

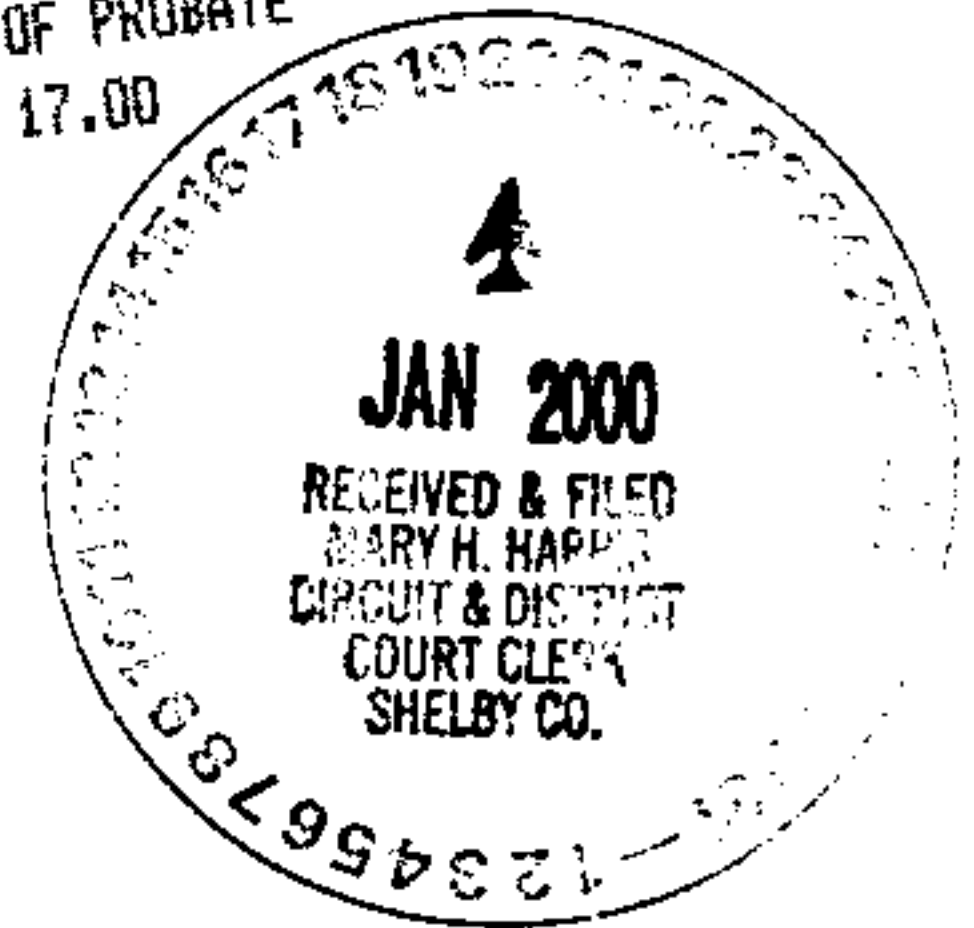
Inst # 2002-080689

Plaintiff

V.

Defendant.

02/15/2002-08068
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SHELBY COUNTY JUDGE OF PROBATE
Case No: CV-98-660 17.00
JUL 20 1997



When this case was called, Plaintiff Superior Bar & Grill, Inc. ("Superior") and Defendant Shoney's, Inc. ("Shoney's") appeared through counsel. Defendant Perry E. Cox, Jr., ("Cox") failed to appear. Cox was formerly represented by counsel, whose motion to withdraw was granted on December 22, 1998 and no attorney appeared for Cox. Neither Cox, nor any attorney on his behalf, has taken any action to defend the claims against him or to prosecute his counterclaim since that time. In view of this and of his failure to appear when the case was called, the Court finds and determines that Cox is in default and judgment will be entered against him accordingly. Superior and Shoney's represented that they had reached an agreement on their claims and requested entry of final judgment as to same. Based upon the representations and submissions of counsel, and for good cause shown it is therefore ORDERED, ADJUDGED and DECREED as follows:

1. On August 12, 1999, in Cox's Bankruptcy case, No. 99-00144-TBB-7, the United States Bankruptcy Court for the Northern District of Alabama declared that Cox's sublease with Shoney's (TPI Restaurants, Inc.) dated April 12, 1994 was "deemed rejected nunc pro tunc as of March 12, 1999" Since Superior derived its leasehold interest from Cox, the Court finds and determines that such rejection permits Superior to treat its sublease with Cox as terminated.

11 U.S.C. § 365(h)(1)(A)(i)). The Court therefore declares said sublease to be null and void.

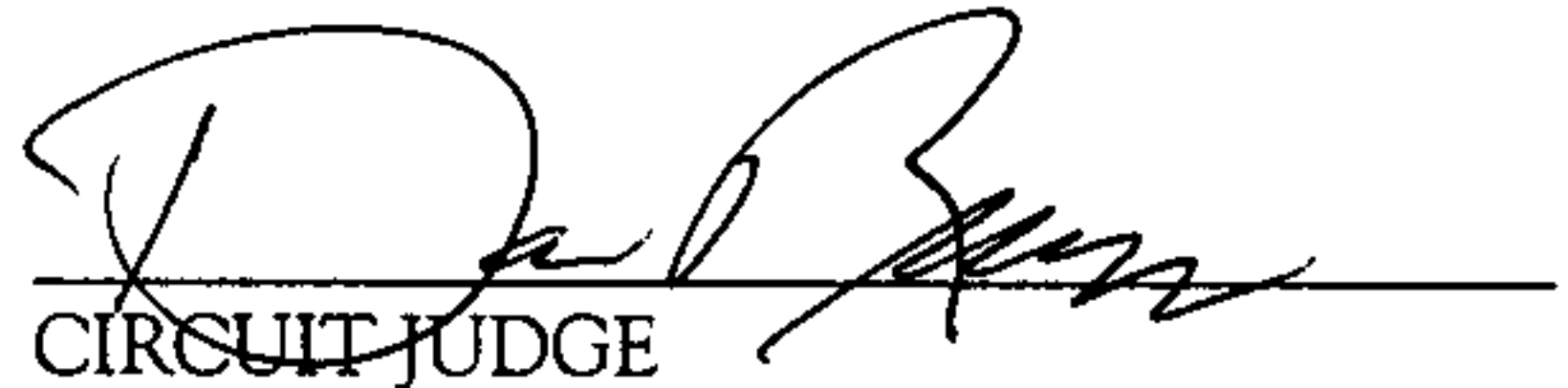
2. The counterclaim of Cox is dismissed with prejudice.

3. The Court's Orders of December 15, 1998 and October 25, 1999 are hereby moot and of no further force or effect.

4. To the extent not expressly determined herein, all remaining claims in this cause are hereby dismissed with prejudice.

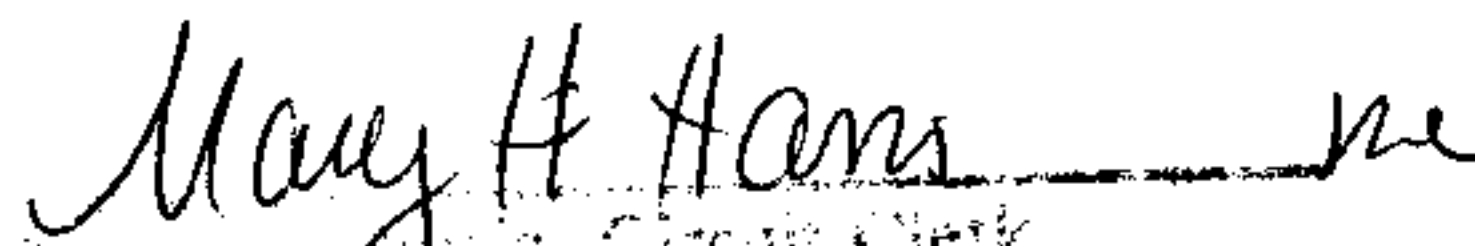
5. Costs are to be taxed as paid.

DONE and ORDERED this 20th day of JANUARY, 2000.


CIRCUIT JUDGE

After a true and correct copy

Feb 15 2002


Mary H. Harris, Circuit Clerk
Shelby County, Alabama

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SHELBY COUNTY JUDGE OF PROBATE
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