

LANDLORD'S WAIVER AND CONSENT

✓ 39 West Oxmoor Rd.

Address

✓ B'ham, Al.

City & State

✓ 4/12/95

Date

TO: First Alabama Bank

LESSOR

Whereas the above lessor has entered into a lease contract with Higginbotham Oil Company, Inc.

Lessee, for the rental of See Attached Equipment Schedule
(Full description of rented items)

hereinafter referred to as the "Equipment" now or to be installed or kept at:

Hwy 116 South Alabaster, Alabama

(Full local address of equipment location, including city & state)

the undersigned landlord of the said premises, in consideration of the said contract and the delivery of said "Equipment" to the Lessee by these presents, consents to said installation and does waive and relinquish unto the Lessor and assigns, all right of levy for rent or mortgage payments and all claims and demands of every kind against the said "Equipment" now or to be installed under said contract. This waiver is to continue until full compliance by the Lessee with all the terms and conditions of said contract. The undersigned landlord also disclaims any ownership or other interest in subject equipment and in other equipment that may be added from time to time, even though said equipment may become attached to the real property or become a fixture thereof. The undersigned agrees that said "Equipment" shall not become part of the real estate owned by landlord and may be removed and repossessed by the Lessor and assigns at any time without any liability to Lessor.

WITNESS my (our) hand(s) and seal(s) the day and year above written.

✓ Samuel E. Ellis
Landlord

Signed and delivered in the presence of:

✓ Charles R. Cooper

NOTARY PUBLIC STATE AT LARGE, ALABAMA
MY COMMISSION EXPIRES JUNE 11, 1995

Inst # 1995-13385

05/22/1995-13385
12:55 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 SNA 11.00

EQUIPMENT FOR ALABASTER SHELL :

- 4 - Gilbarco Advantage MPD Blenders
- 4 - Gilbarco Crind(Card Readers)
- 24- Nozzles, swivels & breakaways
- 1 - Duro Air/Water Separator
- 1 - Canopy w/24 box lights
- 1 - Lot Miscellaneous parts & fittings

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QTY. ORDERED	QTY. SHIPPED	QTY. BACK ORDERED	ITEM NO.	DESCRIPTION
1				10' x 28' WALK-IN COOLER WITH WHITE SERVICE DOOR WHITE INSIDE
1				SET OF (10) 30" x 67" GLASS DOORS WITH SHELVES AND POSTS
1				5 HP CONDENSING UNIT WITH 2 EVAPORATOR COILS AND ALL CONTROLS
1				MANITOWOC ICE MAKER WITH REMOTE CONDENSER AND STORAGE CABINET
1				8' ICE CREAM CABINET
1				GDM-23 GLASS DOOR COOLER
1				MERCO 2 TIER WARMER
1				SET OF SHELVES FOR SALES COUNTER
1				LANG CONVECTION OVEN
1				OUTDOOR ICE MERCHANDISER
1				3 COMPARTMENT SINK WITH DRAINBOARDS & FAUCET
1				70' SLOT WALL BOARD
1				LOT OF STORE SHELVING
1				SET OF CUSTOM LETTERS
1				CUSTOM BUILT SALES COUNTER
1				CUSTOM BUILT FAST FOOD COUNTER
1				CUSTOM BUILT CONSOLE COUNTER
				TOTAL