

Hardee's, Alabama

**CORPORATE CANCELLATION AND**  
**RELEASE OF MORTGAGE**  
**AND OTHER COLLATERAL DOCUMENTS**

**KNOW ALL MEN BY THESE PRESENTS**, that the Mortgage and Security Agreement(s), made and executed by SPARDEE'S REALTY, INC. to SECURED RESTAURANTS TRUST, recorded in the Book(s) and Page(s) shown on Exhibit A incorporated herein by reference, in the Records in the Office of the Judge of Probate of the county shown on Exhibit A in Alabama (collectively, the "Mortgage"), which Mortgage(s) is/are additionally secured by certain other collateral documents described on the attached Exhibit A, by and among Spardee's Realty, Inc, Secured Restaurants Trust and/or THE BANK OF NEW YORK (the successor collateral agent thereunder), and any and all additional documents related thereto (collectively referred to as the "Other Collateral Documents") is hereby released, discharged and cancelled.

The undersigned agree to file or cause to be filed, such other documents, including specifically UCC termination statements, as may be necessary to cancel and release the same of record.

[SIGNATURES ON FOLLOWING PAGE]

Prepared by and when  
recorded return to:

Rhonda J. Parish, P-12-1  
203 East Main Street  
Spartanburg, SC 29319

PPAB-CH1/246237.3

Inst # 1998-34888

09/08/1998-34888  
09:05 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
007 CRH 23.50

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed, and their corporate seal to be impressed this 27 day of March, 1998.

SECURED RESTAURANTS TRUST, (SEAL)  
a Delaware statutory business trust existing pursuant to  
an Amended and Restated Agreement dated as of  
October 15, 1990, between Spartan Holdings, Inc. and  
Wilmington Trust Company

ATTEST:

By: Wilmington Trust Company, a Delaware banking  
corporation, not in its individual capacity but solely as  
Issuer Trustee under the Trust Agreement

By: [Signature]

Title: Financial Services Officer

[CORPORATE SEAL]

By: [Signature]

Title: Assistant Vice President

### ACKNOWLEDGMENT

STATE OF Delaware )  
COUNTY OF New Castle )

I, Patricia Zink (name), a Notary Public, in and for said State at large,  
hereby certify that Joseph B. Feil whose name as (Assistant) Secretary of  
WILMINGTON TRUST COMPANY, a Delaware banking corporation, as Issuer Trustee of  
Secured Restaurants Trust, a Delaware statutory business trust existing pursuant to an Amended  
and Restated Agreement dated as of October 15, 1990, between Spartan Holdings, Inc. and  
Wilmington Trust Company, 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 said instrument,  
he/she, as such officer and with full authority, executed the same voluntarily for and as the act of  
said corporation, in its capacity as Issuer Trustee of the Trust as of the date of this  
acknowledgment.

Given under my hand this 27 day of March, 1998.

[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

Alabama-75

**PATRICIA W. ZINK**  
**NOTARY PUBLIC**

**My commission expires July 12, 1999**

ATTEST:

By: Heidi Van Horn-Bash  
Title: Agent

THE BANK OF NEW YORK, a state chartered bank,  
a New York corporation, as Collateral Agent

By: Sandra Carreker  
Its: Agent

[CORPORATE SEAL]

**ACKNOWLEDGMENT**

STATE OF FLORIDA     )  
                                  )  
COUNTY OF DUVAL    )

I, Lillie C. Mariano, a Notary Public, in and for said county and said state, hereby certify that Sandra Carreker whose name as Agent of THE BANK OF NEW YORK, a state chartered bank, a New York corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 27th day of March 1998.

Lillie C. Mariano  
Notary Public **Lillie C. Mariano**

My Commission Expires:

AL-75

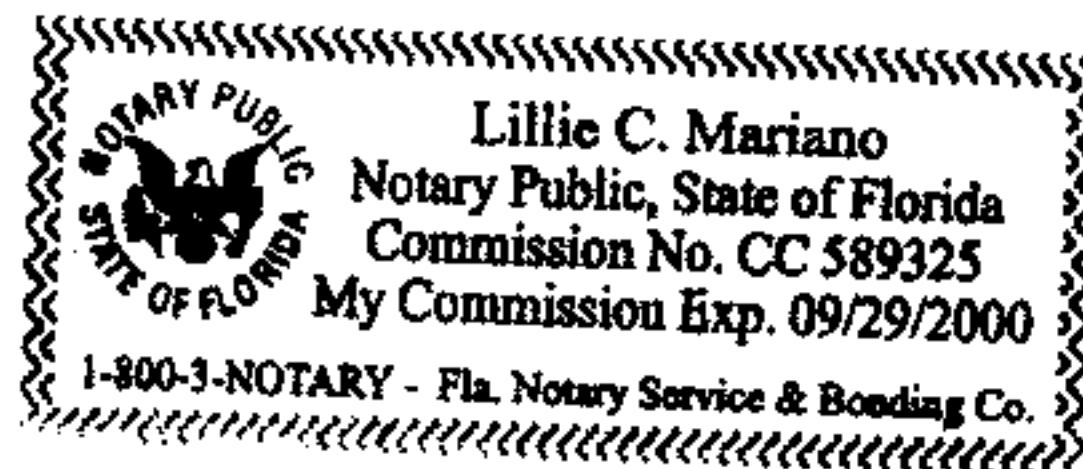


Exhibit A  
to  
Release  
Shelby County, AL

<u>Unit #</u>	<u>Unit Name</u>	<u>Document</u>	<u>Book(s)</u>	<u>Page(s)</u>	<u>Filing No. for UCC</u>
428	HOOVER	Deed of Trust or Mortgage	324	533	
		Assignment of Rents	324	550	
		Collateral Assignment	324	558	
		UCC Financing Statement			027229

Exhibit A  
to  
Release  
Shelby County, AL

<u>Unit #</u>	<u>Unit Name</u>	<u>Document</u>	<u>Book(s)</u>	<u>Page(s)</u>	<u>Filing No. for UCC</u>
383	COLUMBIANA	Deed of Trust or Mortgage	324	490	
		Assignment of Rents	324	507	
		Collateral Assignment	324	515	
		UCC Financing Statement			27228

Exhibit A  
to  
Release  
Shelby County, AL

<u>Unit #</u>	<u>Unit Name</u>	<u>Document</u>	<u>Book(s)</u>	<u>Page(s)</u>	<u>Filing No. for UCC</u>
194	ALABASTER	Deed of Trust or Mortgage	324	576	
		Assignment of Rents	324	593	
		Collateral Assignment	324	601	
		UCC Financing Statement			27230

Exhibit A  
to  
Release  
Shelby County, AL

<u>Unit #</u>	<u>Unit Name</u>	<u>Document</u>	<u>Book(s)</u>	<u>Page(s)</u>	<u>Filing No. for UCC</u>
339	MONTEVALLO	Deed of Trust or Mortgage	324	454	
		Assignment of Rents	324	472	
		Collateral Assignment	324	481	
		UCC Financing Statement			027227

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