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Chicago, Illinois 60602

Inst # 1998-38438

10/02/1998-38438

09:29 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
008 CRH 326.00

SPECIAL WARRANTY DEED

MOA-TL CORP., a Delaware corporation, located at 701 Lee Street, Des Plaines, Illinois, pursuant to a resolution by its Board of Directors, (hereinafter called "Grantor"), for and in consideration of the sum of ONE MILLION FIVE HUNDRED THOUSAND AND NO/ DOLLARS (\$1,500,000.00) and other good and valuable consideration to it paid by **KANTA S. PATEL, a Mississippi resident**, located at c/o Royal Inn, 2905 South Frontage Road, Meridian, Mississippi 39301 (hereinafter called "Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, by these presents does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto Grantee with covenant of a special, limited warranty to the Grantee, her successors and assigns forever, all of its right, title and interest in and to the following described Property, in the City of Pelham, County of Shelby and State of Alabama, to-wit:

PROPERTY ADDRESS: 410 Oak Mountain Road, Pelham, Alabama 35124.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; subject, however, to covenants, conditions, restrictions, limitations and easements of record.

Together with (i) all and singular, all of Grantor's right, title and interest in and to all rights, benefits, privileges, easements, tenements, and appurtenances thereon and pertaining thereto, including all of Grantor's right, title and interest in and to any adjacent streets, roads, alleys, easements and rights-of-way, (ii) all of Grantor's right, title and interest in and to any and all improvements and buildings located on the real property, and (iii) all of Grantor's right, title and interest in and to any and all fixtures affixed or attached to, or situated upon, or acquired or used in connection therewith (the real property, together with the rights, appurtenances and interests, improvements, buildings, and fixtures being collectively called the "**Property**"), subject to, however, those exceptions and encumbrances set forth on Exhibit "B" attached hereto and made a part hereof for all purposes (the exceptions and encumbrances being called the "**Permitted Encumbrances**").

TO HAVE AND TO HOLD the Property unto Grantee, its successors and assigns **FOREVER**, and Grantor does hereby bind itself and its successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the Property, subject to the Permitted Encumbrances,

unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

GRANTOR:

MOA-TL CORP.,
a Delaware corporation

John D. Sinian

WITNESS

Brent R. Herz

WITNESS

By:

Kurt M. Mueller

Kurt Mueller
as Chief Financial Officer

Date of Execution:

9/25/98

STATE OF ILLINOIS)

) SS:

COUNTY OF COOK)

I, the undersigned authority, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that KURT MUELLER whose name as Chief Financial Officer of MOA-TL CORP., 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 said conveyance, he, as such officer and with full authority, executed the same voluntarily on behalf of the corporation on the day same bears date.

Given under my hand and official seal, this 25 day of September, 1998.

“OFFICIAL SEAL”

Christina Szewc

Notary Public, State of Illinois

My Commission Exp. 06/20/2001

Christina Szewc
Notary Public

My Commission Expires:

6/20/2001

EXHIBIT A

LEGAL DESCRIPTION

PARCEL I:

Part of the Southeast 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County Alabama, more particularly described as follows:

Commence at the Southwest corner of said 1/4 Section; thence run East along the South line of same for 1,826.71 feet; thence $122^{\circ} 59' 53''$ left and run Northwesterly for 399.97 feet to a point on the Northerly right of way line of Oak Mountain Park Road; thence continue Northwesterly along the same course for 846.69 feet; thence $91^{\circ} 18' 39''$ right and run Northeasterly for 152.01 feet; thence $90^{\circ} 00'$ left and run Northwesterly for 349.02 feet; thence $90^{\circ} 00'$ left and run Southwesterly for 160.00 feet; thence $88^{\circ} 41' 21''$ right and run Northwesterly for 25.0 feet to a point on the South right of way line of Alabama Highway 119, thence $91^{\circ} 18' 39''$ right and run Northeasterly along said right of way for 253.07 feet; thence $14^{\circ} 02' 10''$ right and continue Northeasterly for 9.51 feet to a point on the Southerly right of way line of a County Road; thence $30^{\circ} 57' 50''$ right and run Easterly along said right of way line for 62.56 feet to an angle point in said right of way; thence $45^{\circ} 00'$ right and run Southeasterly along said right of way line for 390.67 feet to an angle point in said right of way; thence $90^{\circ} 00'$ left and run Northeasterly for 132.98 feet to the point of beginning; thence continue along same course for 243.00 feet; thence $90^{\circ} 00'$ right and run Southeasterly for 222.83 feet to the approximate Floodway Location of Bishop Creek; thence $123^{\circ} 03' 13''$ right and run Northwesterly along said floodway line for 40.58 feet to an angle point; thence $7^{\circ} 52' 59''$ left and run Northwesterly along said floodway line for 230.91 feet; thence $64^{\circ} 49' 46''$ right and run Northwesterly for 102.50 feet to the point of beginning; being situated in Shelby County, Alabama.

PARCEL II:

Part of Southeast 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southwest corner of said 1/4 Section; thence run East along the South line of same for 1,826.71 feet; thence $122^{\circ} 59' 53''$ left and run Northwesterly for 399.97 feet to a point on the Northerly right of way line of Oak Mountain Park Road; thence continue Northwesterly along the same course for 846.69 feet; thence $91^{\circ} 18' 39''$ right and run Northeasterly for 152.01 feet; thence $90^{\circ} 00'$ left and run Northwesterly for 349.02 feet; thence $90^{\circ} 00'$ left and run Southwesterly for 160.00 feet; thence $88^{\circ} 41' 21''$ right and run Northwesterly for 25.0 feet to a point on the South right of way line of Alabama Highway 119 thence $91^{\circ} 18' 39''$ right and run Northeasterly along said right of way line for 253.07 feet; thence $14^{\circ} 02' 10''$ right and continue Northeasterly for 9.51 feet to a point on the Southerly right of way line of a County Road thence $30^{\circ} 57' 50''$ right and run Easterly along said right of way line for 62.56 feet to an angle point in said right of way; thence $45^{\circ} 00'$ right and run Southeasterly along said right of way line for 390.67 feet to an angle point in said right of way; thence $90^{\circ} 00'$ left and run Northeasterly for 575.90 feet to a point on the Westerly right of way line of I-65 Service Drive; thence $86^{\circ} 19' 31''$ right and run Southeasterly along said right of way line

for 142.98 feet; thence 22° 07' 10" right and run Southeasterly along said right of way line for 187.31 feet to a point on the approximate floodway line of Bishop Creek; thence 104° 36' 32" right and run Northwesterly along said floodway line for 144.84 feet to the point of beginning; thence continue Northwesterly along the same line for 34.0 feet thence 56° 56' 47" right and run Northwesterly for 95.24 feet; thence 100° 30' 00" right and run Northeasterly for 78.50 feet; thence 105° 34' 45" right and run Southerly for 110.75 feet to the point of beginning; being situated in Shelby County, Alabama.

PARCEL III:

A 22 foot wide ingress-egress easement in the SE 1/4 Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southwest corner of said 1/4 Section; thence run East along the South line of same for 1,826.71 feet; thence 122° 59' 53" left and run Northwesterly for 399.97 feet to a point on the Northerly right of way line of Oak Mountain Park Road; thence continue Northwesterly along the same course for 846.69 feet; thence 91° 18' 39" right and run Northeasterly for 152.01 feet; thence 90° 00' left and run Northwesterly for 349.02 feet; thence 90° 00' left and run Southwesterly for 160.00 feet; thence 88° 41' 21" right and run Northwesterly for 25.0 feet to a point on the South right of way line of Alabama Highway 119; thence 91° 18' 39" right and run Northeasterly along said right of way line for 263.07 feet; thence 14° 02' 10" right and continue Northeasterly for 9.51 feet to a point on the Southerly right of way line of a County Road; thence 30° 57' 50" right and run Easterly along said right of way line for 62.56 feet to an angle point in said right of way; thence 45° 00' right and run Southeasterly along said right of way line for 390.67 feet to an angle point in said right of way; then 90° 00' left and run Northeasterly for 331.98 feet to the Northwest corner of this easement (herein described as Parcel III); thence continue Northeasterly along the same course and along said right of way for 22.00 feet to the Northeast corner of this easement (said Parcel III); thence continue along the same course for 222.0 feet to a point on the Westerly right of way line of I-65 Service Drive; thence 86° 19' 31" right and run Southeasterly along said right of way line for 142.98 feet; thence 22° 07' 10" right and run Southeasterly along said right of way line for 187.31 feet to a point on the approximate floodway line of Bishop Creek; thence 104° 36' 32" right and run Northwesterly along said floodway line for 144.84 feet to the Southeast corner of Parcel II (described above); thence 83° 01' 32" right and run Northerly along the Easterly line of said Parcel II for 69.75 feet to the point of beginning of said easement herein described as Parcel III, said point also being on the centerline of said easement (Parcel III); thence continue along the same course for 11.04 feet; thence 94° 35' 55" left and run Southwesterly for 60.17 feet; thence 45° 49' 06" right and run Northwesterly for 20.80 feet to the Northwest corner of said Parcel II; thence continue along the same course for 57.01 feet; thence 22° 42' 04" right and run Northwesterly parallel to and 22 feet, as measured perpendicularly from the Easterly line of Parcel I, (described above) for 75.00 feet to a point on said County Road right of way; thence 90° 00' 00" left and run Southwesterly along said County Road right of way for 22.00 feet; thence 90° 00' 00" left and run Southeasterly for 79.42 feet; thence 22° 42' 04" left and run Southeasterly for 91.54 feet; thence 45° 49' 06" left and run Northeasterly for 67.68 feet to a point on the Easterly line of said Parcel II; thence 85° 24' 05" left and run Northerly along the Easterly line of said Parcel II for 11.04 feet to the point of beginning.

PARCEL IV:

A 6 foot wide sign easement; being a part of Southeast 1/4 of Section 31, Township 19 South Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southwest corner of said 1/4 section; thence run East along the South line of same for 1,826.71 feet; thence 122° 59' 53" left and run Northwesterly for 399.97 feet to a point on the Northerly right of way line of Oak Mountain Park Road; thence continue Northwesterly along the same course for 846.69 feet; thence 91° 18' 39" right and run Northeasterly for 152.01 feet; thence 90° 0' left and run Northwesterly for 349.02 feet; thence 90° 0' left and run Southwesterly for 160.00 feet; thence 88° 41' 21" right and run Northwesterly for 25.0 feet to a point on the South right of way line of Alabama Highway 119; thence 91° 18' 39" right and run Northeasterly along said right of way line for 253.07 feet; thence 14° 02' 10" right and continue Northeasterly for 9.51 feet to a point on the Southerly right of way line of a county road; thence 30° 57' 50" right and run Easterly along said right of way line for 62.56 feet to an angle point in said right of way; thence 45° 0' right and run Southeasterly along said right of way line for 390.67 feet to an angle point in said right of way; thence 90° 0' left and run Northeasterly for 575.98 feet to a point of the Westerly right of way line of 1-65 service drive; thence 86° 19' 31" right and run Southeasterly along said right of way line for 142.98 feet; thence 22° 07' 10" right and run Southeasterly along said right of way line for 187.31 feet to a point on the approximate floodway line of Bishop Creek; thence 104° 36' 32" right and run Northwesterly along said floodway for 144.84 feet; thence 83° 1 minute 32" right and run Northwesterly for 104.53 feet to the point of beginning of said easement; thence continue Northwesterly along the same course of 6.22 feet; thence run 74° 25' 15" right and run Northeasterly for 53.00 feet; thence 90° 0' right and run Southeasterly for 6.0 feet; thence 90° 0' right and run Southwesterly for 54.67 feet to the point of beginning.

PARCEL V:

A 22 foot wide ingress egress easement; said easement being 11 feet wide on each side of the following described center line:

Part of Southeast 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama more particularly described as follows:

Commence at the Southwest corner of said 1/4 section; thence run East along the South line of same for 1,826.71 feet; thence 122° 59' 53" left and run Northwesterly for 399.97 feet to a point on the Northerly right-of-way line of Oak Mountain Park Road; thence continue Northwesterly along the same course for 846.69 feet; thence 91°, 18' 39" right and run Northeasterly for 152.01 feet; thence 90° 0' left and run Northwesterly for 349.02 feet; thence 90°, 0' left and run Southwesterly for 160.00 feet; thence 88° 41' 21" right and run Northwesterly for 25.0 feet to a point on the South right-of-way line of Alabama Highway 119; thence 91° 18' 39" right and run Northeasterly along said right-of-way line for 253.07 feet; thence 14° 2' 10" right and continue Northeasterly for 9.51 feet to a point on the Southerly right-of-way line of a county road; thence 30° 57' 50" right and run Easterly along said right-of-way line for 62.56 feet to an angle point in said right-of-way thence 45° 0' right and run Southeasterly along said right-of-way line for 390.67 feet to an angle point in said right-of-way; thence 90° 0' left and run Northeasterly for 575.98 feet to a point on the Westerly right-of-way

line of I-65 service drive; thence $86^{\circ} 19' 31''$ right and run Southeasterly along said right-of-way line for 142.98 feet; thence $22^{\circ} 7' 0''$ right and run Southeasterly along said right-of-way line for 187.31 feet to a point on the approximate floodway line of Bishop Creek; thence $104^{\circ} 36' 32''$ right and run Northwesterly along said floodway for 144.84 feet; thence $83^{\circ} 01' 32''$ right and run Northwesterly for 69.75 feet to the point of beginning of said center line of said easement; thence $85^{\circ} 24' 5''$ right and run along said center line Northeasterly for 31.25 feet; thence $11^{\circ} 34' 23''$ right and run East for 103.01 feet to a point on the West right-of-way of Oak Mountain State Park Road; said point being the end of the center line of said ingress-egress easement.

PARCEL VI:

A non-exclusive easement in the SE 1/4 Section 31, Township 19 South Range 2 West, Shelby County, Alabama, said easement being for the purpose of use as a Dumpster Pad site and being more particularly described as follows:

Commence at the Southwest corner of said 1/4 Section; thence run East along the South line of same for 1,826.71 feet; thence $122^{\circ} 59' 53''$ left and run Northwesterly for 369.97 feet to a point on the Northerly right of way line of Oak Mountain Park Road; thence continue Northwesterly along the same course for 846.69 feet; thence $91^{\circ} 18' 39''$ right and run Northeasterly for 152.01 feet; thence $90^{\circ} 00'$ left and run Northwesterly for 349.02 feet; thence $90^{\circ} 00'$ left and run Southwesterly for 160.00 feet; thence $88^{\circ} 41' 21''$ right and run Northwesterly for 25.0 feet to a point on the South right of way line of Alabama Highway 119; thence $91^{\circ} 18' 39''$ right and run Northeasterly along said right of way line for 263.07 feet; thence $14^{\circ} 02' 19''$ right and continue Northeasterly for 9.41 feet to a point on the Southerly right of way line of a county road; thence $30^{\circ} 67' 50''$ right and run Easterly along said right of way line for 62.56 feet to an angle point in said right of way; thence $45^{\circ} 00'$ right and run Southeasterly along said right of way line for 390.67 feet to an angle point in said right of way; thence $90^{\circ} 00'$ left and run Northeasterly along said right of way line for 575.98 feet to a point on the Westerly right of way line of I-65 service drive, thence $86^{\circ} 19' 31''$ right and run Southeasterly along said right of way line for 142.98 feet; thence $22^{\circ} 07' 10''$ right and run Southeasterly along said right of way line for 187.31 feet to a point on the approximate floodway line of Bishop Creek; thence $104^{\circ} 36' 32''$ right and run Northwesterly along said floodway line for 144.84 feet to the Southeast corner of Parcel II (described above); thence $83^{\circ} 01' 32''$ right and run Northerly along the Easterly line of said Parcel II for 28.00 feet to the point of beginning of said easement herein described as Parcel VI; thence $104^{\circ} 00' 00''$ left and run Southwesterly for 16.58 feet, thence $90^{\circ} 00' 00''$ right and run Northwesterly for 33.77 feet to a point on the Southerly line of an access easement which is 22.0 feet wide; thence $99^{\circ} 24' 05''$ right and run Northeasterly for 24.32 feet to a point on the Easterly line of Parcel II which is 58.71 feet Northerly of the Southeast corner of said Parcel II, thence $80^{\circ} 35' 55''$ right and run Southeasterly for 29.80 feet; thence $90^{\circ} 00' 00''$ right and run Southwesterly for 7.42 feet to the point of beginning.

EXHIBIT B

PERMITTED ENCUMBRANCES

1. Taxes and assessments for the year 1998, and subsequent years, which are not yet due and payable.
2. 12 ½ foot utility and drainage easement on Northwesterly side of subject property, including gas and water lines, as shown on Survey of Joseph A. Miller, Jr., dated 1-12-96. (Parcel I).
3. 20 Foot sanitary sewer easement as shown on Survey of Joseph A. Miller, Jr., dated 1-12-96. (Parcel III).
4. Non-exclusive access easement and maintenance agreement between Forte Hotels International, Inc. and Treetop Enterprises, Inc., recorded in Real 283, page 521, in the Probate Office of Shelby County, Alabama. (Parcel III).
5. Sign easement and agreement executed by Treetop Enterprises, Inc. and Forte Hotels International, Inc., as set out by instrument recorded in 283, page 525, in the Probate Office of Shelby County, Alabama.
6. Easement agreement between Treetop Enterprises, Inc. and Forte Hotels International, Inc. for access easement and maintenance thereof recorded in Real 283, page 527, in the Probate Office of Shelby County, Alabama. (Parcel V).
7. Dumpster easement agreement between Treetop Enterprises, Inc. and Forte Hotels International, Inc. including construction and maintenance thereof, as recorded in Real 283, page 523, in the Probate Office of Shelby County, Alabama. (Parcel VI).
8. Right of way granted to Alabama Power Company recorded in Real 311, page 733, in the Probate Office of Shelby County, Alabama.
9. Any rights, interests or claims which may exist by reason of the following matters disclosed by the ALTA Survey prepared January 12, 1996 by Miller Triplett and Miller Engineers, Inc., and certified by Joseph A. Miller, Jr., P.L.S. #2875:
 - (a) A twenty foot (20') wide unrecorded sanitary sewer easement benefits the subject property and burdens Parcel II.
 - (b) The Travelodge sign intended to lie within the bounds of Parcel IV lies entirely outside the description of said Parcel IV.
 - (c) A concrete curb encroaches onto the Southeast corner of the subject property.

- (d) Flood light and guard rails protrude over the Southeast property line of Parcel II.
- (e) An unrecorded 12½ foot wide utility and drainage easement lies along the North property line.

10. Mortgage, Assignment and Security Agreement and in the face amount of \$1,200,000.00 executed by Kanta Patel, to MOA-TL Corp., dated as of September 30, 1998 and recorded in Real ____, page ____ in the Probate office of Shelby County.

11. Uniform Commercial Code-Fixture Filing and Financing Statement filed and recorded ____, 1998 in Real ____, page ____, in the Probate Office of Shelby County, by Kanta Patel, in favor of MOA-TL Corp., as Secured Party.

12. Uniform Commercial Code- 1 Financing Statement filed and recorded ____, 1998 in Real ____, page ____, in the Probate Office of Shelby County, by Kanta Patel, in favor of MOA-TL Corp., as Secured Party.

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