

Store No. 3696

STATE OF ALABAMA

COUNTY OF SHELBY

400,000
20031229000827110 Pg 1/3 167.00
Shelby Cnty Judge of Probate, AL
12/29/2003 13:59:00 FILED/CERTIFIED

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration to the undersigned Grantor, U.S. RESTAURANT PROPERTIES OPERATING L.P. [successor by merger to USRP (Consolidating), LLC, which is the successor by merger to U.S. Restaurant Properties Business Trust I], in hand paid by MIKE NIKNAFS, herein referred to as Grantee, the receipt of which is hereby acknowledged, said Grantor hereby Grants, Bargains, Sells and Conveys unto the said Grantee the following described real estate situated in Shelby County, Alabama, to wit:

Lot 6 and the North one half of Lot 7, of Block 1, Pelham Estates as recorded in Map Book 3 on Page 57 in the office of the Probate Judge of Shelby County, Alabama, less and except that part of same said Lots 6 and N½ of Lot 7, Block 1, Pelham Estates, that is incorporated into the right of way of Highway 31 (U.S. 31 South), same said property being described more particularly by metes and bounds as follows:

Commence at the Southwest corner of the SW ¼ of the NW ¼ of Section 13, Township 20 South, Range 3 West, Shelby County, thence run easterly along the south line of said quarter-quarter 552.40' to a point on the east right of way line of U.S. Highway 31 (So) and the Northwest corner of Lot 1, Block 1, of Pelham Estate, thence run southerly along the said east right of way line of said Highway 31 a chord distance of 500.22' to the northwest corner of Lot 6, of Block 1, Pelham Estates and the point of beginning of the property being described, thence turn angle of 78° 42' 27" left from cord and run S 88° 21' 36" E a distance of 272.24' to an iron pin, thence turn an int. angle of 99° 20' 19" and run S 07° 41' 55" E a distance of 150.06' to an iron pin, thence turn an int. angle of 80° 27' 13" and run N 88° 09' 08" W a distance of 267.22' to a steel spike on the East right of way line of U.S. Highway 31, thence turn an int. angle of 101° 30' 01" and run N 09° 39' 09" W a distance of 150.01' to a steel spike on the east right of way line of said Highway, U.S. 31, and the point of beginning, containing 39,796 square feet, 0.9136 acre.

Together with a perpetual non-exclusive 6 foot easement over the adjacent property for the purpose of erection of a sign, more particularly described as follows:

Beginning at the southeastern corner of 30 foot ingress-egress easement, thence running north 88° 9' 40" west along a right-of-way of Vance Street for 3 feet to a point, thence departing said right-of-way and running north 7° 41' 55" west for 6 feet to a point, thence running south 88° 9' 40" east for 3 feet to a point on the eastern line of the 30 foot ingress-egress easement, thence running south 7° 41'

55" east along the eastern line of said easement for 6 feet to an iron pin and the point of beginning.

This being the same property conveyed to U.S. Restaurant Properties Business Trust I by Special Warranty Deed dated May 8, 1996 and recorded June 4, 1996 as Instrument No. 1996-17898 in the Office of the Shelby County, Alabama Judge of Probate's Office [U.S. Restaurant Properties Business Trust I having been succeeded via merger by USRP (Consolidating), LLC and USRP (Consolidating), LLC having been succeeded via merger by U.S. Restaurant Properties Operating L.P.].

TO HAVE AND TO HOLD to the said Grantee, his heirs and assigns forever.

And Grantor will warrant and forever defend the right and title to the above described property unto the Grantee against the claims of Grantor and all others claiming by or under Grantor.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed in its name by its general partner duly authorized in the premises, this 19 day of December, 2003.

U.S. RESTAURANT PROPERTIES OPERATING L.P.,
a Delaware limited partnership

By: USRP Managing, Inc.,
a Delaware corporation,
Its General Partner

By: 
Harry O. Davis,
Vice President

Corporate Seal

Attest: 
Valerie S. Siverling,
Secretary

[ACKNOWLEDGEMENT ON NEXT PAGE]

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that Harry O. Davis and Valerie S. Siverling, whose names as Vice President and Secretary, respectively, of USRP MANAGING, INC., acting in its capacity as general partner of U.S. RESTAURANT PROPERTIES OPERATING L.P., are signed to the foregoing conveyance and who are known to me, acknowledged before me that, being informed of the contents of the conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation acting as said general partner on the day the same bears date.

Given under my hand and official seal this 19th day of December, 2003.

Diana Kennedy
Notary Public

My commission expires: 7/14/07

Grantee's address:

Mike Niknafs
3608 Brookwood Road
Birmingham, Alabama 35223



This Instrument Prepared By:

Ron H. Dekelbaum, Esq.
Attorney at Law
12240 Inwood Road, Suite 300
Dallas, Texas 75244