

This instrument was prepared by:

Meyer Capel, A Professional Corporation
306 West Church Street
Champaign, IL 61820
Attn.: Jeffrey M. Davis, Esq.

MEMORANDUM of LEASE

THIS MEMORANDUM of LEASE (the "Memorandum") is executed effective as of ^{August 6} ~~July~~ __, 2004 (the "Effective Date"), by and between METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation ("Lessor"), whose address is c/o Taylor & Mathis, 22 Inverness Center Parkway, Suite 650, Birmingham, AL 35242 and BRINKER ALABAMA, INC., a Delaware corporation ("Lessee"), whose address is 6820 LBJ Freeway, Dallas, TX 75240-6515.

PRELIMINARY STATEMENT:

Lessor and Lessee's predecessor, Sunstate Alabama Restaurant Corporation, entered into that certain lease (the "Lease") dated August 6, 1990, the terms, provisions and conditions of which are incorporated herein by this reference to the same extent as if recited in their entirety herein, whereby Lessor has leased to Lessee, and Lessee has rented and leased from Lessor, on and subject to the terms, provisions and conditions of the Lease, the real property described more particularly in the legal description attached hereto as Exhibit A and incorporated herein by this reference, together with all buildings, structures, fixtures and other improvements now or hereafter located thereon (collectively, the "Premises"). Unless otherwise expressly provided herein, all defined terms used in this Memorandum shall have the same meanings as are ascribed to such terms in the Lease.

NOW, THEREFORE, Lessor and Lessee hereby make specific reference to the following terms, provisions and conditions of the Lease:

1. In consideration of the rentals and other sums to be paid by Lessee and of the other terms, covenants and conditions on Lessee's part to be kept and performed pursuant to the Lease, Lessor leases to Lessee, and Lessee takes and hires, the Premises. The initial term of the Lease commenced on February 11, 1991 and expires on February 28, 2016, unless terminated sooner as provided in the Lease.

2. Original copies of the Lease are in the possession of Lessor and Lessee. The Lease contains other terms not herein set forth but which are incorporated by reference herein for all purposes, and this Memorandum is executed for the purpose of placing parties dealing with the Premises on notice of the existence of the Lease and, where appropriate, its contents, and shall ratify and confirm all other terms of the Lease as fully as if the same had been set forth herein. Additional information concerning the terms of the Lease can be obtained from Lessor or Lessee at the addresses set forth above.

Return Recorded Documents To:

LandAmerica National Commercial Services
450 S. Orange Avenue, Suite 170
Orlando, FL 32801
Attention: Christi Pawlak 04-000356



20050622000310590 2/5 \$23.00
Shelby Cnty Judge of Probate, AL
06/22/2005 10:22:50AM FILED/CERT

3. This Memorandum is intended for recording purposes only, and does not modify, supersede, diminish, add to or change all or any of the terms of the Lease in any respect. The parties hereby reaffirm the Lease as of the date hereof.

4. This Memorandum may be executed in one or more counterparts, each of which shall be deemed an original.

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IN WITNESS WHEREOF, the parties hereto have caused this Memorandum to be delivered as of the Effective Date.

LESSOR:

Metropolitan Life Insurance Company

By: Victor W. Turner
Printed Name: VICTOR W. TURNER
Its: VICE PRESIDENT NA

LESSEE:

Brinker Alabama, Inc.

By: J. L. Tobin
Printed Name: Jay L. Tobin
Its: Vice President and Assistant Secretary

STATE OF ~~ALABAMA~~ Georgia)
COUNTY Fulton)

METROPOLITAN LIFE INSURANCE COMPANY

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Victor W. Turner, whose name as VICE PRESIDENT of, a New York 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 the said instrument, Victor W. Turner as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and seal, this 6th day of August, 2004.


[NOTARIAL SEAL]

Kathleen D. Coady
Notary Public

Print Name Kathleen D. Coady

My Commission Expires: 3-14-07

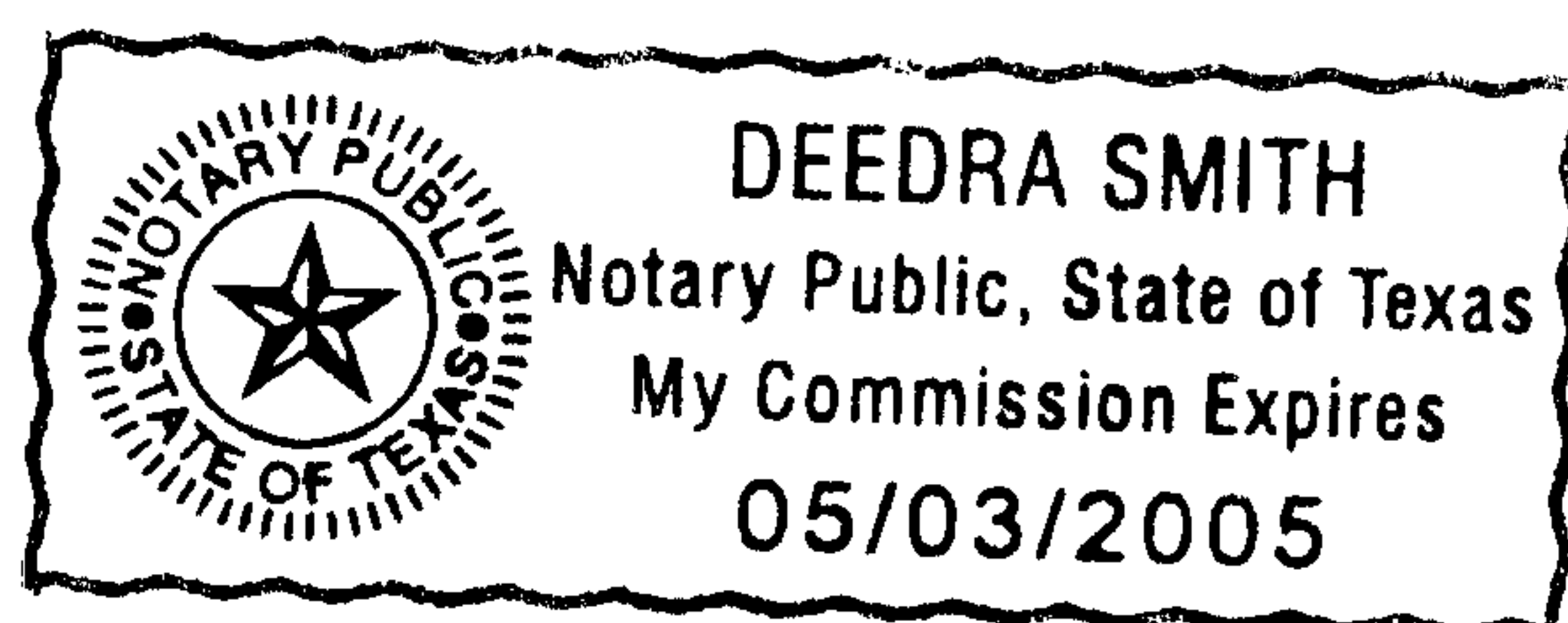
STATE OF TEXAS)
 :
COUNTY OF DALLAS)

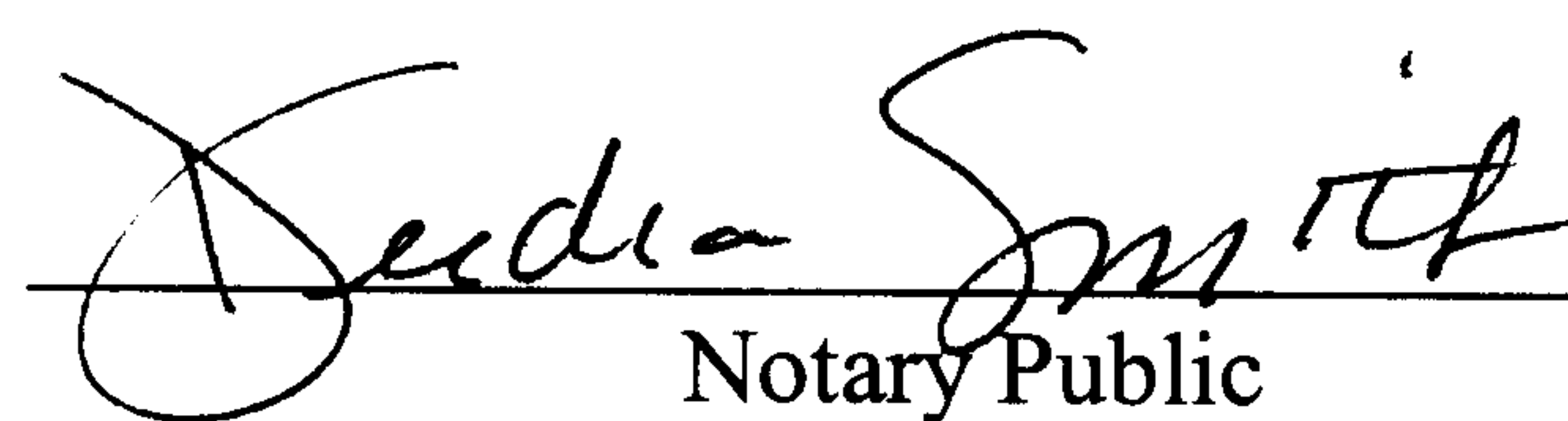

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I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Jay L. Tobin, whose name as Vice President and Assistant Secretary of Brinker Alabama, Inc., a Delaware corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the said instrument, Jay L. Tobin, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and seal, this 15th day of July, 2004.

[NOTARIAL SEAL]





Notary Public

Print Name _____

My Commission Expires: _____



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Exhibit A
04-000356

Part of the Southeast quarter of the Southeast quarter of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the Southeast corner of said Southeast quarter of Southeast quarter and run North along the East line of same 1086.16 feet to a point on a curve on the Southwesterly right of way of U.S. Highway No. 280 said curve having a radius of 3474.05 feet and a central angle of $5^{\circ} 31' 42''$; thence left $66^{\circ} 13' 41''$ to the tangent of said point on curve and run Northwesterly along said right of way and arc of said curve 335.20 feet to the point of tangent; thence continue tangent of right of way in a Northwesterly direction 455.55 feet to the point of beginning of herein described Out Parcel A; thence left $90^{\circ} 00'$ and run Southwesterly 226.00 feet; thence right $45^{\circ} 00'$ and run Southwesterly 21.21 feet; thence right $45^{\circ} 00'$ and run Northwesterly 227.27 feet to a point on curve on the Southeasterly right of way of Shelby County Highway No. 17 (Valleydale Road) said curve having a radius of 1487.42 feet and a central angle of $1^{\circ} 25' 21''$; thence right $91^{\circ} 22' 26''$ to the tangent of said point on curve and run Northeasterly along said right of way and arc of said curve 36.93 feet to the point of tangent; thence continue Northeasterly along said tangent of right of way 200.21 feet to a point on the Southwesterly right of way of said U.S. Highway No. 280; thence right $86^{\circ} 52' 20''$ and run Southeasterly along said right of way 69.95 feet to an angle point of said right of way; thence right $3^{\circ} 10' 15''$ and continue Southeasterly along said right of way 172.15 feet to the point of beginning.