

Inst # 1994-16724

05/24/1994-16724
10:49 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 13.50

This instrument was prepared by Chris A. Paul, Esq., Kemp, Smith, Duncan & Hammond, P.C., 1900 State National Plaza, El Paso, Texas 79901

No. 2547

Shelby County, Alabama

ASSIGNMENT AND BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, THE PROVIDENT BANK, Trustee under Trust Agreement dated April 30, 1984 ("Seller"), for and in consideration of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, does hereby assign, convey, transfer, grant, bargain, sell and deliver to SIMPLE INVESTMENTS, INC., a Alabama corporation, whose address is 1170 Alford Ave Hoover, AL 35226 ("Purchaser"), its successors and assigns, all of Seller's right, title and interest in and to any fixtures or equipment located in, on, about or under Store No. 2547 as of May 16th, 1994, such Store No. 2547 and the fixtures and equipment being located upon the following described real property situated in Shelby County, Alabama:

A parcel of land situated in the NE 1/4 of the NE 1/4 Section 36, Township 19 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Commence at the NE corner of Section 36, Township 19 South, Range 3 West, Shelby County, Alabama, and run Southerly along the East line of said Section 550.00 feet to a point, said point now being in the right of way of U.S. Highway #31 South and also being the old SE corner of the W. N. Campbell property as described in Deed Book 128, Page 333, in the Judge of Probate Office, Shelby County, Alabama; thence turn right 76 degrees 12 minutes 31 seconds as measured and run Southwesterly 136.91 feet along the South line of said W. N. Campbell property to the Westerly right of way line of U.S. Highway #31 South, and the point of beginning of the property herein described; thence continue Southwesterly along last stated course 200.00 feet; thence turn 83 degrees 15 minutes left and run Southerly 100.55 feet; thence turn 96 degrees 45 minutes left and run Easterly 200.01 feet to a point on said Westerly right of way line of U.S. Highway #31 South, said point being on a curve having a radius of 2009.86 feet and subtending a central angle of 2 degrees 52 minutes; thence turn left with an

interior angle of 95 degrees 18 minutes 35 seconds to tangent of said curve; thence run Northerly along the arc of said curve and said right of way line of U.S. Highway #31 South 100.56 feet to the point of beginning.

TO HAVE AND TO HOLD, all and singular, the said fixtures and equipment hereby conveyed, transferred, granted, bargained, sold, and delivered to Purchaser, its successors and assigns, forever. Seller does hereby bind itself and its successors and assigns to warrant and forever defend all and singular title to the fixtures and equipment unto Purchaser, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof, by, through and under Seller, but not otherwise.

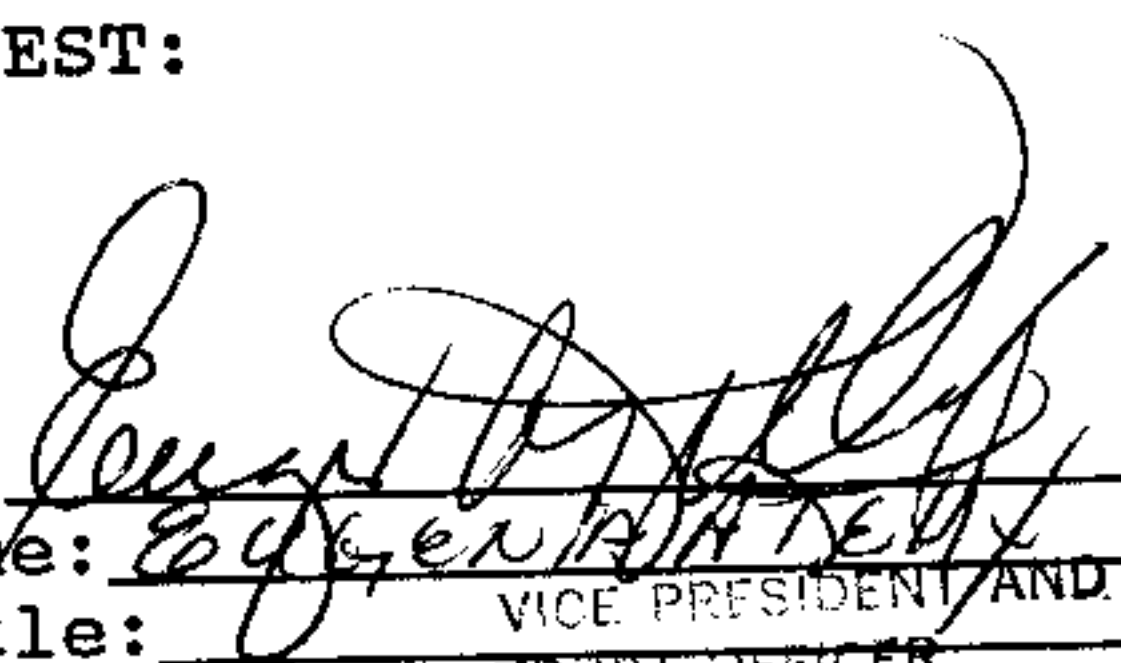
This instrument shall be binding upon Seller, its successors and assigns, and shall inure to the benefit of Purchaser, its successors and assigns.

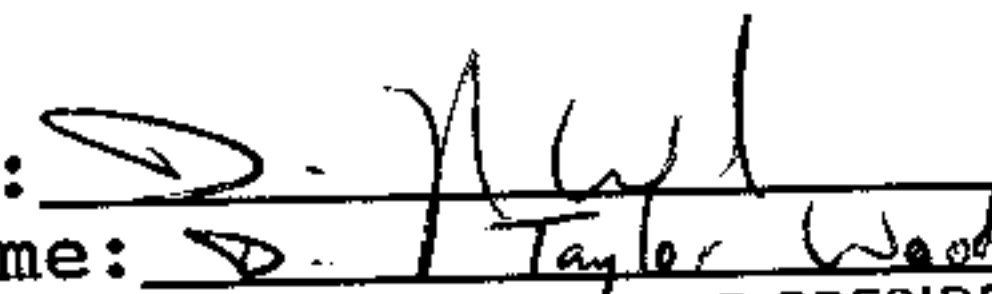
SELLER, BY THIS INSTRUMENT, MAKES NO REPRESENTATION OR WARRANTY WHATSOEVER, WHETHER EXPRESS OR IMPLIED, AS TO THE MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE, DESIGN, COMPLIANCE WITH ANY SPECIFICATIONS, OPERABLE CONDITION, CAPACITY, SUITABILITY, PERFORMANCE, QUALITY, COMPLIANCE WITH ANY ENVIRONMENTAL LAWS OR OTHERWISE WITH RESPECT TO ANY FIXTURES OR EQUIPMENT CONVEYED HEREBY; PURCHASER, BY ITS ACCEPTANCE HEREOF, ACKNOWLEDGES THAT ITS AGREEMENT IS TO ACCEPT THE FIXTURES AND EQUIPMENT CONVEYED HEREBY IN AN "AS-IS" STATE OF CONDITION AND REPAIR WITH ALL FAULTS.

IN WITNESS WHEREOF, Seller has executed this Assignment and Bill of Sale this 18 day of April, 1994.

ATTEST:

THE PROVIDENT BANK, TRUSTEE,
an Ohio banking corporation

By: 
Name: EUGENE A. TAYLOR
Title: VICE PRESIDENT AND TRUST OFFICER

By: 
Name: D. Taylor Wood
Title: ASSISTANT VICE PRESIDENT AND TRUST OFFICER

Purchaser, by its execution hereof, hereby acknowledges its acceptance of the terms hereof.

SIMPLE INVESTMENTS, INC.

By: [Signature]
Name: Simple Investments
Title: [Signature]

STATE OF OHIO)
COUNTY OF HAMILTON)

I, PAMELA V. MARTINA, a Notary Public in and for said County in said State, hereby certify that D. Taylor Wood, whose name as ASST. V.P. + TRUST OFFICER of THE PROVIDENT BANK, an Ohio banking corporation, as Trustee, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation, as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 18 day of April, 1994.

[Signature]
NOTARY PUBLIC IN AND FOR

My Commission Expires:
PAMELA V. MARTINA
Notary Public, State of Ohio
My Commission Expires Sept. 9, 1996

STATE OF Alabama)
COUNTY OF Jefferson)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that T. Wayne Terry, whose name as President of SIMPLE INVESTMENTS, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 16th day of April, 1994.

[Signature]
NOTARY PUBLIC IN AND FOR
Alabama at large

My Commission Expires:
5-11-97

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SHELBY COUNTY JUDGE OF PROBATE
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