

This Instrument Prepared By:  
James F. Burford, III  
Attorney at Law  
Suite 200, 100 Vestavia Office Park  
Birmingham, Alabama 35216

Send Tax Notice To:  
UNION STATE BANK  
3449 LORNA ROAD  
BIRMINGHAM, AL.  
35216

**WARRANTY DEED**

STATE OF ALABAMA )

SHELBY COUNTY )

**KNOW ALL MEN BY THESE PRESENTS:** That in consideration of Four Hundred Thousand and No/100 Dollars (\$400,000.00), to the undersigned Grantor (whether one or more), in hand paid by the Grantee herein, the receipt whereof is acknowledged, we, INTERSTATE RESTAURANT INVESTORS, AN ALABAMA GENERAL PARTNERSHIP and FRANK C. ELLIS, JR., a married man (herein referred to as Grantor, whether one or more), grant, bargain, sell and convey unto UNION STATE BANK, (herein referred to as Grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

SEE EXHIBITS "A" AND "B" FOR LEGAL DESCRIPTION

SUBJECT TO: (1) Taxes due in the year 1995 and thereafter, however, Grantor, for themselves, their heirs, successors and assigns, covenant and agree to pay any "current use rollback" affecting the property conveyed herein in the future; (2) Easements, restrictions and rights-of-way of record.

The property conveyed herein is not the homestead of Frank C. Ellis, Jr. or his wife.

That certain agreement (the "Agreement") between Grantor and Grantee bearing even date herewith and recorded in 1995-04564 with the Office of the Judge of Probate of Shelby County is hereby incorporated by reference herein and all of the terms and provisions contained in such agreement shall be deemed to be included in this deed.

TO HAVE AND TO HOLD to the said Grantee, its successors and assigns forever.

And we do for ourselves and for our heirs, executors and administrators, covenant with said Grantee, its successors and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that we have a good right to sell and convey the same as aforesaid; that we will, and our heirs, executors and administrators shall warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, INTERSTATE RESTAURANT INVESTORS, AN ALABAMA GENERAL PARTNERSHIP has hereunto set its hand and seal, this the 20 day of February, 1995.

INTERSTATE RESTAURANT INVESTORS,  
AN ALABAMA GENERAL PARTNERSHIP

By: [Signature]  
Its: General Partner

FRANK C. ELLIS, JR. [Signature]

By: [Signature]  
John G. Benner  
His: Attorney-in-Fact

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JOHN G. BENNER, whose name as General Partner of INTERSTATE RESTAURANT INVESTORS, AN ALABAMA GENERAL PARTNERSHIP, a partnership, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and seal this 20 day of FEBRUARY, 1995.

[Signature]  
Notary Public  
My Commission Expires: 3-1-98

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public, in and for said County and in said State, hereby certify that JOHN G. BENNER, as Attorney-in-Fact for FRANK C. ELLIS, JR., is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that, being informed of the contents of said instrument, he has executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 20 day of February, 1995.

[Signature]  
Notary Public  
My Commission Expires: 3-1-98

# EXHIBIT A<sup>1</sup>

## LEGAL DESCRIPTION

A parcel of land situated in the Southwest Quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the Southeast corner of the Southwest Quarter of Section 31, Township 19 South, Range 2 West; thence run north along the Quarter line 506.79 feet; thence left  $121^{\circ}25'36''$  run in a southwesterly direction 1325.96 feet; thence right  $129^{\circ}39'13''$  run in a northerly direction 359.51 feet; thence left  $90^{\circ}00'00''$  run in a westerly direction 319.00 feet, to the Easterly right-of-way of U.S. Highway No. 31; thence right  $90^{\circ}00'00''$  run in a northerly direction along said right-of-way 131.39 feet to the point of beginning; thence continue along last stated course 140.00 feet; thence right  $45^{\circ}59'33''$  run in a northeasterly direction along said right-of-way 110.03 feet to the right-of-way of Alabama Highway No. 119 which is on a curve to the left, said curve having a central angle of  $02^{\circ}49'12''$  and a radius of 1949.89 feet, thence turn an angle to tangent to the right of  $42^{\circ}47'00''$  run along the arc of said curve 95.97 feet in an easterly direction along the right-of-way of Alabama Highway No. 119; thence turn an angle to tangent to the right of  $94^{\circ}02'39''$  and leaving said right-of-way run in a southerly direction 220.85 feet; thence right  $90^{\circ}00'00''$  run in a westerly direction 175.00 feet to the point of beginning and containing 34,973.68 square feet more or less.

USB BANK PARCEL

**EXHIBIT "B" TO DEED FROM  
INTERSTATE RESTAURANT INVESTORS, AN ALABAMA GENERAL PARTNERSHIP  
AND FRANK C. ELLIS, JR. TO  
UNION STATE BANK**

Grantor also grants, bargains, sells and conveys to Grantee, on a non-exclusive basis, all of Grantor's right, title and interest in the Property described on Exhibits "B-1", "B-2" and "B-3" attached hereto and incorporated by reference herein. Grantor's rights in such Property arise from easements recorded, or to be recorded, in the Office of the Judge of Probate of Shelby County, Alabama, and Grantor's rights and obligations with respect to such easements arise from the said easements, which easements are incorporated by reference herein.

Grantor also grants, bargains, sells and conveys to Grantee, any necessary rights Grantee requires for storm drainage over and across the property described on Exhibit "C" attached hereto and incorporated by reference herein; *THE LOCATION OF WHICH SHALL BE DESIGNATED BY GRANTOR.*

This conveyance is subject to that certain 5' utility easement set forth in the Agreement.

# EXHIBIT B-1

## MUTUAL INGRESS - EGRESS UTILITY EASEMENT

The following is a description of an Ingress - Egress Utility Easement in perpetuity and being more particularly described as follows:

Commence at the Southeast corner of the Southwest Quarter of Section 31, Township 19 South, Range 2 West; thence run north along the Quarter line 506.79 feet; thence left  $121^{\circ}25'36''$  run in a southwesterly direction 1325.96 feet; thence right  $129^{\circ}39'13''$  run in a northerly direction 359.51 feet; thence continue on last stated course 297.82 feet to the point of beginning; thence right  $90^{\circ}00'00''$  run in an easterly direction 30.00 feet; thence left  $90^{\circ}00'00''$  run in a northerly direction 74.63 feet to a point on the south right-of-way of Alabama Highway No. 119, said point being on a curve to the right said curve having a central angle of  $01^{\circ}46'55''$  and a radius of 1949.89 feet, turn left  $99^{\circ}11'45''$  to tangent and run along the arc of said curve and said right-of-way in a westerly direction 60.08 feet; thence left  $82^{\circ}35'10''$  to tangent and leaving said right-of-way run in a southerly direction 65.87 feet; thence left  $90^{\circ}00'00''$  run in an easterly direction 30.0 feet to the point of beginning.

Johnson Access Easement

EXHIBIT B-2  
Page 1 of 2

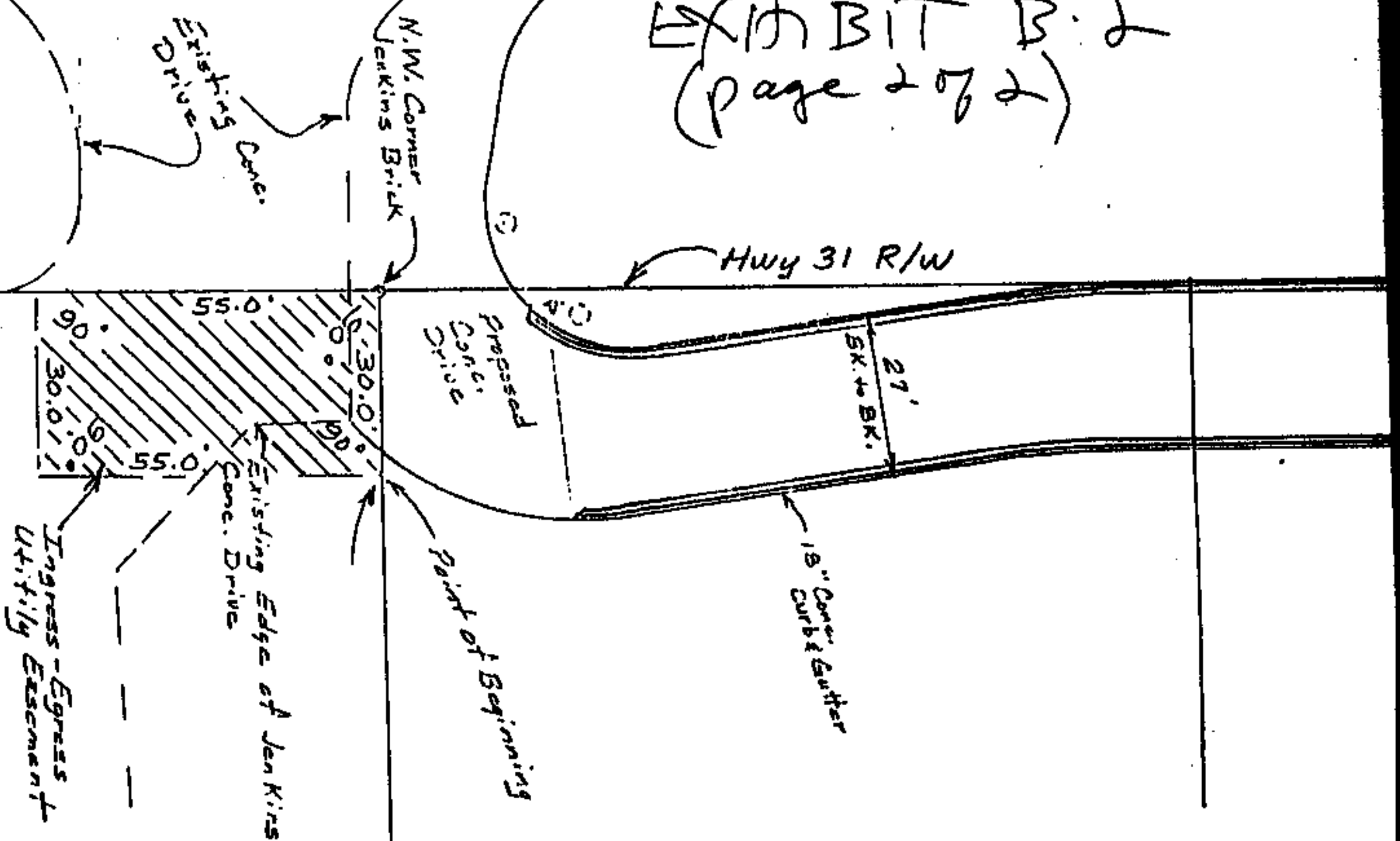
**LEGAL DESCRIPTION FOR INGRESS - EGRESS UTILITY EASEMENT**

Commence at the Southeast corner of the Southwest Quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama; thence run North along the Quarter line 506.79 feet; thence left  $121^{\circ}25'36''$ , 1325.96 feet; thence right  $129^{\circ}39'13''$ , 359.51 feet; thence left  $90^{\circ}00'$ , 289.00 to the point of beginning of said easement; thence continue on last stated course 30 feet to the Easterly Right-of-Way of U.S. Highway 31 and to the Northwest corner of the property conveyed to Jenkin's Brick; thence left  $90^{\circ}00'$ , 55.0 feet Southerly along said R.O.W.; thence  $90^{\circ}00'00''$  left and leaving said Right-of-Way run Easterly 30.0 feet; thence  $90^{\circ}00'00''$  left 55.0 feet to the point of beginning.

Legal & Map  
for Easement  
across Jenkin's



EXHIBIT B.2  
(page 2 of 2)



**LEGAL DESCRIPTION FOR INGRESS - EGRESS UTILITY EASEMENT**

Commence at the Southeast corner of the Southwest Quarter of Section 31 Township 19 South, Range 2 West, Shelby County, Alabama; thence run North along the Quarter line 506.79 feet; thence left  $121^{\circ}25'36''$ , 1325.96 feet; thence right  $129^{\circ}39'13''$ , 359.51 feet; thence left  $90^{\circ}00'$ , 289.00 to the point of beginning of said easement; thence continue on last stated course 30 feet to the Easterly Right-of-Way of U.S. Highway 31 and to the Northwest corner of the property conveyed to Jenkin's Brick; thence left  $90^{\circ}00'$ , 55.0 feet Southerly along said R.O.W. thence  $90^{\circ}00'00''$  left and leaving said Right-of-Way run Easterly 30.0 feet; thence  $90^{\circ}00'00''$  left 55.0 feet to the point of beginning;

Jenkin's Brick Property

289.0'

Johnson Property

Scale: 1"=30'

N.E. Corner of Jenkin's Brick

# EXHIBIT B-3

Storm Water Easement from the Johnson Estate  
to I.R.I.

The following is a legal description of a blanket  
storm water easement on the property as described:

A parcel of land containing 4.71 Acres, more or less, located in the SW Quarter of Section 31, Township 19 South, Range 3 West and the NW Quarter of Section 6, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southeast corner of the Southwest Quarter of said Section 31; thence run Northerly along the Quarter line 506.80 feet; thence left  $121^{\circ}25'36''$  Southwesterly, 816.37 feet to the Point of Beginning; thence continue along the same course Southwesterly 509.59 feet; thence right  $129^{\circ}39'13''$ , 727.32 feet to the Southerly Right-of-Way of Alabama Highway No. 119; thence right  $77^{\circ}47'41''$  to the chord of a curve to the left with a central angle of  $7^{\circ}49'07''$ , a radius of 1949.89 feet and a chord length of 265.88; thence run along said R.O.W. and the arc of said curve 266.09 feet; thence an interior angle left of  $93^{\circ}55'$  from said chord, 477.12 feet to the Point of Beginning.



EXHIBIT ~~1~~ 'C'

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A parcel of land located in the Southwest Quarter of Section 31, Township 19 South; Range 2 West and the Northwest Quarter of Section 6, Township 20 South, Range 2 West, Shelby County, Alabama; more particularly described as follows:

Commence at the Southeast corner of the Southwest Quarter of Section 31; thence run North along the Quarter line 506.79 feet; thence left  $121^{\circ}25'36''$ , 1325.96 feet; thence right  $129^{\circ}39'13''$ , 359.51 feet to the point of beginning; thence left  $90^{\circ}00'$ , 319.00 feet to the easterly right of way of U.S. Highway 31; thence right  $90^{\circ}00'$ , 271.39 feet northerly along said right of way; thence right  $45^{\circ}59'33''$ , 110.03 feet to the right of way of Alabama Highway No. 119; thence an interior angle left of  $140^{\circ}45'20''$  to the chord of a curve to the left with a radius of 1949.89 feet and a central angle of  $7^{\circ}04'37''$ ; thence run along the arc of said curve 240.84 feet along the Highway 119 right of way; thence an interior angle left from said chord of  $85^{\circ}14'14''$ , 367.82 feet to the point of beginning.

*Johnson. entire parcel*

Inst # 1995-04570

02/21/1995-04570  
03:56 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
009 MCD 428.50