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20050819000428670 1/6 \$27.00  
Shelby Cnty Judge of Probate, AL  
08/19/2005 03:15:39PM FILED/CERT

Prepared By:

Michael T. Folks, Esq.  
Captain D's, LLC  
1717 Elm Hill Pike, Suite A-1  
Nashville, Tennessee 37210

When Recorded Return To:

Susan VanderJagt, Escrow Officer  
LandAmerica National Commercial Services  
450 South Orange Avenue, Suite 170  
Orlando, Florida 32801 05-1590

### SPECIAL WARRANTY DEED

Captain D's, LLC, a Delaware limited liability company (the "Grantor"), having a mailing address of 1717 Elm Hill Pike, Suite A, Nashville, Tennessee 37210, for and in consideration of \$10.00 and other good and valuable consideration to the Grantor in hand paid by CNL Net Lease Funding 2003, LLC, a Delaware limited liability company (the "Grantee"), having a mailing address of 450 South Orange Avenue, Orlando, Florida 32801, the receipt and sufficiency of which the Grantor hereby acknowledges, has granted, bargained, sold and conveyed and, by these presents, hereby grants, bargains, sells and conveys to the Grantee all of that certain real property located in Shelby County, Alabama, being more particularly described on Exhibit A to this instrument, together with (1) all improvements located on the property, (2) all and singular rights, benefits, privileges, easements, tenements, hereditaments and appurtenances on the property or in anywise appertaining to the property, (3) all right, title and interest of the Grantor in and to all strips and gores and any land lying in the bed of any street, road or alley, opened or closed, adjoining the property, and (4) all right, title and interest of the Grantor in and to all other property around, claimed or used by the Grantor adjoining or contiguous to any part of the property (collectively, the "Property").

The Grantor is making and the Grantee is accepting this conveyance subject to the encumbrances and exceptions listed on Exhibit B to this instrument (the "Permitted Exceptions"), if and only to the extent valid and enforceable against the Property, the reference to which shall not serve to reimpose same.

To have and to hold the Property, as set forth above, unto the Grantee and its successors and assigns forever. The Grantor hereby binds itself and its successors and assigns to warrant and forever defend all and singular, subject to the Permitted Exceptions, the Property unto the Grantee and its successors and assigns, against every person whomsoever lawfully claiming or to claim the Property or any part of the Property by, through or under the Grantor but not otherwise.

In witness of this conveyance, the Grantor has executed this Special Warranty Deed on this 15th day of August, 2005.

Grantor:

Captain D's, LLC

By: Michael T. Folks  
Michael T. Folks, Vice President

Mail Tax Statements to:  
CNL Net Lease Funding 2003, LLC  
450 South Orange Ave.  
Orlando, FL 32801



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State of Tennessee       )  
                                  ) ss:  
County of Davidson       )

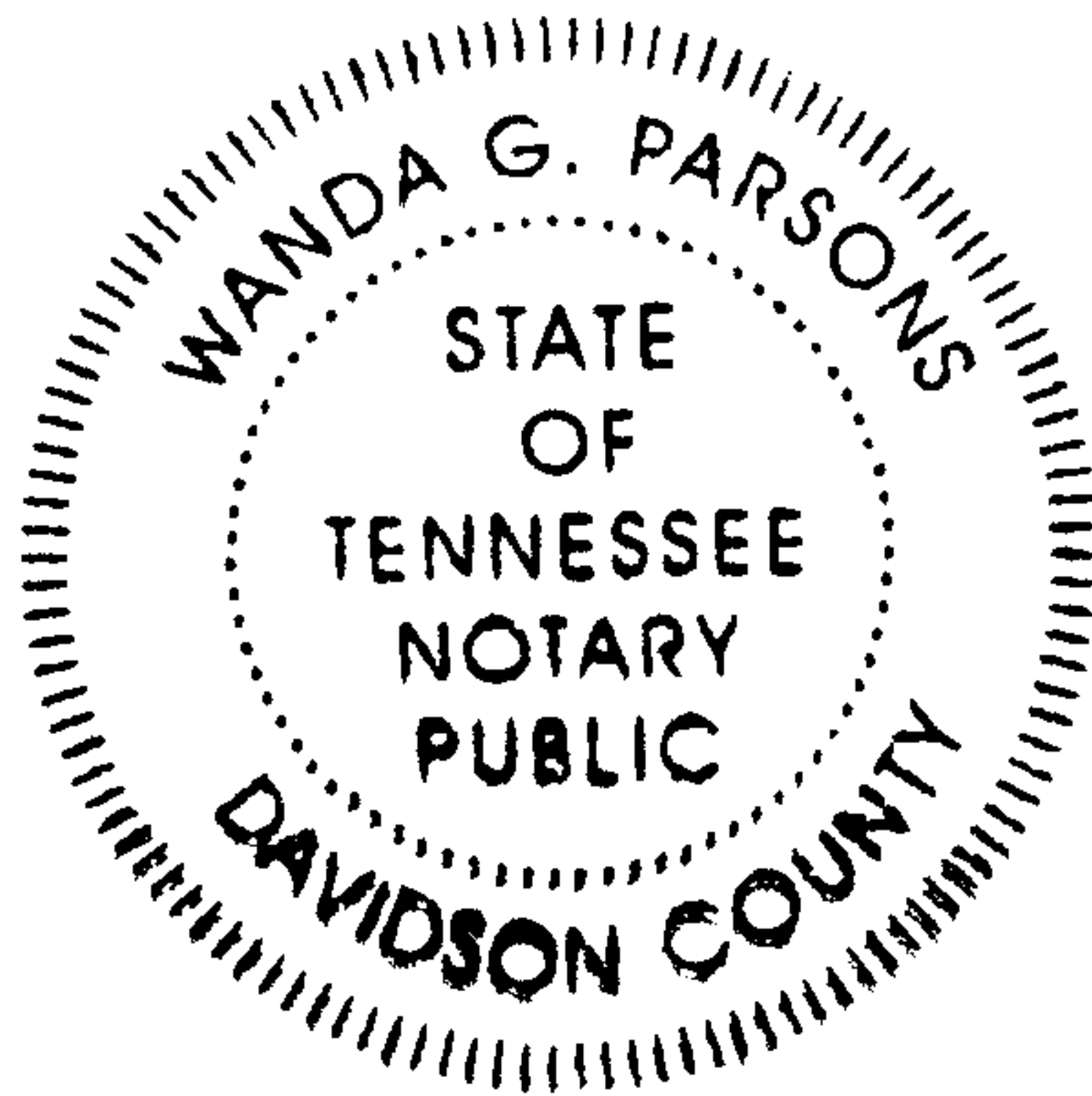
I, the undersigned, a Notary Public in and for the above-referenced state and county, hereby certify that Michael T. Folks, who has signed his name as Vice President of Captain D' s, LLC on the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day set forth on the conveyance.

Given under my hand and seal on this 15<sup>th</sup> day of August, 2005.

Wanda G. Parsons  
Notary Public

My Commission Expires:

5/23/09  
[Seal]





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## Exhibit A

### Legal Description of Property

#### Parcel I:

Lot 4A, according to Baker Seafood, Inc. Resurvey (being a resurvey of Lots 4 and 5, Wal-Mart Supercenter #3271 Subdivision, as recorded in Map Book 27, Page 117) as recorded in Map Book 31, Page 92, in the Office of the Judge of Probate of Shelby County, Alabama, also being situated in the Northwest Quarter of the Southeast Quarter of the Section 4, Township 22 North, Range 2 West, St. Stephens Meridian, Shelby County, Alabama, and being more particularly described as follows:

Commence at point at the Southwest Corner of the Southwest Quarter of the Northeast Quarter of Section 4, Township 22 North, Range 2 West, St. Stephens Meridian, Shelby County, Alabama; thence run North 02 degrees 06 minutes 24 seconds West along the West line of said Quarter Section for a distance of 512.99 feet to a point; thence run South 89 degrees 47 minutes 07 seconds East for a distance of 1,036.65 feet to a point on the West right-of-way margin of U.S. Highway 31; thence run South 10 degrees 16 minutes 53 seconds East along said right-of-way margin for a distance of 386.25 feet to an iron pin, said point being the True Point of Beginning; thence continue South 10 degrees 16 minutes 53 seconds East along said right-of-way margin for a distance of 80.23 feet to an iron pin; thence run South 79 degrees 34 minutes 19 seconds West along said right-of-way margin for a distance of 49.72 feet to an iron pin, said point being the point of a curve to the right having a radius of 854.81 feet and an arc distance of 83.80 feet; thence run along said curve to the right and along said right-of-way margin a chord bearing South 07 degrees 31 minutes 03 seconds East and a chord distance of 83.76 feet to an iron pin; thence run North 89 degrees 39 minutes 17 seconds West for a distance of 188.73 feet to an iron pin; thence run North 00 degrees 22 minutes 34 seconds East for a distance of 111.08 feet to an iron pin, said point being the point of a curve to the right having a radius of 43.50 feet and an arc distance of 60.24 feet; thence run along said curve to the right a chord bearing North 40 degrees 02 minutes 50 seconds East and a chord distance of 55.54 feet to an iron pin; thence run North 79 degrees 43 minutes 07 seconds East for a distance of 120.73 feet to an iron pin; thence run South 10 degrees 16 minutes 53 seconds East for a distance of 5.00 feet to an iron pin; thence run North 79 degrees 43 minutes 07 seconds East for a distance of 40.25 feet to an iron pin; thence run South 65 degrees 30 minutes 48 seconds East for a distance of 18.21 feet to a point and back to the True Point of Beginning.

Said property being the same property as conveyed to Captain D's, LLC by that certain General Warranty Deed dated June 24, 2005, and recorded as Instrument # 20050630000326440 in the Office of the Judge of Probate of Shelby County, Alabama.

#### Parcel II:

Together with a non-exclusive access easement as conveyed to Baker Seafood, Inc. on May 29, 2001, and recorded in Instrument #2001-25731, including ingress and egress access across the following described property:

Commence at the Southwest Corner of the Southwest Quarter of the Northeast Quarter of Section 4, Township 22 North, Range 2 West, Shelby County, Alabama; thence North 02 degrees 06 minutes 24 seconds West 512.99 feet; thence South 89 degrees 47 minutes 07 seconds East 1,036.65 feet; thence South 10 degrees 16 minutes 53 seconds East 396.25 feet to the Westerly margin of U.S. Highway 31; thence continue along said road South 10 degrees 16 minutes 53 seconds East 80.24 feet; thence continue along said right-of-way South 79 degrees 34 minutes 19 seconds West 49.72 feet; thence continue along said right-of-way on a curve, said curve concave to the West and having a radius of 854.82 feet, along a



chord bearing and distance South 02 degrees 26 minutes 38 seconds East for a chord distance of 234.44 feet to the beginning of a 25-foot ingress and egress access easement; thence leaving said right-of-way along a curve, said curve concave to the South and having a radius of 121.50 feet, along a chord bearing North 79 degrees 08 minutes 51 seconds West for a chord distance of 44.19 feet; thence North 89 degrees 37 minutes 26 seconds West 121.82 feet to the beginning of a curve, said curve concave to the Northeast and having a radius of 23.50 feet, along a chord bearing North 44 degrees 37 minutes 26 seconds West for a chord distance of 33.23 feet; thence North 00 degrees 23 minutes 01 second East 230.63 feet to the beginning of a curve, said curve concave to the Southeast and having a radius of 43.50 feet, along a chord bearing North 40 degrees 02 minutes 50 seconds East for a chord distance of 55.54 feet; thence North 79 degrees 43 minutes 07 seconds East 120.73 feet; thence South 10 degrees 16 minutes 53 seconds East 5.0 feet; thence North 79 degrees 43 minutes 07 seconds East 40.25 feet; thence South 65 degrees 30 minutes 48 seconds East 18.21 feet to the point of beginning; said easement being 25 feet left of the above-described line and being a 25-foot ingress and egress access easement situated in Shelby County, Alabama.

Said easement being the same easement granted Baker Seafood, Inc. by that certain Access Easement entered into as of May 29, 2001, and recorded as Instrument # 20030619000384230 in the Office of the Judge of Probate of Shelby County, Alabama.

Parcel III:

Together with a non-exclusive easement for the benefit of Parcel I for the purpose of ingress and egress as created by that certain access easement between Wal-Mart Real Estate Business Trust and P&N Calera, L.L.C., dated January 30, 2001, and recorded on February 9, 2001, under Instrument No. 2001-04817, over, under and across the following described property:

A parcel of land for ingress and egress situated in the Southwest Quarter of the Northeast Quarter of Section 4, Township 22 South, Range 2 West, St. Stephens Meridian, Shelby County, Alabama, and being more particularly described as follows:

Commence at an axle found at the Southwest Corner of the Southwest Quarter of the Northeast Quarter of Section 4, Township 22 South, Range 2 West, St. Stephens Meridian, Shelby County, Alabama; thence run North 02 degrees 06 minutes 24 seconds West along the West line of said quarter for a distance of 512.99 feet; thence, leaving said quarter line, run South 89 degrees 47 minutes 07 seconds East for a distance of 1,036.65 feet to the Westerly right-of-way of Highway 31 (right-of-way width being 100 feet); said point also being the Northeast Corner of Lot 3 according to 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; thence run South 10 degrees 16 minutes 53 seconds West, along the boundary of said Lot 3, for a distance of 284.0 feet to the Southeast Corner of said Lot 3; said point also being the point of beginning; thence, leaving said Lot 3, continue South 10 degrees 16 minutes 53 seconds East for a distance of 102.17 feet to the Northeast Corner of Lot 4 of said Wal-Mart Supercenter #3271 Subdivision; thence North 65 degrees 30 minutes 48 seconds West, along the North Line of said Lot 4, for a distance of 18.21 feet; thence run South 79 degrees 43 minutes 07 seconds West, along the North Line of said Lot 4, for a distance of 5.00 feet; thence run South 79 degrees 43 minutes 07 seconds West, along the North Line of said Lot 4, for a distance of 120.73 feet to the point of curvature of a curve to the left having a radius of 43.50 feet, a central angle of 79 degrees 20 minutes 33 seconds, a chord length of 55.54 feet, and a chord bearing of South 40 degrees 02 minutes 05 seconds West; thence continue, along the arc of said curve, for a distance of 60.24 feet to the point of tangency of said curve; thence run South 00 degrees 22 minutes 34 seconds West, along the West Boundary Line of Lot 4, Lot 5, and Lot 6, for a distance of 576.95 feet to the Southwest Corner of Lot 6, said point also being the North Boundary Line of Lot 2 of said Wal-Mart Supercenter #3271 Subdivision; thence run North 89 degrees 37 minutes 26 seconds West,





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along the North Boundary Line of said Lot 2, for a distance of 696.60 feet; thence run South 37 degrees 41 minutes 38 seconds West, along the North Boundary Line of said Lot 2, for a distance of 42.10 feet; thence run North 89 degrees 37 minutes 26 seconds West, along the North Boundary Line of said Lot 2, for a distance of 99.54 feet to the Northerly right-of-way line of I-65 (right-of-way width varies); thence run North 52 degrees 34 minutes 36 seconds West, along said right-of-way, for a distance of 38.56 feet to the Southwest Corner of Lot 1 of said Wal-Mart Supercenter #3271 Subdivision; thence run North 02 degrees 06 minutes 24 seconds West, along the West Boundary Line of said Lot 1, for a distance of 41.81 feet; thence, leaving said West Line, run South 89 degrees 37 minutes 26 seconds East, for a distance of 99.94 feet; thence run North 37 degrees 41 minutes 38 seconds East for a distance of 42.10 feet; thence run South 89 degrees 37 minutes 26 seconds East for a distance of 693.78 feet; thence run North 00 degrees 22 minutes 34 seconds East for a distance of 619.79 feet; thence run North 79 degrees 43 minutes 07 seconds East, along the South Line of said Lot 3, for a distance of 213.93 feet; thence run North 52 degrees 46 minutes 38 seconds East, along the South Boundary Line of said Lot 3, for a distance of 21.59 feet to the point of beginning.

Parcel IV:

Together with an easement for utilities in the Declaration of Easement dated June 13, 2003, by Baker Seafood, Inc. and recorded on June 19, 2003 under Instrument # 20030619000384230 in the Office of the Judge of Probate of Shelby County, Alabama.

**Exhibit B**

**Permitted Exceptions**

1. Taxes, charges or assessments for the year 2005 and all subsequent years, not yet due and payable.
2. Disclaimer of easements by Alabama Power Company recorded under Instrument Number 2003052900033840. (Parcel I)
3. Release of easement as recorded under Instrument Number 2003052900033850. (Parcel I)
4. Easement(s)/Right(s) of Way granted Alabama Power Company recorded under Instrument Number 20040206000061870 and Instrument Number 20020821000398790. (Parcels I, II & IV)  
  
Rights of others in and to the use of Access Easement by and between Wal-Mart Real Estate Business Trust and P&N Calera L.L.C. as recorded under Instrument Number 2001-04817. (Parcels II, III & IV)
6. Rights of others in and to the use of Access Easement by and between Wal-Mart Real Estate Business Trust and Baker Seafood, Inc. as recorded under Instrument Number 20010621000257311. (Parcels I, II & IV)  
  
Memorandum of Lease by and between Tacalera, LLC (landlord) and South Tacala, LLC (tenant) as recorded under Instrument Number 20030616000374580. (Parcels II & IV)  
  
Covenants, conditions and restrictions as shown in Deed as recorded under Instrument Number 2001-25730. (Parcels I, II & IV)
9. Rights of others in and to the use of Declaration of easement by and between Baker Seafood, Inc. and Tacalera, LLC recorded under Instrument Number 20030619000384230. (Parcels I, II & IV)
10. Sanitary Sewer Easement shown on map of Wal-Mart Supercenter 3271 Subdivision as recorded in Map Book 27, page 117 and Map Book 31, page 92.
11. An amendment to an existing easement in two parts, for the construction, operation and maintenance of a gas line by the City of Calera as recorded under Instrument Number 1997-13087. (Parcels I, II, III & IV)
12. Conditions and restrictions contained in that certain Corporation Warranty Deed from Wal-Mart Stores East, Inc. and P&N Calera L.L.C. as recorded under Instrument Number 2001-04813. (Parcel III)
13. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto. (Parcels I, II, III & IV)
14. Easements and building lines as shown on record map(s). (As to Parcels I, II, III & IV)