
20060807000381470 1/4 \$971.50
Shelby Cnty Judge of Probate, AL
08/07/2006 03:10:01PM FILED/CERT

STATE OF ALABAMA)
SHELBY COUNTY)

Send tax notices to:
Capital Real Estate Investments LLC
4225 Executive Square, Suite 1070
LaJolla, CA 92037
Attention: Randy Rivera

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to the undersigned **FAROOQI PROPERTIES, LLC**, a Nevada limited liability company (the "Grantor"), in hand paid by Grantee (as defined below), the receipt of which is acknowledged, the said Grantor does GRANT, BARGAIN, SELL AND CONVEY unto **CAPITAL REAL ESTATE INVESTMENTS LLC**, an Alabama limited liability company ("Capital"), an undivided twenty-one percent (21%) interest, and unto **PACIFICA KATIE AVENUE LLC**, a Nevada limited liability company ("Pacifica," collectively with Capital, the "Grantee"), an undivided seventy-nine percent (79%) interest in that certain real estate situated in Shelby County, Alabama, which is more particularly described in Exhibit A attached hereto and made a part hereof (the "Property").

It is expressly understood and agreed that this Statutory Warranty Deed is made subject to those certain exceptions more particularly set forth in Exhibit B attached hereto and made a part hereof (the "Exceptions").

TO HAVE AND TO HOLD the said Property unto the Grantee, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

This Statutory Warranty Deed is executed without warranty or representation of any kind on the part of the Grantor, express or implied, except as against acts done or suffered by the Grantor that are not specifically excepted herein.

[SIGNATURE ON FOLLOWING PAGE]



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IN WITNESS WHEREOF, the Grantor has hereto set its signature and seal on the date of the acknowledgment of the Grantor's signature below, to be effective as of July 31, 2006.

GRANTOR:

FAROOQI PROPERTIES, LLC,
a Nevada limited liability company

By: 

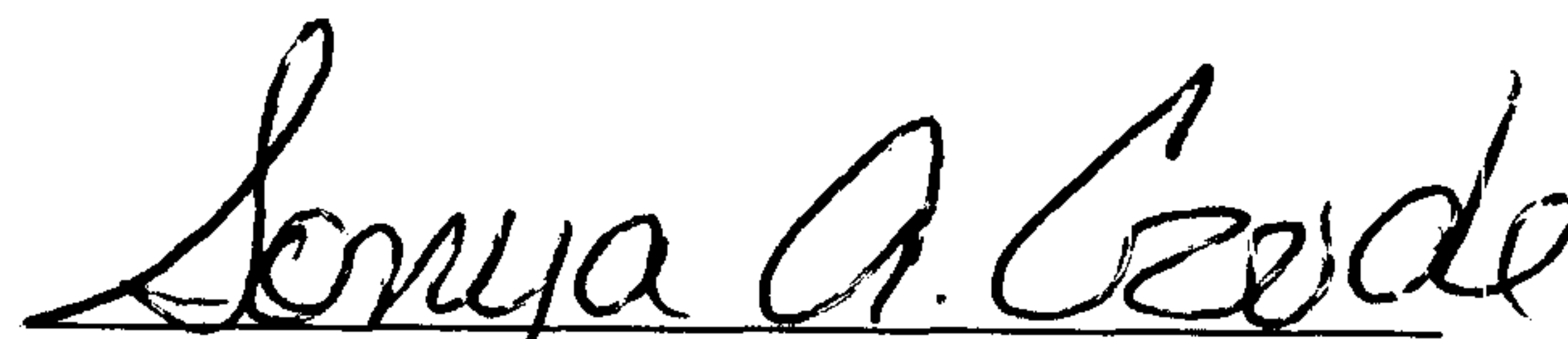
Name: Nasir Farooqi

Its: President

STATE OF Alabama)
COUNTY OF Jefferson)

I, the undersigned authority, a Notary Public in and for said county in said State, hereby certify that Nasir Farooqi, whose name as the president of Farooqi Properties, LLC, a Nevada limited liability company, 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 representative and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this 31 day of July, 2006.


Notary Public

AFFIX SEAL

My commission expires: My Commission Expires 9/24/2007

Exhibit A

Description of Land

Description of a parcel of land situated in Section 21, Township 22 South, Range 2 West, in Town of Calera in Shelby County, Alabama, and being more particularly described as follows:

From the point of intersection of the East right of way line of U.S. Highway 31 with the South right of way line of 18th Avenue, a Calera city street, run thence in a Southerly direction along said East right of way line of U. S. Highway 31 for a distance of 100.00 feet to the point of beginning of the parcel herein described; from the point of beginning thus obtained, continue along said East right of way line of U.S. Highway 31 in the same Southerly direction for a distance of 160.00 feet; thence turn an angle to the left of 88°33'20" and run in an Easterly direction parallel to said 18th Avenue for a distance of 262.45 feet; thence turn an angle to the left of 90°00'00" and run in a Northerly direction for a distance of 151.91 feet; thence turn an angle to the left of 90°00'00" and run in a Westerly direction for a distance of 117.50 feet; thence turn an angle to the right of 90°00'00" and run in a Northerly direction for a distance of 108.00 feet to a point on the South right of way line of said 18th Avenue; thence turn an angle to the left of 90°00'00" and run in a Westerly direction along said right of way line for a distance of 76.50 feet; thence turn an angle to the left of 91°26'40" and run in a Southerly direction for a distance of 100.00 feet; thence turn an angle to the right of 91°26'40" and run in a Westerly direction for a distance of 75.00 feet to the point of beginning.


Situated in Shelby County, Alabama.

And further described as:

A tract of land situated in Section 21, Township 22 South, Range 2 West, in the Town of Calera, Shelby County, Alabama, being more particularly described as follows:

Beginning at the intersection of the East right of way of U.S. Highway 31 and the South right of way of 18th Avenue and run S 00°00'00" E for a distance of 100 feet along the East right of way of U.S. Highway 31 to the True Point of Beginning; thence continue S 00°00'00" E for a distance of 160 feet; thence run S 88°33'20" E to the West right of way of a 20 foot unimproved alley for a distance of 262.45 feet; thence run N 01°26'40" E along the West right of way of said 20 foot alley for a distance of 151.91 feet; thence run N 88°33'20" W for a distance of 117.46 feet; thence run N 01°26'40" E to the South right of way of 18th Avenue for a distance of 108.00 feet; thence run N 88°33'20" W along said South right of way of 18th Avenue for a distance of 76.50 feet; thence run S 00°00'00" W for a distance of 100.00 feet; thence run N 88°33'20" W for a distance of 75.00 feet back to the True Point of Beginning.

Exhibit B


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Exceptions

1. The lien of ad valorem taxes for the year 2006 and subsequent years.
2. Mining and mineral rights not owned by the Grantor. Shelby County, AL 08/07/2006
State of Alabama
3. Any applicable zoning ordinances. Deed Tax: \$951.50
4. Right of Way granted to Alabama Power Company by instrument recorded in Volume 133, page 70, in the Probate Office of Shelby County, Alabama and as shown on the Survey prepared by Derek L. Harvel, ARLS No. 18387 of Harvel & Associates, Inc., dated October 17, 2000, and last revised December 12, 2000, as Job No. 00373.
5. 30 foot right of way to South Central Bell Telephone Company, recorded in Real 61, page 371, in the Probate Office of Shelby County, Alabama and as shown on the Survey prepared by Derek L. Harvel, ARLS No. 18387 of Harvel & Associates, Inc., dated October 17, 2000, and last revised December 12, 2000, as Job No. 00373.
6. Use Restrictions and Purchase Covenants as defined in the Franchise Agreement and rights of American Commercial Capital LLC and its successors and assigns ("ACC"), as set forth in the Intercreditor Agreement between Hardee's Food Systems, Inc., as franchisor, and ACC, such restrictions, covenants and rights being disclosed in the Special Warranty Deed into Farooqi Properties, LLC, a Nevada limited liability company, filed for record January 18, 2001 at 9:45 A.M. and recorded in Instrument 2001/01902 in the Probate Office of Shelby County, Alabama.