

TERMINATION OF TENANCY IN COMMON OPERATING AGREEMENT

This Termination of Tenancy in Common Operating Agreement is entered into by and between **INTERSTATE RESTAURANT INVESTORS**, an Alabama General Partnership (hereinafter "Interstate") and **FRANK C. ELLIS, JR.** (hereinafter "Ellis").

WHEREAS, Interstate and Ellis have entered into two Tenancy in Common Operating Agreements (hereinafter "Agreements") which are recorded as Instrument # 1993-21695 and Instrument # 1993-23544, in the Office of the Judge of Probate of Shelby County, Alabama.

WHEREAS, Interstate and Ellis now desire to transfer the property subject to the Agreements, and cancel and terminate the Agreements.

NOW THEREFORE, for and in consideration of the premises, Ten and no/100 (\$10.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed by Interstate and Ellis that the Agreements are hereby terminated, and no longer shall be in effect.

IN WITNESS WHEREOF, we have hereunto set out hands and seals this 29 day of December, 1994.

INTERSTATE:

INTERSTATE RESTAURANT INVESTORS

By:

William R. Roberts
(Its General Partner)

ELLIS:

Frank C. Ellis, Jr.
Frank C. Ellis, Jr.

Termination 12/27/94 3:57pm

12/29/1994-37695
01:00 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
002 MCD 11.00

Inst # 1994-37695

Interstate

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that William B. ROBERTSON whose name as General Partner of INTERSTATE RESTAURANT INVESTORS an Alabama General Partnership, 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, as such general partner and with full authority, executed the same voluntarily, as an act of said partnership, acting in his capacity as aforesaid.

Given under my hand and official seal this 29 day of December, 1994.


NOTARY PUBLIC

My Commission Expires: 3.1.98

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Frank C. Ellis, Jr., whose name 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 29 day of December, 1994.


NOTARY PUBLIC

My Commission Expires: 3.1.98

THIS INSTRUMENT PREPARED BY:
WILLIAM B. HAIRSTON, III
ENGEL, HAIRSTON & JOHANSON, P. C.
P. O. Box 370027
Birmingham, AL 35237
(205) 328-4600

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