

This instrument was prepared by:  
WALLACE, ELLIS, FOWLER & HEAD  
P. O. Box 587  
Columbiana, AL 35051

## STATUTORY WARRANTY DEED

STATE OF ALABAMA  
SHELBY COUNTY

### KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One and no/100 Dollar (\$1.00) and conveyance to the City of Pelham, Alabama property for use as a public road to the undersigned Grantor (whether one or more), in hand paid by the Grantee herein, the receipt whereof is acknowledged, I or we, **City of Pelham, Alabama**, a municipal corporation (herein referred to as Grantor, whether one or more), grant, bargain, sell and convey unto **Southmark Properties, L.L.C. and Interstate Restaurant Investors, L.L.P.** (herein referred to as Grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

From the NW corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Sec. 24, T-20-S, Range 3 West, run Easterly along the North boundary line of said NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Sec. 24, T-20-S, R-3-W, for 355.15 ft.; thence turn an angle of 102 deg. 23' to the right and run Southwesterly 559.2 ft., to the point of beginning of the land herein described and conveyed; thence continue Southwesterly along the last said course for 75.0 ft.; thence turn an angle of 113 deg., 22' to the left and run Northeasterly for 37.5 ft.; thence turn an angle of 66 deg., 38' to the left and run Northeasterly for 75.0 ft. thence turn an angle of 113 deg., 22 min. to the left and run Southwesterly 37.5 ft. to the point of beginning.

From the NW corner of the NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Sec. 24, T-20-S, R-3-W, run Easterly along the North boundary line of the said NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Sec. 24, T-20-S, R-3-W, for 355.15 ft., thence turn an angle of 102 deg., 23' to right and run Southwesterly 559.2 ft. to the point of beginning of the land herein described and conveyed; thence continue Southwesterly along the last said course for 75.0 ft.; thence turn an angle of 66 deg. 38' to right and run Southwesterly 37.5 ft.; thence turn an angle of 113 deg. 22' to right and run Northeasterly 75.0 ft.; thence turn an angle of 66 deg., 38' to right and run Northeasterly 37.5 ft. to point of beginning. This land being a part of the NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Sec. 24, T-20-S, R-3-W, and being 0.12 acres, more or less.

ALSO: An easement 10 ft. in width beginning at the SW corner of the above described lot and running Southwesterly to the East R.O.W. line of US 31 Highway more particularly described as follows: From the Southwest corner of the above described lot run Northeasterly along the West boundary line of said lot for 5.45 ft. to a point on the center line of the easement and the point of beginning of said easement herein described; thence turn an angle of 113 deg., 22' to left and run Southwesterly along the center line of said easement, said easement being 5.0 ft., left and 5.0 ft., right of center line, for 405.84 ft. more or less to the East Right of Way line of U. S. 31 Highway, and the ending of easement.

**TO HAVE AND TO HOLD** to the said Grantee, its successors and assigns forever.

**IN WITNESS WHEREOF**, I (we) have hereunto set my hand(s) and seal(s), this 18 day of March, 2002.

ATTEST

Donna Fredor  
City Clerk

**CITY OF PELHAM, ALABAMA**

Bobby Hayes (SEAL)  
Bobby Hayes, Mayor

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Bobby Hayes, whose name as Mayor of City of Pelham, Alabama, a municipal corporation, 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 such instrument, he, as such Mayor and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 18 day of March, 2002.

Donna Fredor  
Notary Public

Inst # 2002-18879

04/23/2002-18879  
01:29 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MSB

CITY OF PELHAM ORDINANCE NO. 384

WHEREAS, the City of Pelham has removed its water tank from the property described on Exhibit "A", attached hereto, and abandoned the use thereof for public purposes, and

WHEREAS, Southmark Properties, LLC and Interstate Restaurant Investors, L.L.P. have agreed to convey to the City of Pelham approximately 1.76 acres, more or less, to be used for public road rights-of-way in exchange for the conveyance by the City of Pelham of the property described on Exhibit "A" aforesaid, and

WHEREAS, the property described on Exhibit "A" is no longer needed for public or municipal purposes; now, therefore:

BE IT ORDAINED that the Mayor is directed to execute a deed in form and substance shown on Exhibit "A" conveying to Southmark Properties, L.L.C. and Interstate Restaurant Investors, L.L.P. all of the right, title, and interest of the City of Pelham in and to said property in exchange for the conveyance to the City of Pelham of approximately 1.76 ac, more or less, for public road right-of-way purposes.

Mike Dickens, a member of the City Council of the City of Pelham, moved that all rules which would prevent the immediate consideration of Ordinance No.384, hereupon attached, be suspended and immediate consideration given to the passage of said Ordinance. Said motion was seconded by Rosie Metcalf, a member, and upon a roll call vote was unanimously passed. The vote on said motion was as follows:

Bobby Hayes  
Mayor

Yes

Willard Payne  
Council Member

Yes

Mike Dickens  
Council Member

Yes

Rosemary Metcalf  
Council Member

Yes

Karyl Rice  
Council Member

Yes

Jim Phillips  
Council Member

Yes

THEREUPON Willard Payne, a member moved and Rosie Metcalf, a member seconded the move that said Ordinance be given vote. Said Ordinance passed by vote of all members of the Council present and the Mayor declared the same passed.

ADOPTED this the 18 day of March 20 02.

Bobby Hayes  
Mayor

Rosemary Metcalf  
Council Member

Willard C. Payne  
Council Member

Willard C. Payne  
Council Member

Karyl Rice  
Council Member

Jim Phillips  
Council Member

Seal

ATTEST

Doris Truelan  
City Clerk Deputy

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003 MSB 20.50