

Shelby County, Alabama
(Store 2554)
Inst # 1994-24883

08/09/1994-24883
09:55 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
005 MCD 18.50

When recorded, return to:

Winston & Strawn
Suite 4200
35 West Wacker
Chicago, Illinois 60601
Attention: Helen D. Shapiro, Esq.

PARTIAL RELEASE
OF
ASSIGNMENT OF LEASE; SUBORDINATION
NON-DISTURBANCE AND ATTORNMMENT AGREEMENT;
AND ESTOPPEL CERTIFICATE

WHEREAS, an Assignment of Lease; Subordination, Non-Disturbance and Attornment Agreement; and Estoppel Certificate (the "Assignment") was made and entered into as of the 17th day of June, 1986 by and among Continental Bank N.A., f/k/a Continental Illinois National Bank and Trust Company of Chicago, a national banking association ("Assignee"), The Provident Bank, an Ohio banking corporation ("Assignor"), as Trustee under trust agreement dated as of April 30, 1984 (the "Trust Agreement") for the benefit of Store Properties Company, an Ohio general partnership ("Borrower"), Borrower, UtoteM, Inc., a Delaware corporation (formerly Fairmont Foods Company), Monterre Properties, Inc., a Delaware corporation, UtoteM Markets of Arizona, Inc., an Arizona corporation, U-Tote'm of Alabama, Inc., an Alabama corporation, U-Tote'm of Colorado, Inc., a Colorado corporation, U-Tote'm of Miami, Inc., a Florida corporation, The Circle K Corporation, a Texas corporation, Circle K Convenience Stores, Inc., a Texas corporation, and Circle K Management Company, a Texas corporation (collectively, "Tenant"), which Assignment was recorded on Sept. 19, 1986 in Book _____, page _____ in the Office of the County Recorder of Shelby County, Alabama (the "Recorder's Office");

WHEREAS, Assignee has been requested to release, discharge and quitclaim from the operation of the Assignment the real property more particularly described on Exhibit "A" attached hereto and thereby incorporated herein; and

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, KNOW ALL MEN BY THESE PRESENTS that each of Assignee, Assignor and Borrower, on their own respective behalves, does hereby release, discharge and quitclaim from the operation of the Assignment, without covenant or warranty, express or implied, the real property described on Exhibit "A" attached hereto; provided, however, that this Partial Release of Assignment

shall not be construed to waive or, in any manner, affect or invalidate the lien or operation of the Assignment upon the balance of the real property described therein, nor in any way release, modify or otherwise affect the personal liability of Borrower, Tenant or any other person or entity obligated thereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Partial Release of Assignment, in separate and identical counterparts, effective as of May 24, 1994.

THE PROVIDENT BANK, as
Trustee for Store
Properties Company

By: [Signature]
Its: Vice President & Trust Officer
Attest: [Signature]
Its: V.P. & Trust Officer

STORE PROPERTIES COMPANY

By: [Signature]
Its: GENERAL PARTNER

CONTINENTAL BANK N.A., f/k/a
CONTINENTAL ILLINOIS NATIONAL BANK
AND TRUST COMPANY OF CHICAGO

By: [Signature]
Its: Vice President

STATE OF OHIO)
COUNTY OF HAMILTON) ss.

On this 1 day of JUNE, 1994, before me, the undersigned notary public, personally appeared EUGENIA A. KELLY known to me to be the person whose name is subscribed to the foregoing instrument as the _____ of THE PROVIDENT BANK, an Ohio corporation, and acknowledged that he executed the same on behalf of said corporation as the _____ thereof and that he was duly authorized so to do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Pamela V. Martina
Notary Public

[SEAL]

My Commission Expires:

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

STATE OF OHIO)
COUNTY OF HAMILTON) ss.

On this 31st day of MAY, 1994, before me, the undersigned notary public, personally appeared KEITH E. LINDNER known to me to be the person whose name is subscribed to the foregoing instrument as a general partner of STORE PROPERTIES COMPANY, and acknowledged that he executed the same on behalf of said general partnership as a general partner thereof and that he was duly authorized so to do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Paul V. Mueathing
Notary Public

[SEAL]

My Commission Expires:

PAUL V. MUEATHING, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 O. R. C.

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

On this 24 day of MAY, 1994, before me, the undersigned notary public, personally appeared Lynn W. Selzer known to me to be the person whose name is subscribed to the foregoing instrument as the Vice President of CONTINENTAL BANK N.A., f/k/a CONTINENTAL ILLINOIS NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a national banking association, and acknowledged that he executed the same on behalf of said association as the Vice President thereof and that he was duly authorized so to do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Patricia M. Chavez-Foster
Notary Public

[SEAL]

My Commission Expires:

11-24-97

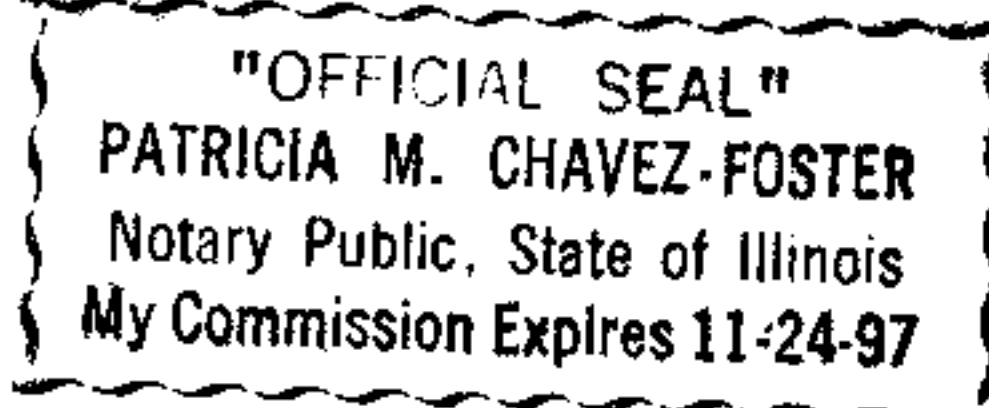


Exhibit *A*
Store No. 2554
Shelby County, Alabama

A parcel of land situated in the Southwest Quarter of Section 11, Township 21 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Commence at the Northwest corner of the Southwest Quarter of said Section 11 and run East along the North line of Quarter Section for 1,235.17 feet; thence turn an angle to the right of 90 degrees, 00 minutes and run Southerly for 466.53 feet; thence turn an angle to the left of 90 degrees 57 minutes 47 seconds and run Easterly for 773.61 feet to the point of beginning. From the point of beginning thus obtained thence continue along the last described course for 210.00 feet; thence turn an angle to the right of 98 degrees 47 minutes 27 seconds to the tangent of a curve to the right, having a central angle of 4 degrees 09 minutes 53 seconds and a radius of 2,841.09 feet; thence run in a southwesterly direction along the arc of said curve for 206.51 feet to the point of commencement of a curve to the right having a central angle of 91 degrees 07 minutes 08 seconds and a radius of 25.00 feet; thence run in a southwesterly and westerly direction along the arc of said curve for 39.76 feet; thence run in a northwesterly direction along the tangent of said curve if extended for 189.46 feet; thence turn an angle to the right of 89 degrees 45 minutes 26 seconds and run northeasterly for 180.56 feet to the point of beginning.

Situated in Shelby County, Alabama.

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