

STATE OF ALABAMA)
COUNTY OF SHELBY)

This instrument was prepared by
Edward P. Meyerson
2125 Morris Avenue
Birmingham, AL 35203

VERIFIED CLAIM OF LIEN

Taylor & Miree Construction, Inc., a corporation qualified under the laws of the State of Delaware, by and through Ben K. Miree, its Chairman and C.E.O., who has personal knowledge of the facts herein set forth, files this statement in writing, verified by his oath. Taylor & Miree Construction, Inc. claims a lien on the leasehold interest upon certain real property located at 4701 Highway 280, Birmingham, Alabama, and situated in Shelby County, Alabama, more particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT A

This lien is claimed, separately and severally, as to the land, buildings and improvements thereon to the extent of the entire lot or parcel which is contained within a city or town. If said land is not within a city or town, this lien is claimed, separately and severally, as to the buildings and improvements located on the above-described real property, plus one (1) acre of land surrounding and contiguous thereto.

This lien is claimed on the above mentioned land, buildings and improvements to secure the indebtedness owed by Phillip R. Barbaree and Bob Kirchoff in the amount of TWO HUNDRED THIRTY FOUR THOUSAND SEVEN HUNDRED FORTY TWO AND 25/100 DOLLARS (\$234,742.25), said sum being due and owing after all credits have been given, from the 1st day of November, 1995, and which sum, plus attorney fees and interest thereon, is presently due and unpaid.

01/24/1996-02472

12:23 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

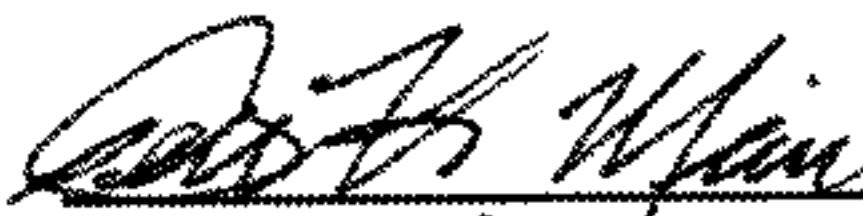
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Inst # 1996-02472

This sum of money is due and owing for materials and labor supplied by Taylor & Miree Construction, Inc. said materials and labor being used for the construction of the buildings and improvements on the above-described real property.

The owners or proprietors of the above-described real property are: Mildred V. Green and Albert H. Green, Deceased.

TAYLOR & MIREE CONSTRUCTION, INC.

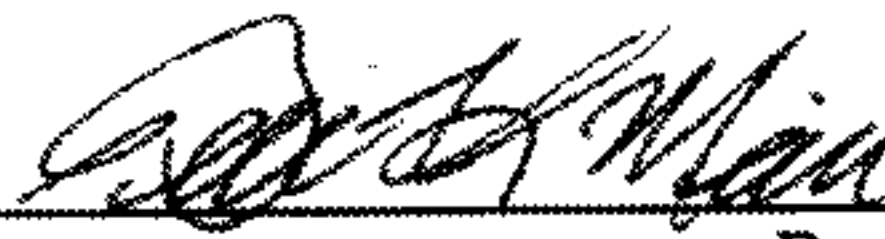
By: 
Ben K. Miree

Its: ~~C. H. Miree~~ and C.E.O.

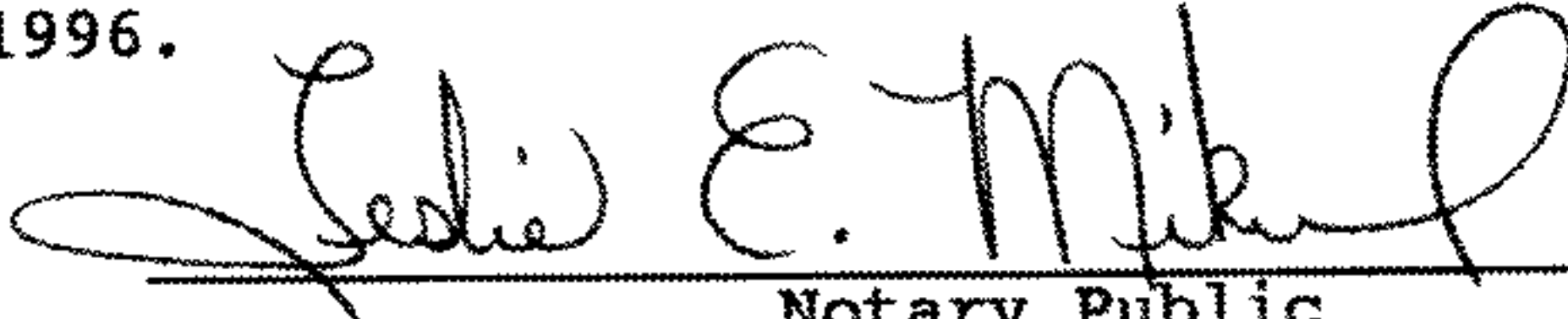
STATE OF ALABAMA)

COUNTY OF JEFFERSON)

Before me, the undersigned, a Notary Public, in and for the County of Jefferson, State of Alabama, personally appeared Ben K. Miree, who being duly sworn, deposes and says as follows: That he has personal knowledge of the facts set forth in the foregoing statement of lien and that the same are true and correct to the best of his knowledge, information and belief.


Ben K. Miree

Sworn to and Subscribed before me on this 22 day of January, 1996.


Notary Public

My Commission Expires: 1-19-98

EXHIBIT "A"

* Begin at the SE corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 36, Township 18 South, Range 2 West; thence west along south line 1131.6 feet to iron pin; thence right 31° 300 feet; thence right and run northeasterly direction to the NE corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ thence south to point of beginning. Situated in Shelby County, Alabama.

Less and except Lot 2 according to Greenhill by the Lake unrecorded map in the Probate Office of Shelby County, Alabama.

Main 0123 412

EXHIBIT A TO LEASE AGREEMENT

BETWEEN

MRS. ALBERT HUEY GREEN, LESSOR, AND
SHONEY'S SOUTH, INC., LESSEE
DATED January 18, 1985

A part of the SW1/4 of the NE1/4, NW1/4 of the SE1/4 of Section 36, Township 18S, Range 2 West, Shelby County, Alabama, more particularly described as follows. From the Southeast Corner of said SW1/4 of the NE1/4; thence west along the south quarter section line of said SW1/4 of the NE1/4 959.23 feet, to point of beginning; thence right 90° northerly 95.0 feet; thence left 45° northwesterly 177.0 feet; thence right 43°30' northerly 75.00' to the southeast right of way of a proposed road; thence left 126°38'19" along said right of way southerly 138.32', to point of a curve; thence continue along curve of said right of way having a curve radius of 377.81 feet an arc length 150.36 feet, a delta angle of 22°48'11" a tangent of 76.19 feet, to the northeast right of way of U.S. Highway No. 280; thence left 90° to tangent of said curve southeasterly along a chord of the northeast right of way of said U.S. Highway 280, 235.0 feet; thence left 91°54'15" from said chord northeasterly 54.50 feet to the south quarter section line of said SW1/4 of the NE1/4; thence right 62°50'45" easterly 60.90 feet along said quarter section to point of beginning. Said property containing 1.08 acres, more or less.



Remote Parking Lot

Exhibit "A"
to Lease Agreement (describing the Land)

DESCRIPTION OF PROPERTY SURVEYED AND SHOWN HEREON:

PARCEL 1: BEING A PART OF THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, AND RUN WEST ALONG THE SOUTH LINE OF SAID 1/4 SECTION A DISTANCE OF 1,020.17 FEET; THENCE TURN AN ANGLE TO THE LEFT OF 82°-50'-46" AND RUN SOUTHWESTERLY FOR 54.50 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280, SAID POINT BEING ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 5,639.58 FEET AND SUBTENDING A CENTRAL ANGLE OF 03°-18'-10"; THENCE TURN AN ANGLE TO THE RIGHT OF 91°-16'-35" TO BECOME TANGENT WITH SAID CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280 FOR 325.08 FEET TO THE POINT OF BEGINNING. SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280 AND THE NORTHERLY RIGHT OF WAY LINE OF GREENHILL PARKWAY, AS RECORDED IN REAL BOOK 008, PAGE 148, SHELBY COUNTY, ALABAMA; SAID POINT IS ALSO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 5,639.58 FEET AND SUBTENDING A CENTRAL ANGLE OF 00°-46'-05"; THENCE RUN ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280 FOR 73.99 FEET TO A POINT. SAID POINT BEING THE SOUTHEAST CORNER OF PROPERTY RECORDED IN REAL BOOK 051, PAGE 40, SHELBY COUNTY, ALABAMA; THENCE TURN AN ANGLE TO THE RIGHT OF 108°-02'-17" FROM THE TANGENT OF SAID CURVE AND RUN NORTHEASTERLY FOR 156.71 FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF LOT 3, COLONIAL PROPERTIES SUBDIVISION, AS RECORDED IN MAP BOOK 8, PAGE 138 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA; THENCE TURN AN ANGLE TO THE RIGHT OF 90°-08'-24" AND RUN SOUTHEASTERLY FOR 104.88 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID GREENHILL PARKWAY, SAID POINT BEING ON A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 670.14 FEET AND SUBTENDING A CENTRAL ANGLE OF 11°-13'-50"; THENCE TURN AN ANGLE TO THE RIGHT OF 104°-25'-36" TO BECOME TANGENT TO SAID CURVE; THENCE RUN ALONG THE ARC OF SAID CURVE AND ALONG SAID GREENHILL PARKWAY RIGHT OF WAY FOR 151.86 FEET TO THE END OF SAID CURVE; THENCE TURN AN ANGLE TO THE RIGHT OF 90°-00'-00" FROM TANGENT OF SAID CURVE AND RUN NORTHWESTERLY FOR 15.00 FEET ALONG SAID GREENHILL PARKWAY RIGHT OF WAY TO A POINT; THENCE TURN AN ANGLE TO THE LEFT OF 00°-00'-00" AND RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID GREENHILL PARKWAY FOR 178.92 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 422.87 FEET AND SUBTENDING A CENTRAL ANGLE OF 17°-23'-45"; THENCE RUN ALONG THE ARC OF SAID CURVE AND THE NORTHERLY RIGHT OF WAY LINE OF SAID GREENHILL PARKWAY FOR 128.30 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 32,078.18 SQUARE FEET, MORE OR LESS, OR 0.74 ACRES, MORE OR LESS.

GREENHILL PARKWAY Rtg Way

Exhibit "B"
to Lease Agreement (describing the Ingress and
Egress Easement for the Land)

DESCRIPTION OF INGRESS AND EGRESS EASEMENT

BEING A PART OF THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, AND RUN WEST ALONG THE SOUTH LINE OF SAID 1/4 1/4 SECTION A DISTANCE OF 1,020.17 FEET; THENCE TURN AN ANGLE TO THE LEFT OF 62°-30'-43" AND RUN SOUTHWESTERLY FOR 54.50 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280, SAID POINT BEING ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 5,639.58 FEET AND SUBTENDING A CENTRAL ANGLE OF 62°-23'-16"; THENCE TURN AN ANGLE TO THE RIGHT OF 91°-16'-35" TO BECOME TANGENT WITH SAID CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280 FOR 235.02 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280 AND THE SOUTHERLY LINE OF THE ROADWAY INGRESS AND EGRESS EASEMENT FOR GREENHILL PARKWAY. AS RECORDED IN DEED BOOK 046, PAGE 148, THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA; THENCE FROM TANGENT OF SAID CURVE OF U.S. HIGHWAY 280 TURN 91°-23'-26" RIGHT TO BECOME TANGENT A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 177.81 FEET AND SUBTENDING A CENTRAL ANGLE OF 12°-27'-01"; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHERLY EASEMENT LINE FOR 148.04 FEET TO THE END OF SAID CURVE; THENCE AT TANGENT TO SAID CURVE RUN NORTHEASTERLY ALONG SAID SOUTHERLY EASEMENT LINE FOR 138.32 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 610.14 FEET AND SUBTENDING A CENTRAL ANGLE OF 15°-21'-38"; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHEASTERLY EASEMENT LINE FOR 174.22 FEET; THENCE 90°-00'-00" LEFT FROM THE TANGENT OF SAID CURVE AND RUN NORTHWESTERLY FOR 50.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID EASEMENT, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PARCEL II OF A SURVEY RUN BY JOSEPH A. MILLER, JR., P.E. & F.L.S., ALA. REG. #2875, MILLER TRIPLETT & MILLER ENGINEERS, INC., ON 05-22-95, SAID POINT ALSO BEING ON A CURVE TO THE LEFT; THENCE 87°-22'-16" LEFT TO BECOME TANGENT TO SAID CURVE, SAID CURVE HAVING A RADIUS OF 670.14 FEET AND SUBTENDING A CENTRAL ANGLE OF 05°-07'-48"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHERLY LINE OF SAID EASEMENT AND ALONG THE SOUTHERLY LINE OF SAID PARCEL II FOR 60.00 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID PARCEL II AND ALSO THE MOST EASTERLY CORNER OF PARCEL 2 OF SAID SURVEY OF SAID JOSEPH A. MILLER, JR., SAID POINT BEING AT THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 670.14 FEET AND SUBTENDING A CENTRAL ANGLE OF 11°-13'-50"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHERLY LINE OF SAID EASEMENT AND ALONG SAID PARCEL I FOR 121.35 FEET TO THE END OF SAID CURVE; THENCE FROM TANGENT OF SAID CURVE TURN 90°-00'-00" RIGHT AND RUN NORTHWESTERLY ALONG SAID PARCEL I AND ALONG THE NORTHERLY LINE OF SAID EASEMENT FOR 15.00 FEET; THENCE 90°-00'-00" LEFT AND RUN SOUTHWESTERLY ALONG SAID EASEMENT AND ALONG SAID PARCEL I FOR 175.32 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 422.57 FEET AND SUBTENDING A CENTRAL ANGLE OF 17°-23'-48"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASEMENT LINE AND ALONG SAID PARCEL I FOR 128.30 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL I, SAID POINT ALSO BEING THE INTERSECTION OF SAID NORTHEASTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 280 AND THE NORTHERLY LINE OF SAID GREENHILL PARKWAY EASEMENT; THENCE FROM TANGENT OF SAID CURVE OF GREENHILL PARKWAY TURN 87°-16'-13" LEFT TO BECOME TANGENT TO A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 5,639.58 FEET AND SUBTENDING A CENTRAL ANGLE OF 06°-54'-34"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE RIGHT OF WAY OF U.S. HIGHWAY 280 FOR 90.06 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 14,072.39 SQUARE FEET, MORE OR LESS, OR 0.78 ACRES, MORE OR LESS.

11(19)12/13-19-76.en1

Less and except the northeasterly 60 feet of the above described property, said excepted property fronting Parcel II of the property described in the survey of the Land and other property prepared by Miller, Triplett and Miller Engineers, Inc., dated May 22, 1995.

Inst # 1996-02472

01/24/1996-02472
12:23 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE