

**SEND TAX NOTICES TO:**  
**FFCA Acquisition Corporation**

**WARRANTY DEED**

STATE OF ALABAMA  
COUNTY OF SHELBY

853,517

**KNOW ALL MEN BY THESE PRESENTS**, that in consideration of the sum of Ten and no/100 Dollars and other valuable consideration to the undersigned grantors, in hand paid by the grantee herein, the receipt of which is hereby acknowledged, WEN-Alabama, Inc., an Alabama corporation (herein referred to as "Grantor"), hereby grants bargains, sells, and conveys unto FFCA Acquisition Corporation, a Delaware corporation (herein referred to as "Grantee"), the following described real estate situated in Shelby County, Alabama, to wit:

The property described on Exhibit "A" attached hereto and incorporated herein by this reference.

**Subject to:**

1. Declaration of easements, covenants and restrictions as recorded in Instrument #1994-8120 and Instrument #1994-10053.
2. Rights of other parties in and to the use of the non-exclusive easement for ingress egress described in Exhibit A. (Parcel III)
3. Taxes due and payable October 1, 1994. Taxes due for subsequent years not yet due and payable.

**TO HAVE AND TO HOLD** the described premises to Grantee, its successors and assigns forever.

**AND THE GRANTOR** does for itself and its successors and assigns, covenant with said Grantee, its successors and assigns, that Grantor is lawfully seized in fee simple of the premises, that they are free from all encumbrances, unless otherwise noted above, that Grantor has good right to sell and convey the same as aforesaid, and that Grantor will and its successors and assigns shall warrant and defend same to said Grantee, its successors and assigns forever, against the lawful claims of all persons.

**IN WITNESS WHEREOF**, the Grantor has signed and sealed this Deed on the 27th day of October, 1994.

WEN-Alabama, Inc.

By: Rick Ryne  
(Its PRESIDENT)

Attest: John L. [Signature]  
(Its VP - Finance)

[ACKNOWLEDGEMENT ON NEXT PAGE]

Inst # 1994-32577

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11/01/1994-32577  
08:40 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 870.00

Ret to Lawyers T.F/c

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## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL I

Commence at the Northwest corner of the Southeast  $\frac{1}{4}$  of Section 31, Township 19 South, Range 2 West, thence run in an Easterly direction along the North line of the Southeast  $\frac{1}{4}$  for a distance of 329.53', thence turn an angle to the right of 60 degrees 17' 38" and run in a Southeasterly direction for a distance of 1009.25' to the point of beginning, from the point of beginning thus obtained continue along the last described course for a distance of 250.00' to a point on the Northwest right of way of Alabama Highway No. 119, thence run an angle to the right of 88 degrees 6' 12" and run in a Southwesterly direction along the Northwest right of way for a distance of 160.00' thence turn an angle to the right of 91 degrees 53' 48" and run in a Northwesterly direction for a distance of 250.00', thence turn an angle to the right of 88 degrees 6' 12" and run in a Northeasterly direction for a distance of 160.00' to the point of beginning.

#### PARCEL II

A SLOPE EASEMENT OVER THE FOLLOWING DESCRIBED PARCEL: Commence at the Northwest corner of the Southeast  $\frac{1}{4}$  of Section 31, Township 19 South, Range 2 West, thence run in an Easterly direction along the North line of the Southeast  $\frac{1}{4}$  for a distance of 329.53 feet; thence turn an angle to the right of 60 degrees, 17 minutes, 38 seconds and run in a Southeasterly direction for a distance of 979.25 feet to the point of beginning; thence 88 degrees 06 minutes, 12 seconds right in a Southwesterly direction for a distance of 220 feet; thence 88 degrees, 06 minutes, 12 seconds left in a Southeasterly direction for a distance of 280 feet to a point on the Northwesterly right of way line of Alabama Hwy #119; thence 91 degrees, 53 minutes, 48 seconds left in a Northeasterly direction and along said right of way line for a distance of 60 feet; thence 88 degrees 06 minutes, 12 seconds left in a Northwesterly direction for a distance of 250 feet; thence 88 degrees, 06 minutes, 12 seconds right in a Northeasterly direction for a distance of 160 feet; thence 88 degrees, 06 minutes, 12 seconds left in a Northwesterly direction for a distance of 30 feet to the point of beginning.

#### PARCEL III

A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PARCEL: Commence at the Northwest corner of the Southeast  $\frac{1}{4}$  of Section 31, Township 19 South, Range 2 West, thence run in an Easterly direction along the North line of the Southeast  $\frac{1}{4}$  for a distance of 329.53 feet; thence turn an angle to the right of 60 degrees, 17 minutes, 38 seconds and run in a Southeasterly direction for a distance of 979.25 feet; thence 88 degrees, 06 minutes, 12 seconds right in a Southwesterly direction for a distance of 220 feet; thence 88 degrees 06 minutes 12 seconds left in a Southeasterly direction for a distance of 215 feet to the point of beginning; thence continue along last described course a distance of 65 feet to a point on the Northwesterly right of way line of Alabama Hwy #119; thence 91 degrees, 53 minutes, 48 seconds left in a Northeasterly direction and along said right

of way line for a distance of 60 feet; thence 88 degrees, 06 minutes, 12 seconds left in a Northwesterly direction for a distance of 65 feet; thence 91 degrees, 53 minutes, 48 seconds left in a Southwesterly direction for a distance of 60 feet to the point of beginning.

Together with rights granted pursuant to that certain Declaration of Easements, Covenants and Restrictions recorded at Real Instrument # 1994-08120, and that certain agreement for Easement Appurtenant and Profit A Prendre recorded in Instrument # 1994-08121, all in the Office of the Judge of Probate, Shelby County, Alabama.

STATE OF \_\_\_\_\_ )  
COUNTY \_\_\_\_\_ )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Rich Reynolds, whose name as President of WEN-Alabama, Inc., 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, he/she, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in his/her capacity as aforesaid.

Given under my hand and official seal, this the 27th day of October, 1994.

David Payne  
NOTARY PUBLIC

My Commission Expires: 3/31/96

THIS INSTRUMENT PREPARED BY:  
Anne R. Strickland, Attorney at Law  
1855 Data Drive, Suite 115  
Birmingham, AL 35244  
(205) 733-8555

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