

20050907000460450 1/4 \$1020.00  
Shelby Cnty Judge of Probate, AL  
09/07/2005 11:48:35AM FILED/CERT

This instrument prepared by:  
J. Murphy McMillan  
Burr & Forman LLP  
420 North 20th Street, Suite 3100  
Birmingham, Alabama 35203

Send Tax Notice To:  
Ruby Tuesday, Inc.  
150 West Church Avenue  
Maryville, TN 37801  
Attention: Legal Real Estate

STATE OF ALABAMA            )  
COUNTY OF SHELBY        )

### STATUTORY WARRANTY DEED

**KNOW ALL MEN BY THESE PRESENTS** that in consideration of the sum of One Million Dollars and 00/100 Dollars (\$1,000,000.00) and other good and valuable consideration, to the undersigned Grantor in hand paid by the Grantee herein, the receipt and sufficiency of which are hereby acknowledged, **COLONIAL PROPERTIES SERVICES, INC.**, an Alabama corporation ("Grantor"), does hereby grant, bargain, sell and convey unto **RUBY TUESDAY, INC.**, a Georgia corporation ("Grantee"), that certain real property situated in Shelby County, Alabama, being more particularly described on Exhibit A attached hereto and made a part hereof.

This conveyance is made subject to "Permitted Encumbrances" set forth in Exhibit B attached hereto and made a part hereof.

**TO HAVE AND TO HOLD** unto Grantee, its successors and assigns forever.

**IN WITNESS WHEREOF**, Grantor has caused this conveyance to be executed as of the 1<sup>st</sup> day of SEPTEMBER, 2005.

**GRANTOR:**

COLONIAL PROPERTIES SERVICES, INC.,  
an Alabama corporation

MMCM  
9/29

BY:

CHARLES E. LIGHT

ITS: Senior Vice President - Retail Division  
EXECUTIVE

STATE OF ALABAMA            )  
COUNTY OF JEFFERSON       )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that CHARLES E. LIGHT, whose name as EXECUTIVE VICE PRESIDENT of Colonial Properties Services, Inc., an Alabama 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.


Given under my hand this the 1<sup>st</sup> day of SEPTEMBER, 2005.

[Signature]  
Notary Public

My Commission Expires: November 8, 2006


**EXHIBIT A**  
**to Statutory Warranty Deed**  
**Legal Description of the Property**

Lot 13, according to the Final Plat of Colonial Promenade Alabaster Survey, as recorded in Map Book 35, Page 102A, in the Office of the Judge of Probate of Shelby County, Alabama.

  
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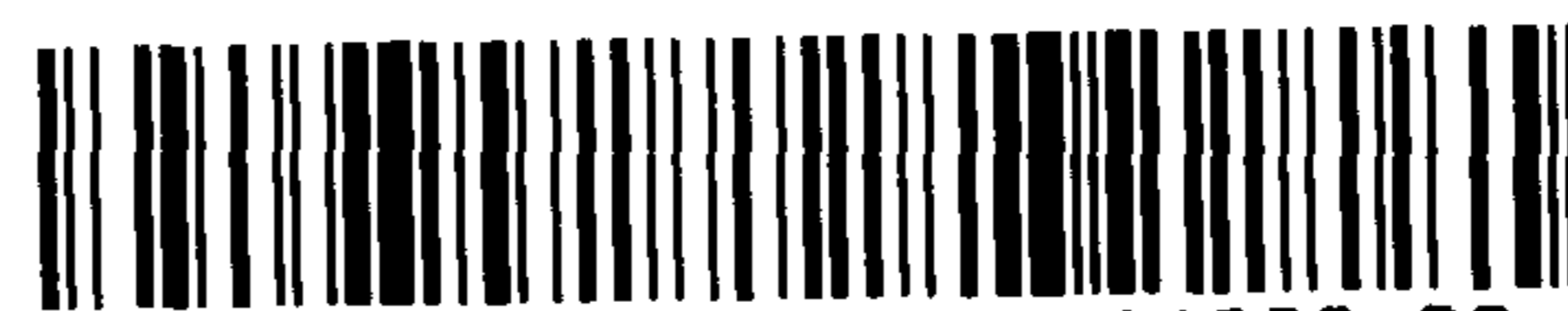
**EXHIBIT B**  
**to Statutory Warranty Deed**  
**Permitted Encumbrances**

1. Taxes and assessments for the year 2005, and subsequent years, which are not yet due and payable.
2. Declaration of Covenants, Conditions and Restrictions and Operating Agreement by and between Grantor and Grantee recorded simultaneously herewith in the Probate Office of Shelby County, Alabama.
3. Right of Way granted to Alabama Power Company by instrument recorded in Deed Book 48, pages 584 and 617; Deed Book 107, pages 133, 140 and 143; Deed Book 130, pages 52, 86, 89, 91, 92, 93 and 94; Deed Book, 145, page 297; Deed Book 169, page 335; Deed Book 179, page 337; Deed Book 180, page 36; Deed Book 181, pages 212 and 229; Deed Book 207, pages 699, 676 and 677; Deed Book 210, pages 109, 114, 121, 123 and 125; Deed Book 213, page 366; Deed Book 218, pages 651 and 656; Deed Book 219, page 584; Deed Book 250, page 852 and Deed Book 262, page 750, in the Probate Office of Shelby County, Alabama.
4. Agreement for water line easement to Alabaster Water and Gas Board as recorded in Instrument 1992-21213, in the Probate Office of Shelby County, Alabama.
5. Restrictions as to uses declared in that certain I-65, Exit 238 Redevelopment Plan adopted by the City of Alabaster, Alabama, as may be amended from time to time, as set out in those certain deeds recorded in Instrument 20040218000085110, Instrument 20040218000085140, Instrument 20040211000072140, and Instrument 20040218000085080, in the Probate Office of Shelby County, Alabama.
6. Mineral and mining rights and rights incident thereto recorded in Instrument 20040224000095590, in the Probate Office of Shelby County, Alabama.
7. Temporary easement for ingress/egress as reserved in vacation recorded in Instrument 200404080000184040, in the Probate Office of Shelby County, Alabama.
8. Rights of utilities, if any, in and to that portion vacated in Instrument 200404080000184040, in the Probate Office of Shelby County, Alabama.
9. Easement with Covenants and Restrictions Affecting Land recorded in Instrument 20040507000243250 and First Amendment to Easements with Covenants and Restrictions Affecting Land recorded in Instrument 20040507000243260, in the Probate Office of Shelby County, Alabama.
10. Right of way granted to Alabama Power Company by instrument recorded in Instrument 20050802000388790 in the Probate Office of Shelby County, Alabama.
11. Reservations contained on the plat of Colonial Promenade Alabaster Survey recorded in Map Book 35, Page 102A in the Probate Office of Shelby County, Alabama.

  
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12. The following easements and building lines shown on the plat recorded in Map Book 35,  
Page 102A:

- a) 50' building line along Westerly lot line;
- b) 5' building line along Northerly and Southerly lot line;
- c) 20' water line easement along Easterly lot line;
- d) 15' storm sewer easement along Easterly lot line;
- e) easement of varying width along Westerly lot line.



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Shelby County, AL 09/07/2005  
State of Alabama

Deed Tax: \$1000.00