

MEMORANDUM OF TENANCY IN COMMON AGREEMENT

RECORDING REQUESTED BY:

GRANTEE

WHEN RECORDED MAIL TO:

Prepared by:
Victoria E. Adams
Peterson & Price, A Profession
655 West Broadway, Suite 1600
San Diego, CA 92101-8494

***SPACE ABOVE THIS LINE FOR
RECORDER'S USE***

Memorandum of Tenancy In Common Agreement

This Memorandum of Co-ownership Agreement (this "***Memorandum***") is made as of July **31**, 2006 ("Effective Date") by and between Pacifica Katie Avenue LLC, a Nevada limited liability company ("***Pacifica***") and Capital Real Estate Investments LLC, an Alabama limited liability company ("***CREI***"), collectively referred to herein as "Co-owners" and individually referred to as "Co-owner."

1. Co-owners are the owners of all that certain real property located in the State of Alabama, more particularly described on **Exhibit "A"** attached hereto and incorporated herein (the "***Property***").

2. Each Co-owner holds its interest in the Property as a tenant-in-common with the other Co-owners pursuant to that certain Tenancy In Common Agreement dated July **31**, 2006, between all of the Co-owners (the "***Co-ownership Agreement***").

3. The rights of the Co-owners with respect to the Property are subject to and governed exclusively by the said Co-ownership Agreement which is incorporated herein in its entirety by this reference. Among other things, the Co-ownership Agreement provides that no Co-owner shall sell, transfer or encumber the Property or its interest in the Property without the prior written consent of all Co-owners. Any transfer by a Co-owner in violation of the Co-ownership Agreement shall be void.

4. Any party who is interested in acquiring any interest in the Property, whether pursuant to a transfer of an ownership interest or the grant of a lien, should first contact

all of the Co-owners at the addresses below their respective signatures to determine whether consent to such transfer or lien has been granted by the Co- owners.


IN WITNESS WHEREOF, this Memorandum has been executed as of the Effective Date.

Capital Real Estate Investments LLC, an
Alabama limited liability company

By: 
Randy L. Rivera, Manager

Pacifica Katie Avenue LLC, a Nevada
limited liability company

By: PAC Katie Avenue, Inc., a Nevada
corporation, its Manager

By: 
Deepak Israni, Secretary

[ATTACH NOTARY ACKNOWLEDGMENT]

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

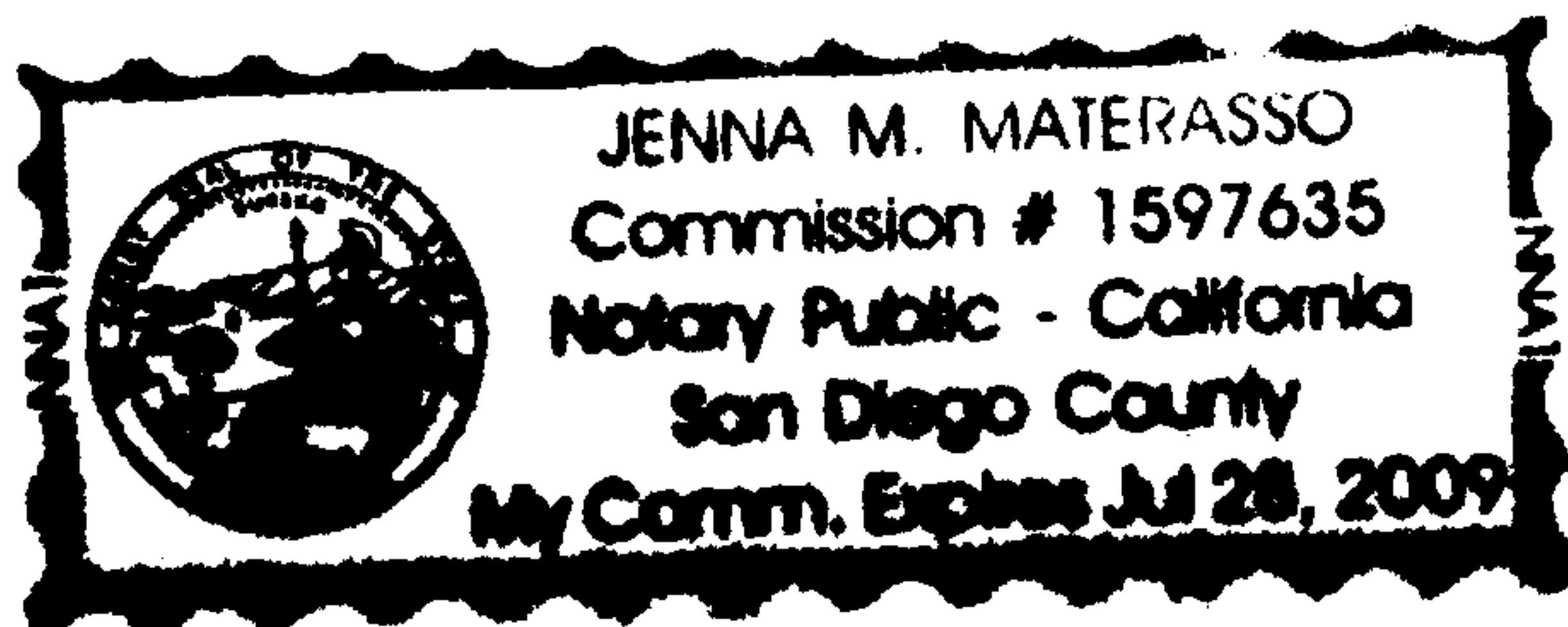
SAN DIEGO

SS.

20060807000381490 3/8 \$32.00
Shelby Cnty Judge of Probate, AL
08/07/2006 03:10:03PM FILED/CERT

On July 25, 06, before me, JENNA M. MATERASSO, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared FANDY L. RIVERA
Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Jenna M. Materasso
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

ACKNOWLEDGMENT



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STATE OF CALIFORNIA }

COUNTY OF SAN Diego }

On July 26, 2006, before me,

DAWN M. HUMMER, a

Notary Public in and for said State, personally appeared

DEEPAK ISRANI,

personally known to me (~~or proved to me on the basis of satisfactory evidence~~)
to be the person(s) whose name(s) is/are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies) and that his/her/their signature(s) on the instrument the
person(s) or the entity upon behalf of which the person(s) acted, executed the
instrument.

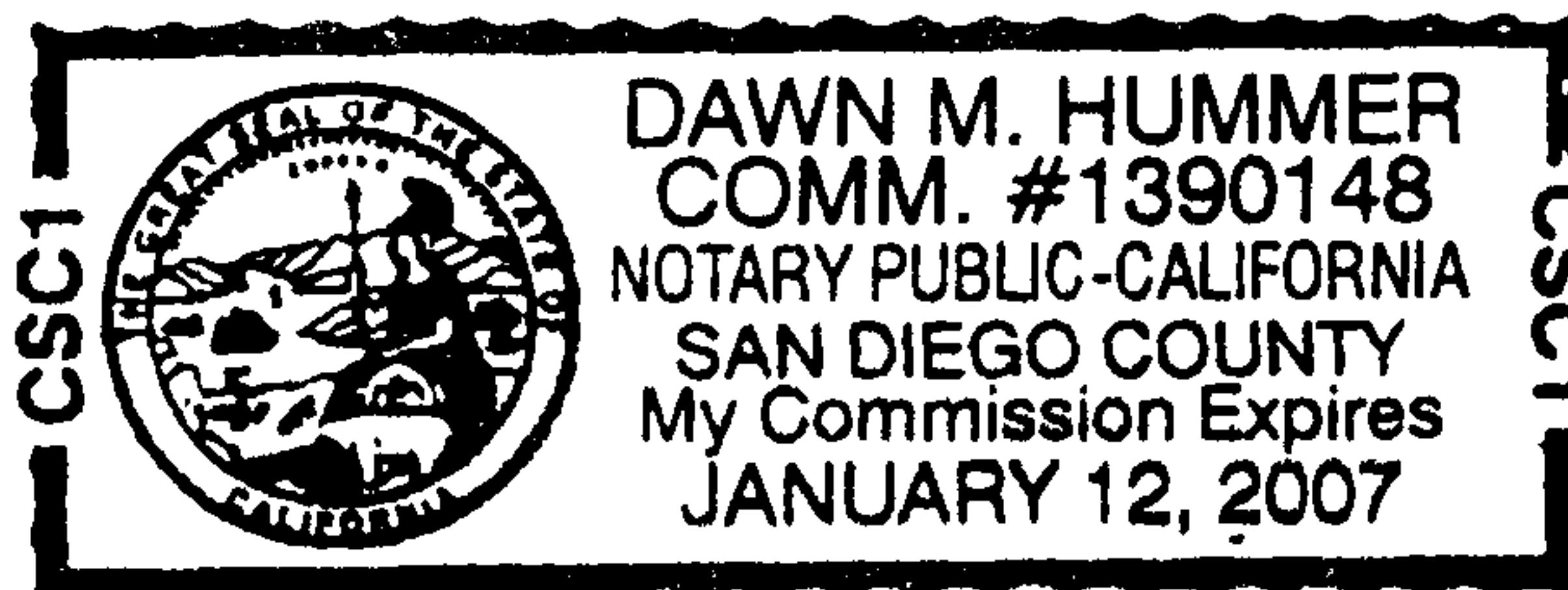
WITNESS my hand and official seal.

Signature

Dawn M. Hummer

My Commission Expires: 1/12/07

This area for official notarial seal



Commitment Number: 4875T-05T



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 Shelby Cnty Judge of Probate, AL
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EXHIBIT "A"


A part of the Southwest quarter of the Southwest quarter of Section 25, Township 20 South, Range 3 West and the Southeast quarter of the Southeast quarter of Section 26, Township 20 South, Range 3 West more particularly described as follows: Begin at the Southwest corner of Section 25 and run East along the South line of said Section 25 a distance of 130.60 feet to a point on the Westerly right-of-way line of U.S. Highway 31; thence turn an angle to the left of 75°29' and run Northerly along said Westerly right-of-way line a distance of 34.0 feet to the point of beginning of the tract herein described; thence continue along said Westerly right-of-way line a distance of 166.0 feet to a point; thence turn an angle to the left of 90°00' and run Westerly a distance of 269.93 feet to a point on the Easterly right-of-way line of the Louisville and Nashville Railroad; thence turn an angle to the left of 97°38'30" and run Southerly along said Easterly right-of-way line a distance of 167.49 feet to a point; thence turn an angle to the left of 82°21'30" and run Easterly a distance of 247.66 feet to the point of beginning.

And being further described as:

A part of the Southwest 1/4 of the Southwest 1/4 of Section 25, Township 20 South, Range 3 West and the Southeast 1/4 of the Southeast 1/4 of Section 26, Township 20 South, Range 3 West more particularly described as follows:

Begin at the Southwest Corner of Section 25 and run N 90°00'00" E along the South line of said Section 25 a distance of 130.60 feet to a point on the Westerly right of way line of U.S. Highway 31; thence run N 14°31'00" E along said westerly right of way line a distance of 34.0 feet to the point of beginning of the tract herein described; thence continue N 14°30'57" E a distance of 166.00 feet to a point on the said westerly right-of-way of U.S. Highway 31; thence leaving the said westerly right-of-way of U.S. Highway 31, run N 75°29'00" W for a distance of 269.93 feet to a point on the easterly right-of-way line of the Louisville and Nashville Railroad; thence run S 06°52'30" W and run along said Easterly right-of-way line of the Louisville and Nashville Railroad a distance of 167.49 feet to a point; thence run S 75°29'00" E a distance of 247.66 feet back to the point of beginning.

Commitment Number: 4875T-05W



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EXHIBIT "A"

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.

Commitment Number: 4875T-05X



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EXHIBIT "A"**PARCEL I:**

Lot numbered Thirteen (13) in the Storrs and Troy allotment or plot of lands and lots, addition to the town of Montevallo, Shelby County, Alabama, according to the survey and plot of N. B. Dare, made January 22nd, 1884, which is duly recorded in the Office of the Probate Judge for Shelby County, Alabama, in Map Book 3, page 3. Said lot being situated in Shelby County, Alabama.

PARCEL II:

Lot 14, according to Storrs and Troy Addition to Town of Montevallo, Alabama, as surveyed by N. B. Dare, as recorded in Map Book 3, on page 3 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. EXCEPT the Southeast 10 feet for widening of Island Street.

PARCEL III:

Lot Number 16, in the Storrs and Troy allotment of lands as the Town of Montevallo, according to survey and plat of N. B. Dare, January 22, 1884, which is recorded in the Probate Court of said County in Map Book 3 page 3. LESS AND EXCEPT A part of Lot 16 in the Storrs and Troy Allotment of Lands at the Town of Montevallo, according to Survey and Plat of N. B. Dare, January 22, 1884, which is recorded in the Probate Court of said County in Map Book 3 page 3. Said part of Lot 16 being more particularly described as follows: Begin at the Northmost corner of said Lot 16, said point being on the southerly side of Main Street, and run along the easterly side of said Lot 16, towards Island Street for a distance of 100 feet; thence run in a southwesterly direction and parallel with Main Street a distance of 43 feet; thence run in a northwesterly direction and parallel with the easterly side of said Lot 16 a distance of 100 feet to the southerly side of Main Street; thence run in a northeasterly direction along said southerly side of Main Street a distance of 43 feet to the point of beginning.

All being situated in Shelby County, Alabama.

TOGETHER WITH:**PARCEL IV:**

That tract of land situated between the existing Southeasterly right-of-way line of Main Street and the Southeasterly right-of-way line as recorded in Map Book 3, page 3, in the Office of the Judge of Probate of Shelby County, Alabama, which is Northwesterly of and perpendicular to Lot 13, and the Southwesterly 67.0 feet of Lot 16, of said Map Book 3, page 3, in the Storrs and Troy allotment or plot of lands and lots, Addition to the Town of Montevallo, Shelby County, Alabama, according to the survey of N. B. Dare, made January 22, 1884.

And also described as:

A tract of land being Lot 13, Lot 14 and a portion of Lot 16 in the Storrs and Troy allotment or plot of lands and lots Addition to the Town of Montevallo, Shelby County, Alabama according to the Survey and Plot of N. B. Dare, made January 22nd, 1884, which is duly recorded in the Office of the Probate Judge for Shelby County, Alabama, Map Book 3, page 3, said lots being situated in Shelby County, Alabama and being more particularly described as follows:

Beginning at an iron pin located on the Southeast Corner of said Lot 14, said point being on the west 50 foot right-of-way margin of Island Street, said point also being the TRUE POINT OF BEGINNING; thence run S 52°52'30" W along the south boundary line of said Lot 14 and the west 50 foot right-of-way margin of Island Street for a distance



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of 101.50 feet to the Southwest Corner of said Lot 14; thence run N 36°45'00" W along the west boundary line of said Lot 14 for a distance of 204.23 feet to the Northwest Corner of said Lot 14 and a point on the south boundary line of said Lot 13; thence run S 53°15'00" W along said south boundary line of Lot 13 for a distance of 8.50 feet to the Southwest Corner of said Lot 13; thence run N 36°45'00" W along the west boundary line of said Lot 13 for a distance of 199.09 feet to a point on the south 80 foot, platted, right-of-way margin of North Main Street; thence run N 51°42'55" E along said south 80 foot, platted, right-of-way margin for a distance of 177.08 feet to a point on the west boundary line of the property owned by Loyd V. Harris and Cliffortine K. Harris, Deed Book 310, page 417, on record at said Probate Office; thence run S 36°45'00" E along said west boundary of the Harris property for a distance of 100.00 feet to the Southwest Corner of said Harris property; thence run N 51°42'55" E along the south boundary line of said Harris property for a distance of 43.00 feet to a point on the east boundary line of said Lot 16; thence run S 36°45'00" E along said east boundary line of Lot 16 for a distance of 104.98 feet to the Southeast Corner of said Lot 16; thence run S 53°15'00" W along the south boundary line of said Lot 16 for a distance of 110.00 feet to the Southwest Corner of said Lot 16 and the Northeast Corner of said Lot 14; thence run S 36°45'00" E along the east boundary line of said Lot 14 for a distance of 203.56 feet to a point and back to the TRUE POINT OF BEGINNING.