


THIS INSTRUMENT PREPARED BY:

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Leitman, Siegal & Payne, P.C.
600 North 20th Street, Suite 400
Birmingham, Alabama 35203

SEND TAX BILL TO:

Cracker Barrel Old Country Store, Inc.
307 Hartmann Drive
Lebanon, TN 37087
Attention: Director of Real Estate


20040609000308980 Pg 1/4 813.00
Shelby Cnty Judge of Probate, AL
06/09/2004 08:03:00 FILED/CERTIFIED

GENERAL WARRANTY DEED

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, RICHARD E. DUBOSE, A MARRIED MAN, AND MARK A. PEEPLES, A MARRIED MAN, as tenants in common (jointly and severally, "Grantor") hereby grant, bargain, sell and convey unto CRACKER BARREL OLD COUNTRY STORE, INC., a Tennessee corporation ("Grantee") the undivided fifty percent (50%) interest owned by each Grantor in that certain tract or parcel of land in Shelby County, State of Alabama described on **EXHIBIT "A"**, which is attached hereto and incorporated herein by reference. Such property is herein referred to as the "Property."

This conveyance of the Property and the covenants and warranties contained herein are made expressly subject to the matters set forth on **Exhibit "B"** which is attached hereto and incorporated herein by reference as well as to all taxes for the year 2004 and subsequent years not yet due and payable.

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

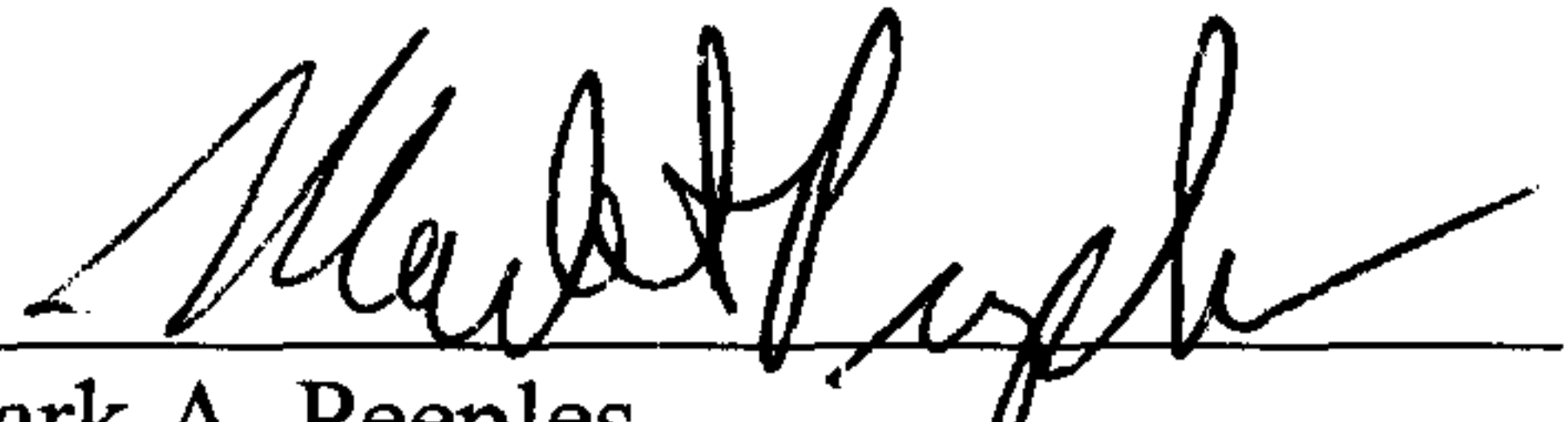
And said Grantor does, for itself, its heirs and assigns, covenant with said Grantee, its successors and assigns, that it is lawfully seized in fee simple of said premises, that said premises are free from all encumbrances unless otherwise noted above, that it has a good right to sell and convey the same as aforesaid, and that it will, and its heirs and assigns shall forever warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons whomsoever.

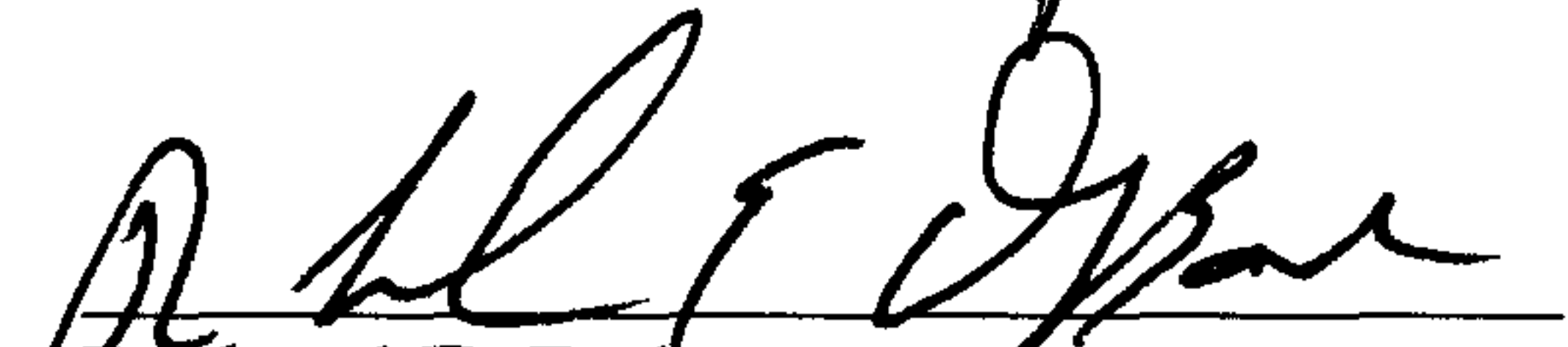
790,000⁰⁰

Land Title

The Property is not the homestead of the Grantor.

8th IN WITNESS WHEREOF, the said Grantor, hereto sets its signature and seal this the
day of ~~September, 2003.~~
June, 2004


Mark A. Peebles



Richard E. Dubose

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that MARK A. PEEPLES whose name 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 7th day of June, 2004.

Notary Public 
My Commission Expires: NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 9, 2006
~~BONDED THRU NOTARY PUBLIC UNDERWRITERS~~

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that RICHARD E. DUBOSE whose name 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 7th day of June, 2004.


Notary Public 
My Commission Expires: NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 9, 2006
~~BONDED THRU NOTARY PUBLIC UNDERWRITERS~~

EXHIBIT "A"

Legal Description

Lot 2C, according to the Survey of Calera Crossings, as recorded in Map Book 33, page 72, in the Probate Office of Shelby County, Alabama.

Formerly known as:

A portion of Lot 2 according to Wal-Mart Supercenter #3271 Subdivision, as recorded in Map Book 27, page 117, in the Probate Office of Shelby County, Alabama, also being situated in the Northwest Quarter of the Southeast Quarter of Section 4, Township 22 South, Range 2 West, St. Stephens Meridian, Shelby County, Alabama, and being more particularly described as follows:

Begin at the Northeast Corner of Lot 2 Wal-Mart Supercenter #3271 Subdivision, as recorded in Map Book 27, page 117, in the Office of the Judge of Probate of Shelby County, Alabama, said point also being on the westerly right-of-way of Highway 31, (right of way varies); thence run South $09^{\circ}01'52''$ West along said Lot 2 and said right-of-way for a distance of 207.79 feet to the Point of Curvature of a curve to the right, having a radius of 5609.69 feet, a central angle of $01^{\circ}58'24''$, a chord length of 193.20 feet and a chord bearing of South $10^{\circ}01'04''$ West; thence continue along the arc of said curve and said right-of-way for a distance of 193.21 feet to the northerly right-of-way of Interstate 65, (right-of-way varies); thence leaving said westerly right-of-way run South $60^{\circ}44'46''$ West along said Lot 2 and said northerly right-of-way for a distance of 206.61 feet; thence run North $61^{\circ}02'41''$ West along said Lot 2 and said northerly right-of-way for a distance of 135.24 feet; thence leaving said Lot 2 and said northerly right-of-way for a distance of 135.24 feet; thence leaving said Lot 2 and said Northerly right-of-way run North $00^{\circ}00'00''$ East for a distance of 80.42 feet; thence run South $90^{\circ}00'00''$ East for a distance of 120.00 feet; thence run North $00^{\circ}00'00''$ East for a distance of 128.28 feet; thence run South $90^{\circ}00'00''$ East for a distance of 15.97 feet; thence run North $00^{\circ}00'00''$ East for a distance of 160.45 feet; thence run South $90^{\circ}00'00''$ East for a distance of 70.15 feet; thence run North $00^{\circ}00'00''$ East for a distance of 62.86 feet to the northerly boundary line of said Lot 2; thence run South $89^{\circ}37'26''$ East along said Lot 2 for a distance of 158.71 feet to the Point of beginning.

EXHIBIT "B"

Permitted Encumbrances

1. Taxes for the year 2004, which are not yet due and payable.
2. Right of Way granted to Alabama Power Company by instrument recorded in Volume 131, page 315, in the Probate Office of Shelby County, Alabama.
3. Denial of all existing, future or potential common law or statutory rights of access between subject property and I-65.
4. Matters shown on recorded plat.
5. Any claim arising by reason of the fence now running along the true property lines.
6. Minerals and mineral rights to the extent not owned by Grantor.
7. Easement by Wal-Mart Stores, East, Inc., an Arkansas corporation, to Alabama Power Company, an Alabama corporation, recorded July 26, 2000, as Instrument 2000/25119, in the Probate Office of Shelby County, Alabama.
8. An amendment to an Existing Easement, in Two Parts, for the Construction, Operation, and Maintenance of a Gas Line by the City of Calera, Calera, Alabama, dated June 8, 1996, recorded as Instrument 1997/13087, in the Probate Office of Shelby County, Alabama.
9. Conditions and restrictions as contained in that certain Warranty Deed from Wal-Mart Stores East, Inc. to P&N Calera, LLC, dated January 30, 2001 and recorded February 9, 2001, as Instrument 2001/04813, in the Probate Office of Shelby County, Alabama.
10. Access Easement by and between Wal-Mart Real Estate Business Trust and P&N Calera, LLC, dated January 30, 2001 and recorded February 9, 2001 as Instrument 2001/04817, in the Probate Office of Shelby County, Alabama.