

This Instrument was prepared by
P. Christopher Wrenn, Attorney-at-Law
whose address is P. O. Box B
Jacksonville, Florida 32203

Inst. # 1998-33230
08/26/1998-33230
08:47 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 CR 4560.50

(Reserved for Clerk)

SHORT FORM LEASE

THIS SHORT FORM LEASE is hereby executed this April 17, 1998, by and between **BIRMINGHAM REALTY COMPANY**, an Alabama corporation, whose mailing address is 2118 First Avenue North, Birmingham, Alabama 35203 ("Landlord") and **WINN-DIXIE MONTGOMERY, INC.**, a Kentucky corporation, whose mailing address is 1550 Jackson Ferry Road, Montgomery, Alabama ("Tenant"), which terms "Landlord" and "Tenant" shall include, wherever the context permits or requires, singular or plural, and the heirs, legal representatives, successors and assigns of the respective parties;

WITNESSETH:

WHEREAS, Landlord and Tenant did enter into a Lease, dated April 17, 1998 (the "Lease");
and

WHEREAS, Landlord and Tenant desire to memorialize the terms and conditions of the Lease of record. For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord does hereby demise and lease unto Tenant and Tenant does hereby lease from Landlord the property more particularly described on Exhibit "B" attached hereto and depicted on the Site Plan attached as Exhibit "A" attached hereto and by these references made a part hereof together with the nonexclusive right to use the Common Areas as described and provided in the Lease (collectively the "Premises").

The term of the Lease, unless sooner terminated or extended under provisions thereof, shall commence on the Commencement Date as defined in the Lease and shall terminate, unless sooner terminated or extended as provided in the Lease, twenty (20) years thereafter. Annual rent, payable in monthly installments on the 1st

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day of each month during the term thereof, and provisions regulating the use and purposes to which the Premises shall be limited, are set forth in detail in the Lease and Landlord and Tenant agree to abide by the terms of the Lease. Tenant, at its option, shall be entitled to the privilege of five (5) successive extensions of the term of the Lease, each extension to be for a period of five (5) years each. Tenant has no option to purchase the Premises under the Lease.

All the terms, conditions, provisions and covenants of the Lease are incorporated herein by this reference for all purposes as though written out at length herein, and both the Lease and this Short Form Lease shall be deemed to constitute a single instrument or document. This Short Form Lease is not intended to amend, modify, supplement, or supersede any of the provisions of the Lease and, to the extent there may be any conflict or inconsistency between the Lease or this Short Form Lease, the Lease shall control.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Short Form Lease to be executed as of the date and year first above written.

Signed, sealed and delivered
in the presence of:

Donna P. Cox
Print Name: Donna P. Cox

Bobby L. Sargent
Print Name: Bobby L. Sargent

As to Landlord

Cynthia N. Crossland
Print Name: Cynthia N. Crossland

Laura L. Andrews
Print Name: LAURA L. ANDREWS

As to Tenant

BIRMINGHAM REALTY COMPANY

By: Charles M. Miller Jr.
Its: Vice President

WINN-DIXIE MONTGOMERY, INC.

By: James Kufeldt
Its: Vice President

STATE OF Alabama)
COUNTY OF Jefferson)

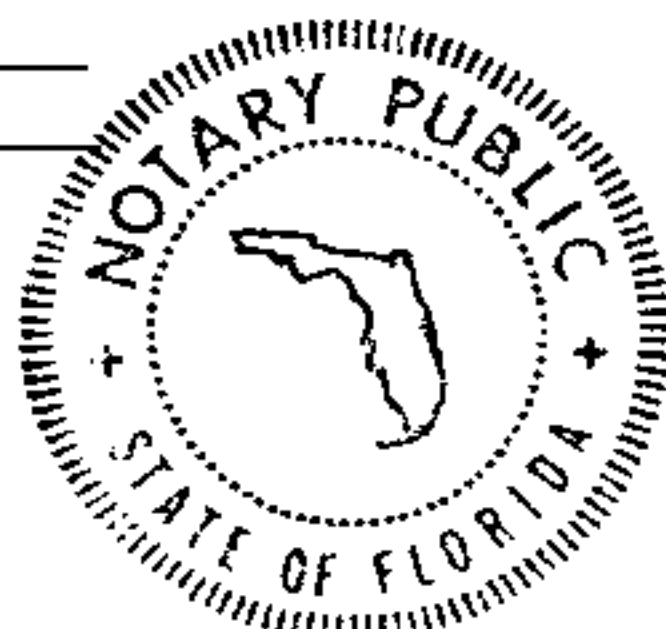
The foregoing instrument was acknowledged before me this April 17, 1998, by Charles M. Miller, as Vice President of BIRMINGHAM REALTY COMPANY, an Alabama corporation, on behalf of the corporation, [PLEASE CHECK ONE] ☒ who is personally known to me or _____ who has produced _____ as identification.

Manda Gail Stone
Printed Name: MANDA GAIL STONE
Notary Public, State and County aforesaid.
My Commission Expires MY COMMISSION EXPIRES OCTOBER 11, 1998
Notary ID No.: _____
(NOTARIAL SEAL)

STATE OF FLORIDA)
COUNTY OF DUVAL)

The foregoing instrument was acknowledged before me this January 19, 1998, by James Kufeldt, as Vice President of WINN-DIXIE MONTGOMERY, INC., a Kentucky corporation, on behalf of the corporation, who is personally known to me.

Jane E. DeWitte
Printed Name: _____
Notary Public, State and County aforesaid.
My Commission Expires: _____
Notary ID No.: _____
(NOTARIAL SEAL)



JANE E. DeWITTE
My Comm. Exp. May 18, 2000
Comm. No. CC 527798



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EXHIBIT "B"

CHELSEA PROPERTY

WINN-DIXIE PARCEL

A parcel of land situated in the East 1/2 of the S.W.1/4 and the West 1/2 of the S.E.1/4 of Section 27, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the S.E.1/4 of the S.W.1/4 of Section 27, Township 19 South, Range 1 West, Shelby County, Alabama and run in a Northerly direction along the West line of said 1/4-1/4 section a distance of 1048.33 feet to a point; thence $66^{\circ}52'40''$ to the right in a Northeasterly direction a distance of 210.13 feet to a point; thence $16^{\circ}06'07''$ to the right in a Northeasterly direction a distance of 109.35 feet to a point; thence $18^{\circ}54'05''$ to the left in a Northeasterly direction a distance of 117.46 feet to a point; thence $67^{\circ}45'50''$ to the right in a Southeasterly direction a distance of 20.00 feet to a point; thence $90^{\circ}00'$ to the left in a Northeasterly direction a distance of 568.78 feet to a point on the Southerly right-of-way line of U.S. Highway #280; thence $90^{\circ}26'05''$ to the right in a Southeasterly direction a distance of 38.32 feet along said right-of-way line to a point; thence $90^{\circ}00'$ to the left in a Northeasterly direction a distance of 210.00 feet along said right-of-way line to a point; thence $24^{\circ}53'00''$ to the right in a Northeasterly direction a distance of 72.77 feet, along said right-of-way line to the POINT OF BEGINNING, said point being on the Southerly right-of-way line of U.S. Highway #280; thence continue along the last stated course and along said U.S. Highway #280 right-of-way a distance of 78.70 feet to a point; thence $103^{\circ}34'46''$ to the right in a Southeasterly direction (leaving said U.S. Highway #280 right-of-way) a distance of 153.75 feet to a point; thence $90^{\circ}00'$ to the left in a Northeasterly direction a distance of 188.09 feet to a point; thence $90^{\circ}00'$ to the left in a Northwesterly direction a distance of 63.48 feet to a point; thence $51^{\circ}18'02''$ to the right in a Northeasterly direction a distance of 158.21 feet to a point on the

Southerly right-of-way line of said U.S. Highway #280; thence 39°04'58" to the right in a Northeasterly direction along said U.S. Highway #280 right-of-way line a distance of 59.66 feet to a point; thence 89°51'10" to the right in a Southeasterly direction (leaving said U.S. Highway #280 right-of-way) a distance of 768.12 feet to a point; thence 90°00' to the right in a Southwesterly direction a distance of 411.32 feet to a point; thence 44°42'40" to the right in a Northwesterly direction a distance of 106.15 feet to a point; thence 44°42'40" to the left in a Southwesterly direction a distance of 237.33 feet to a point; thence 98°39'02" to the right in a Northerly direction a distance of 157.75 feet to the P.C. (point of curve) of a curve to the right having a radius of 485.00 feet and a central angle of 28°31'25"; thence Northerly and Northeasterly along the arc of said curve a distance of 241.45 feet to the P.T. (point of tangent) of said curve; thence in the tangent to said curve in a Northeasterly direction a distance of 120.00 feet to a point; thence 5°38'36" to the left in a Northeasterly direction a distance of 75.19 feet to the P.C. (point of curve) of a curve to the left having a radius of 355.00 feet and a central angle of 22°21'54"; thence Northeasterly and Northerly along the arc of said curve a distance of 138.57 feet to the POINT OF BEGINNING.

December 17, 1997

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