

This Instrument Prepared By:
James P. Burford, III
Attorney at Law
Suite 101, 1318 Alford Avenue
Birmingham, Alabama 35226

STATE OF ALABAMA)
SHELBY COUNTY)

Inst # 1999-21740

05/24/1999-21740
03:23 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
14.50
003 HWS

ESTABLISHMENT OF CROSS DRIVEWAY AND PARKING EASEMENT

This Establishment of Cross Driveway and Parking Easement is made this 10th day of May, 1999, by Interstate Restaurant Investors, LLP as successor in interest to Interstate Restaurant Investors, an Alabama General Partnership (IRI) and Frank C. Ellis, Jr.(Ellis), a married man.

WHEREAS, IRI and Ellis are the owners of those two certain parcels of real property located in Shelby County, Alabama which are more particularly described on Exhibit A (Parcel I) and Exhibit B (Parcel II) attached hereto and incorporated by reference herein; and

WHEREAS, even though, at this time, IRI and Ellis own both Parcels I and II, they desire to establish a non-exclusive cross easement for parking and driveways over and across Parcel I and II.

Now, therefore, in consideration of the premises, the parties hereby establish the following:

1. A mutual, non-exclusive, cross easement for driveways (as the same exists from time to time) and parking (as parking spaces exist from time to time) over and across Parcels I and II.
2. The easements and rights created herein shall be binding on IRI, Ellis and their respective heirs, successors and assigns to Parcel I and Parcel II.
3. Neither Parcels I or II are the homestead of Frank C. Ellis, Jr. or his spouse.

Done the date and year first above written.

Interstate Restaurant Investors, LLP

By: John M. McGeever
John McGeever

Its: Partner

By: William R. Robertson
William R. Robertson

Its: Partner

By: John G. Benner
John G. Benner

Frank C. Ellis, Jr.
Frank C. Ellis, Jr.

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 partners of Interstate Restaurant Investors, LLP, an Alabama limited liability 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 10th day of May, 1999.

Judith Ann Lemsky
Notary Public
My Commission Expires: 1-11-03

STATE OF ALABAMA)

Shelby COUNTY)

I, the undersigned, a Notary Public for the State of Alabama at Large do hereby certify that Frank C. Ellis, Jr., whose name is signed to the foregoing instrument, 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 10th day of May, 1999.

Judith Ann Lemsky
Notary Public
My Commission Exp. 1-11-03



CARR & ASSOCIATES ENGINEERS, INC.

2052 Oak Mountain Drive • Pelham, Alabama 35124

Ben F. Carr, Jr., P. E. / L.S.

FAX: 205/664-9685

205/664-8498

EXHIBIT A TO ESTABLISHMENT OF CROSS DRIVEWAY AND PARKING EASEMENT REVISED DESCRIPTIONS

Alabama Outdoors (PARCEL I)

A parcel of land containing 0.437 Acres more or less (19,015.453 square feet), located in the Southwest Quarter of Section 31, Township 19 South, Range 2 West; 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 $121^{\circ}25'36''$, 1325.96 feet; thence right $129^{\circ}39'13''$, 359.51 feet, thence left $90^{\circ}00'00''$, 136.86 feet; thence right $90^{\circ}00'00''$, 119.10 feet; thence left $45^{\circ}00'00''$, 10.10 feet; thence right $45^{\circ}00'00''$, 43.50 feet to the Point of Beginning; thence continue along the same course 125.36 feet to a point along a curve to the left, concave Northerly, with a radius of 2006.89 feet and a chord length of 144.79 feet; thence turn right $84^{\circ}00'14''$ to said chord and run 144.82 feet along the arc of said curve being 57.00 feet Southerly of and parallel to the South Right-of Way of Alabama Highway No. 119; thence with an interior angle left of $84^{\circ}00'14''$ from said curve chord Southerly 140.49 feet; thence right $90^{\circ}00'00''$ Westerly 144.00 feet to the Point of Beginning.

Remaining Parcel (PARCEL II)

A parcel of land containing 0.538 Acres more or less (23,423.92 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 $121^{\circ}25'36''$, 1325.96 feet; thence right $129^{\circ}39'13''$, 359.51 feet to the Point of Beginning; thence left $90^{\circ}00'00''$, 136.86 feet; thence right $90^{\circ}00'00''$, 119.10 feet; thence left $45^{\circ}00'00''$, 10.10 feet; thence right $45^{\circ}00'00''$ Northerly 10.15 feet; thence continue Northerly along the same course 33.35 feet; thence right $90^{\circ}00'00''$, 144.00 feet; thence right $90^{\circ}00'00''$, 169.74 feet to the Point of Beginning.

Barton F. Carr Reg. #16685
April 15, 1998

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TOTAL P.02

