

STATE OF ALABAMA )

COUNTY OF SHELBY )

**TERMINATION OF TENANCY IN COMMON OPERATING AGREEMENT**

KNOW ALL MEN BY THESE PRESENTS; that:

Where as, the undersigned entered into a Tenancy in Common Operating Agreement (which is recorded in Inst. No. 1998-17196 in the Probate Office of Shelby County Alabama; and

WHEREAS; THE AGREEMENT HAS BEEN CORRECTED BY CORRECTION OF TENANCY IN COMMON OPERATING AGREEMENT BEARING DATE OF THE  
1 DAY OF OCT, 1998; AND

WHEREAS, by virtue of deed recorded in Inst. No. 1998-23949 Office of the Judge of Probate Shelby County Alabama, all parties to the Agreement other than INTERSTATE RESTAURANT INVESTORS, AN ALABAMA GENERAL PARTNERSHIP AND FRANK C. ELLIS JR., conveyed their interest in the Subject Property as described in the Agreement; and whereas; the parties are desirous of terminating the agreement.

Now, therefore, in consideration of the premises and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The ownership interest in the Subject Property as set out in the Agreement of INTERSTATE RESTAURANT INVESTORS, AN ALABAMA GENERAL PARTNERSHIP AND FRANK C. ELLIS, JR., is correctly stated in the Corrections in Tenancy Operating Agreement bearing date of the ( day of OCTOBER, 1998.
2. Other than the reservation noted in Paragraph 1 above, the Tenancy in Common Operating Agreement recorded in Inst. No. 1998-17196 in the Probate Office of Shelby County is hereby void and of no further effect.

Inst # 1998-38718

10/05/1998-38718  
11:27 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
DOJ CRH 18.30

Done this 1 day of OCTOBER, 1998

INTERSTATE RESTAURANT INVESTORS AN ALABAMA GENERAL PARTNERSHIP

BY: John Mc Geever  
JOHN McGEEVER

ITS: GENERAL PARTNER

BY: JB  
JOHN G. BENNER

ITS: GENERAL PARTNER

BY: William R. Robertson  
WILLIAM R. ROBERTSON

ITS: GENERAL PARTNER

BY: Frank C. Ellis, Jr.  
FRANK C. ELLIS, JR.

BY: John Thomas Hunter Williams  
JOHN THOMAS HUNTER WILLIAMS

BY: Philip P. Mulkey  
PHILIP MULKEY

BY: Sidney J. Aultman  
SIDNEY AULTMAN

MULKEY DEVELOPMENT & INVESTMENT CORP.

BY: Philip P. Mulkey  
ITS: Pres

AULTMAN ENTERPRISES INC

BY: Sidney J. Aultman  
ITS: President

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that John McGeever, John G. Benner, and William R. Robertson as general partners of Interstate Restaurant Investors an Alabama general partnership whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of this instrument, they, in their capacity as such partners, executed the same voluntarily, for and as the act of said general partnership.

Given under my hand and official seal this 2 day of OCTOBER, 1991.

  
Notary Public

My Commission Expires: 3-1-2002

STATE OF ALABAMA )  
SHELBY COUNTY )

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 conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 2 day of October, 1991.

  
Notary Public

My Commission Exp. 3-1-2002

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JOHN THOMAS HUNTER WILLIAMS whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 1<sup>st</sup> day of October, 1998.

Stephanie M Callahan  
Notary Public  
My Commission Exp. 5-19-2002

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that PHILIP P. MULKEY, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 1<sup>st</sup> day of October, 1998.

Stephanie M Callahan  
Notary Public  
My Commission Exp. 5/19/2002

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that SIDNEY L. AULTMAN, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 1<sup>st</sup> day of October, 1998.

Stephanie M Callahan  
Notary Public  
My Commission Exp. 5/19/2002

STATE OF ALABAMA     )  
SHELBY COUNTY        )

**CORPORATION ACKNOWLEDGMENT**

I, \_\_\_\_\_, a Notary Public in and for said County in said State, hereby certify that PHILIP P. MULKEY, whose name as PRESIDENT President of Mulkey Development and Investment Corp., a corporation is signed to the foregoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation.

Given under my hand and official seal this 1 day of OCT, 1998.

  
Notary Public

My Commission Exp. 3-1-2002

STATE OF ALABAMA     )  
SHELBY COUNTY        )

**CORPORATION ACKNOWLEDGMENT**

I, \_\_\_\_\_, a Notary Public in and for said County in said State, hereby certify that SIDNEY L. AULTMAN, whose name as the PRESIDENT President of Aultman Enterprises, Inc., a corporation is signed to the foregoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation.

Given under my hand and official seal this 1 day of OCT, 1998.

  
Notary Public

My Commission Exp. 3-1-2002

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10/03/1998-38718  
11:27 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 CRH 18.50

10/03/1998-38718