

INST # 1997-42386

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

Send Tax Notice To:

STATUTORY WARRANTY DEED

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That in consideration of ONE HUNDRED FIFTY THREE THOUSAND SEVEN HUNDRED FIFTY and NO/100 Dollars (\$153,750.00), to the undersigned Grantor (whether one or more), in hand paid by the Grantee herein, the receipt whereof is acknowledged, I, FRANK C. ELLIS, JR. a married man (herein referred to as Grantor, whether one or more), grant, bargain, sell and convey unto R. C. OWEN COMPANY, A KENTUCKY CORPORATION (herein referred to as Grantee, whether one or more), an undivided Twenty Five Percent (25%) interest in the following described real estate, situated in Shelby County, Alabama, to-wit:

See Exhibit "A" attached hereto and incorporated by reference herein.

SUBJECT TO: (1) Taxes due in the year 1998 and thereafter; (2) Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 55, Page 586; Deed Book 121, Page 255; Deed Book 148, Page 297; Deed Book 194, Page 31 in Probate Office; (3) Right(s)-of-Way(s) granted to South Central Bell by instrument(s) recorded in Deed Book 285, Page 500 in Probate Office; (4) Easement(s) to Alabama Water Company for gas line as shown by instrument recorded in Deed Book 146, Page 211 in Probate Office; (5) Less and except any part of the land lying within road right of way; (6) Memorandum of Lease dated April 19, 1996 by and between Montclair Restaurants, Inc. and Interstate Restaurant Investors, an Alabama General Partnership/and Frank C. Ellis, Jr. as shown by instrument recorded in Inst. #1996-31471 in Probate Office, and the unrecorded Lease referenced in same; (7) Easement by and between Interstate Restaurant Investors, an Alabama General Partnership/ and Frank C. Ellis, Jr. to the City of Alabaster dated September 20, 1996 as shown by instrument recorded in Inst. #1996-31472 in Probate Office; (8) Dedication of easement by and between Interstate Restaurant Investors, and Alabama General Partnership/ and Frank C. Ellis, Jr. and the City of Alabaster as shown by instrument recorded in Inst. 1996-32900 in Probate Office; (9) Mineral and mining rights and all rights incident thereto are hereby quitclaimed to Grantee but are not warranted.

The Property conveyed herein is not the homestead of the Grantor or his spouse.

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

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal, this the 29 day of December, 1997.

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

Alabama Title

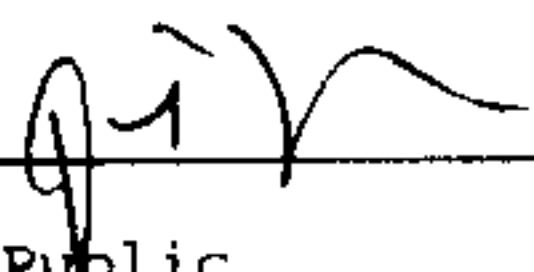
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12/31/1997-42386
10:22 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 167.50

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., 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/she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 29 day of December, 1997.



Notary Public
My Commission Expires 3.1.98

EXHIBIT A

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 61 degrees 43 minutes 01 second, proceed in a southeasterly direction 174.78 feet to an iron pin set; thence with a left interior angle of 120 degrees 11 minutes 47 seconds, proceed in a southwesterly direction, 86.61 feet to an iron pin set; thence with a left interior angle of 89 degrees 58 minutes 47 seconds, proceed in a northwesterly direction, 179.34 feet to an iron pin set; thence with a left interior angle of 149 degrees 49 minutes 26 seconds, proceed in a northwesterly direction, 245.07 feet to an iron pin set; thence with a left interior angle of 91 degrees 58 minutes 42 seconds, proceed in a northeasterly direction, 120.72 feet to the beginning of a curve to the right and an iron pin set, said curve having a central (delta) angle of 1 degree 58 minutes 42 seconds, 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 degrees 00 minutes 00 seconds from the tangent of said previous curve, proceed in a southeasterly direction, 186.69 feet to THE POINT OF BEGINNING of said parcel.

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RIGHT-OF-WAY