

STATE OF ALABAMA )  
SHELBY COUNTY)

**SHORT FORM LEASE**

This Short Form Lease is made by and between **INTERSTATE RESTAURANT INVESTORS and FRANK C. ELLIS, JR.**, ("Lessor") and **MONTCLAIR RESTAURANT, INCORPORATED** ("Lessee") as of the 19<sup>th</sup> day of September, 1996.

**RECITALS**

A. Lessor is the owner of that certain real property in Shelby County, Alabama; and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "Demised Premises").

B. Lessor and Lessee have entered into a Lease Agreement (the "Lease"), dated as of the date hereof, pursuant to which Lessee agreed to lease from Lessor, and Lessor agreed to lease to Lessee, the Demised Premises for any lawful purpose not inconsistent and/or incongruous with authorized usage under the current zoning classification of the Demised Premises.

C. Lessor and Lessee desire to enter into this Short Form Lease for the purpose of evidencing the Lease and giving public notice of its existence.

**NOW, THEREFORE**, in consideration of the premises and for other valuable consideration, Lessor and Lessee hereby agree as follows:

1. Subject to the Lease, Lessor has leased to Lessee the Demised Premises, for an initial Lease Term of 20 years, which initial term is due to commence the earlier of (a) November 1, 1996 or (b) the day on which Lessee actually opens for business. Subject to the Lease, Lessee shall have four (4) additional periods and each shall be for a term of five (5) years.
2. As more fully set forth in the Lease, the addresses of Lessor and Lessee for the purposes of notices, payments and other communications required or permitted thereunder are as follows:

LESSOR: INTERSTATE RESTAURANT INVESTORS and  
FRANK C. ELLIS, JR.  
100 Vestavia Parkway  
Suite 110  
Birmingham, AL 35216

LESSEE: MONTCLAIR RESTAURANTS, INCORPORATED  
3601 Lorna Ridge Drive  
Suite 100  
Birmingham, AL 35216

or at such other address as may hereafter be designated in writing by either party hereto.

3. All of the terms in the Lease are incorporated herein by reference as if all of such terms were expressly set forth herein and are hereby ratified and confirmed in all respects; and nothing contained in this Short Form Lease shall be construed to amend the Lease.

**ORIGINAL**

09/24/1996-31471  
10:07 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
DOES NOT 142.50

Inst # 1996-31471

Inst 1996-31471

IN WITNESS WHEREOF, the parties hereto have executed this Short Form Lease as of the date shown above.

LESSOR: INTERSTATE RESTAURANT INVESTORS

By: John M. Green  
Its: General Partner

FRANK C. ELLIS, JR.

By: Frank C. Ellis Jr.  
Its: \_\_\_\_\_

LESSEE: MONTCLAIR RESTAURANTS, INCORPORATED

By: Ray W. Robert  
Its: Pres.

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JOHN McGEEVER, Partner, 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 the foregoing instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 13<sup>th</sup> day of September, 1996.

Nona Y. M. Henderson  
Notary Public  
My Commission Expires: May 15, 2000

STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that FRANK C. ELLIS, JR., Partner, 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 the foregoing instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 13<sup>th</sup> day of September, 1996.

Paula Head  
Notary Public  
My Commission Expires: Jan. 19, 2000

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that GREG<sup>G</sup> W. GILBERT, President of MONTCLAIR RESTAURANTS, INCORPORATED, an Alabama Limited Liability Company, 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 the foregoing instrument he, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 19<sup>th</sup> day of September, 1996.

Sandra S. Morgan  
Notary Public  
My Commission Expires: 06-05-98

**ORIGINAL**

EXHIBIT "A" TO GROUND LEASE AGREEMENT  
BY AND BETWEEN MONTCLAIR RESTAURANTS, INCORPORATED ("LESSEE")  
AND  
INTERSTATE RESTAURANT INVESTORS AND FRANK C. ELLIS, JR., ("LESSOR")

STATE OF ALABAMA  
SHELBY COUNTY

A parcel of land situated in the Northwest quarter of the Southeast quarter and the Southwest quarter of the Northeast quarter of Section 2, Township 21 South, Range 3 West, Shelby County Alabama and being more particularly described as follows:

Commence at an iron pin found, purported to be the Northeast corner of the Northwest quarter of the Southeast quarter of said Section 2, Township 21 South, Range 3 West; thence proceed in a Westerly direction, along the North line of the Southeast quarter of said Section 2 for 177.22 feet to THE POINT OF BEGINNING of said parcel; thence with a right interior angle of 81° 43' 01", proceed in a Southeasterly direction, 174.78 feet to an iron pin set; thence with a left interior angle of 120° 11' 47", proceed in a Southwesterly direction, 88.61 feet to an iron pin set; thence with a left interior angle of 89° 58' 47", proceed in a Northwesterly direction, 179.34 feet to an iron pin set; thence with a left interior angle of 149° 49' 26", proceed in a Northwesterly direction, 245.07 feet to an iron pin set; thence with a left interior angle of 91° 58' 42", proceed in a Northeasterly direction, 120.72 feet to the beginning of a curve to the right and on iron pin set, said curve having a central (delta) angle of 1° 58' 42", a radius of 1284.89 feet and an arc length of 44.36 feet; thence proceed in a Northeasterly direction, along the arc of said curve, 44.36 feet to a cross set in concrete curb and the end of said curve; thence with a left interior angle of 90° 00' 00" from the tangent of said previous curve, proceed in a Southeasterly direction, 186.69 feet to THE POINT OF BEGINNING of said parcel.

Parcel contains 57,860 square feet or 1.328 acres, more or less.

I, Jim C. McCullers, A Registered Land Surveyor Of The State Of Alabama, Do Hereby Certify/State That All Parts Of This Survey And Drawing Have Been Substantially Completed In Accordance With The Requirements Of The Minimum Technical Standards For The Practice Of Land Surveying In The State Of Alabama.

Further, That I Have Consulted Federal Flood Hazard Boundary Map, Panel 1416/92 and Have Found That A Portion Of This Parcel Is Situated Within A Special Flood Hazard Zone.  
5-22-96



Jim C. McCullers  
AL LS # 15154

General Notes:

Parcel is situated within the limits of the City of Alabaster.

Surveyor did not conduct a title search and offers no opinion as to title.

Easements or restrictions affecting property may exist of which Surveyor has no knowledge. Surveyor accepts no responsibility for research in this matter.

Elevations shown are based on State of Alabama D.O.T. plans for AL Highway #119 (Project # STPAA-458(2), 1994)

Contour Interval is 1 foot

Underground utility locations are to be considered approximate. Interested parties should contact Miss-Al line location service at Tel. # 205-252-4444 for location of all utilities prior to digging at this site.

P.V.C. conduits are buried under the adjoining frontage road to provide utility connections in the future, they are not connected at this time.

Gas service is provided by ALAGASCO, Tel. # 205-326-8270

Water and sewer service is provided by the City of Alabaster  
Tel. # 205-664-6155 or 205-664-6804

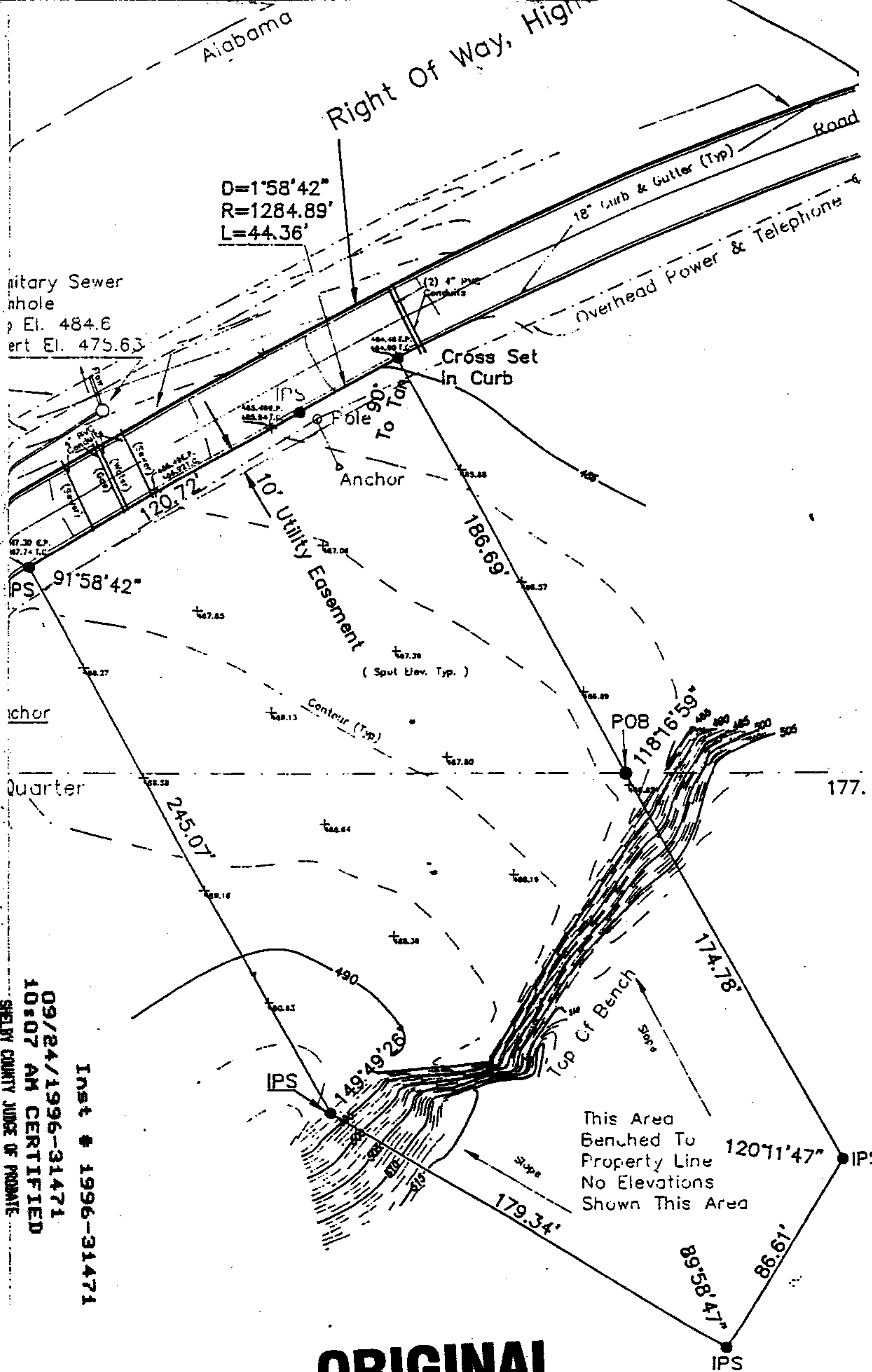
Power is provided by Alabama Power, Tel. # 205-328-8000

Telephone service is provided by BellSouth, Tel. # 205-972-4766  
or 205-657-6000

Other utilities may exist other than shown or mentioned.

McCULLERS-CAPPS & ASSOCIATES, INC.  
Surveyors-Mappers-Consultants  
(205) 941-1519  
85 Rnchy Drive, Suite 108





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