

STATE OF ALABAMA  
COUNTY OF SHELBY

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that I, **Frank C. Ellis, Jr.**, a legal resident of the State of Alabama, presently being of sound mind and not being under any mental disability, incompetency or incapacity, do hereby nominate, constitute and appoint **John McGeever**, a legal resident of the State of Alabama, as and for my true and lawful attorney-in-fact under the provisions of and in accordance with Section 26-1-2, 1975 Code of Alabama, so that this power of attorney shall not be affected by my subsequent disability, incompetency or incapacity. I hereby bestow and vest my said attorney-in-fact with the following powers for me and in my name and on my behalf:

To purchase, sell, transfer, exchange or otherwise dispose or acquire of any of the following described property, real, personal or mixed, and to execute and deliver good and sufficient deeds or other instruments for the conveyance or transfer of the same, and to execute any other documents deemed necessary and/or advisable by my said attorney-in-fact in connection therewith, said property is described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, which said Exhibit "A" is signed by me for identification.

To deposit in my name and for my account with any bank, trust company or other financial institution, all monies payable or belonging to me or that may come into possession of my said attorney-in-fact in connection with the aforesaid property or the sale thereof, and all bills of exchange, drafts, checks, promissory notes and other instruments for money payable or belonging to me in connection with the property described on Exhibit "A" attached hereto, and for that purpose to sign my name and endorse same for deposit or collection;

To do, generally, any or all acts on my behalf on any matters or things pertaining to said property described on Exhibit "A" attached hereto with the same validity as I might act or could do if personally present and not under any disability, incompetency or incapacity.

To exercise all powers and do all acts on my behalf deemed by my said attorney-in-fact to be incidental to, or necessary or proper to carry into full effect, the foregoing powers hereby ratifying and confirming all that my said attorney-in-fact can lawfully do or cause to be done by virtue hereof.

It is my intention that notwithstanding my subsequent disability, incompetency or incapacity, this power of attorney shall remain in full force and effect until expressly revoked or amended as provided by law, provided that such revocation or amendment shall be of no effect with respect to parties acting or things done in reliance upon this durable power of attorney prior to the actual receipt by them of written notice of such revocation or amendment.

This Power of Attorney shall expire on July 1, 1998.

06/26/1998-23940  
03:09 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 HEL 13.50

Inst # 1998-23940

IN WITNESS WHEREOF, I set my hand and seal this 25<sup>th</sup> day of June, 1998.

WITNESSES:

Paula Head

Frank C. Ellis, Jr. (SEAL)  
Frank C. Ellis, Jr.

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 was signed to the foregoing instrument in my presence, and who is known to me, acknowledged before me on this day, that, being informed of all contents of the foregoing Durable Power of Attorney, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 25<sup>th</sup> day of June, 1998.

Paula Head  
Notary Public

EXHIBIT A

A parcel of land containing 7.183 Acres more or less (312,872.931 square feet), 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  $121^{\circ}25'36''$ , 517.90 feet; to the Point of Beginning; thence continue Southwesterly along the same course a distance of 808.06 feet to the Southeast corner of Jenkins Brick Company; thence right  $129^{\circ}39'08''$  Northerly along the East line of Jenkins Brick Company 727.32 feet to the Northeast corner of Interstate Restaurant Investors being also a point on a curve on the Southerly Right-of-Way line of Alabama Highway No. 119 (an 80' R.O.W.) having a radius of 1949.89 feet, a central angle of  $14^{\circ}34'51''$  and a chord of 494.92 feet; thence turn right  $74^{\circ}24'29''$  to the chord of said curve and run Easterly then Northeasterly along the arc of said curve 496.22 feet, concave Northerly; thence with an interior angle left of  $97^{\circ}17'26''$  from said chord Southeasterly 374.13 feet to the Point of Beginning.

LESS AND EXCEPT the following described right-of-way.

A part of the SE 1/4 of the SW 1/4 of Section 31, Township 19 South, Range 2 West, identified as Tract No. 4 on Project No. STPAA-7136(1) in Shelby County, Alabama and being more fully described as follows:

Commencing at the SE corner of said SE 1/4 of the SW 1/4; thence North along the East line of said SE 1/4 of the SW 1/4 a distance of 830 feet, more or less, to a point on the present South right-of-way line of Alabama Highway 119; thence Southwesterly along said right-of-way line a distance of 590 feet, more or less, to the NE property line, and the Point of Beginning of the property herein to be conveyed; thence southeasterly along said Northeast property line a distance of 30 feet, more or less, to a point that is 70 feet Southeasterly of and at right angles to the centerline of said project; thence Southwesterly, parallel with said centerline a distance of 108 feet, more or less, to a point that is 70 feet Southeasterly of and at right angles to said centerline at Station 18+00; thence Southwesterly a distance of 402 feet, more or less, to the West property line; thence northerly along said property line a distance of 30 feet, more or less, to the South right-of-way line of Alabama Highway 119; thence Northeasterly along said right-of-way line a distance of 498 feet, more or less, to the Point of Beginning.

NOTES CORRESPONDING TO SCHEDULE B - PART II ITEMS  
FIRST AMERICAN TITLE INSURANCE COMPANY

COMMITMENT NO. 114266

Dated 11/13/97

Revised 12/3/97

Revised 2/11/98

SIGNED FOR IDENTIFICATION  
Frank C. Ellis  
6-25-98

REVISIONS

DESCRIPTION

BY

REVIEW

DATE

CARR + ASSOCIATES P.C.