibit A on or about October 1, 1983.

The Arnolds will convey the real property to be released to Jack's Food Systems, Inc. which in turn will use said real property in conjunction with its office and warehouse facilities.

The Arnolds certify that the use to which the portion of the Leased Realty to be purchased will be devoted will be in furtherance of the purpose for which the Board was organized.

The Arnolds do hereby respectfully request that the property described in Exhibit A be so sold to it at and for a purchase price equal to the fair market value thereof, which cost is \$7,500.

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The Arnolds further certify that this certificate is made pursuant to the provisions of subsection (a) of Section 9.5 of the Lease Agreement.

IN WITNESS WHEREOF, the Arnolds have executed this certificate, on this the 11 day of September, 1983.

Henry S. Arnold
Henry S. Arnold

Witness:

Walter B. Ferguson

Amy B. Arnold
Amy B. Arnold

Witness:

Carroll E. Thompson

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800K

EXHIBIT A

A parcel of land located in the NW 1/4 of the SE 1/4 of Section 14, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows: Commence at the Southeast corner of said 1/4-1/4 section, thence in a Westerly direction along the South line of said 1/4-1/4 section a distance of 73.83 feet; thence 88 deg. 23 min. right in a Northerly direction a distance of 174.72 feet to the most Southerly corner of American Forest Products property; thence 48 deg. 31 min. 30 sec. left in a Northwesterly direction along the Southwest line of American Forest Products property a distance of 539.51 feet to the point of beginning; thence continue along last described course a distance of 60.00 feet; thence 90 deg. to the left in a Southwesterly direction a distance of 180.0 feet; thence 90 deg. to the left in an Easterly direction a distance of 60.0 feet to the southeast corner of property conveyed in Deed Book 294 Page 261 in Probate Office; thence North along the East line of said property described in said Deed Book 294 Page 261, a distance of 180.0 feet to the point of beginning; being situated in Shelby County, Alabama.

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1983 SEP 28 PM 2:53
Thomas A. Henderson
JUDGE OF PROBATE

Rec'd H.50
Jud 1.00

5.50