

This instrument prepared by:)
K. Andrew Hall, Esq.)
Krass Monroe PA)
8000 Norman Center Drive, Suite 1000)
Minneapolis, MN 55437)

For Recorder's Use Only

MEMORANDUM OF LEASE

This Memorandum of Lease is made and entered into as of July 31, 2006 by and between **Capital Real Estate Investments LLC**, an Alabama limited liability company and **Pacifica Katie Avenue LLC**, a Nevada limited liability company, as tenants-in-common, on the one hand (collectively, "Landlord"), and **Bama Star LLC**, a Delaware limited liability company, on the other hand ("Tenant") who agree as follows:

1. Terms and Premises. Landlord leases to Tenant and Tenant leases from Landlord that certain real property (the "Premises"), which legal description is attached hereto and incorporated herein as Exhibit "A," commonly known as:

8441 Highway 31
Calera, Alabama 35040
County of Shelby

commencing on July 31, 2006 and continuing for a period of twenty years from July 31, 2006 with Tenant having two-five year options to extend the term of the Lease.

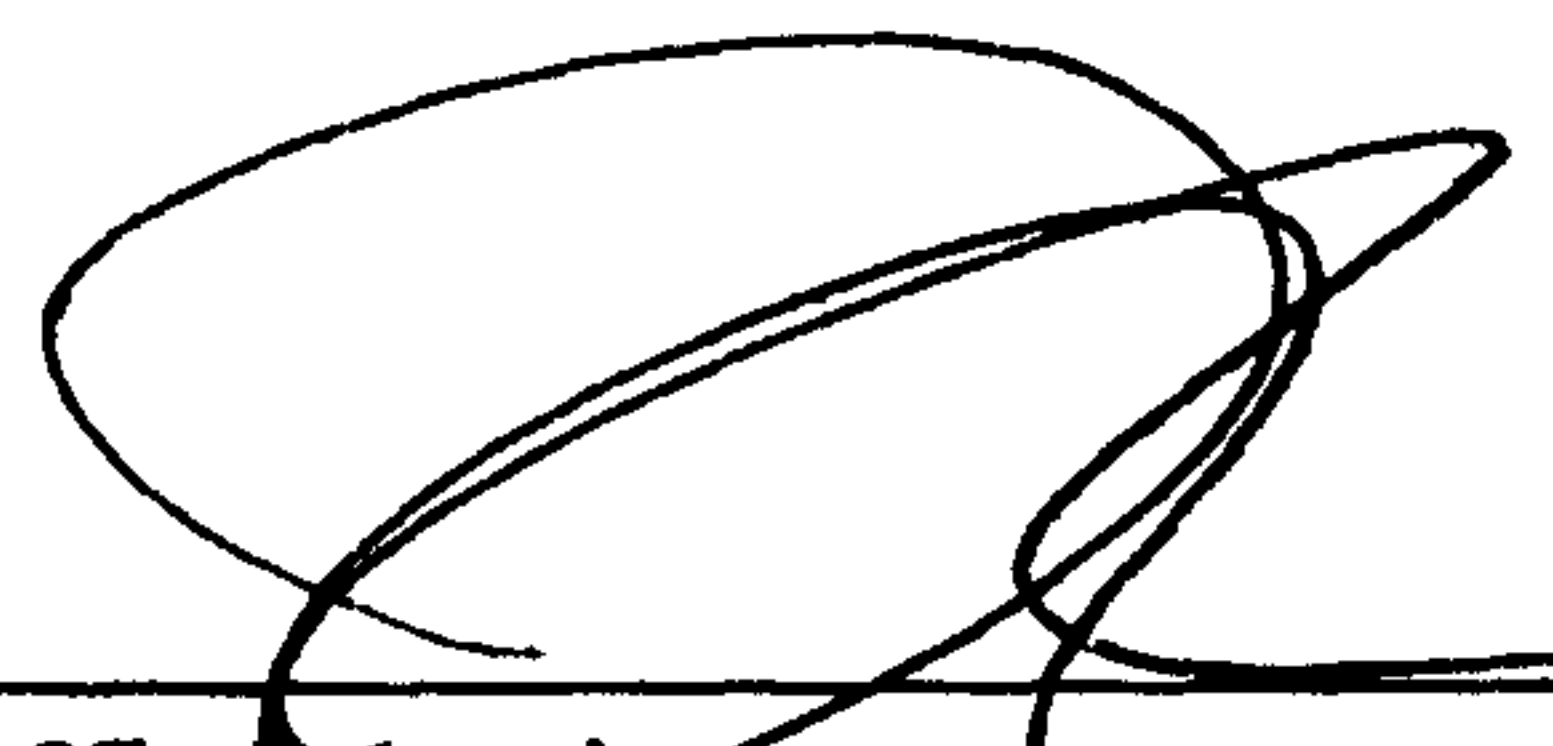
2. Purpose of Memorandum of Lease. This Memorandum of Lease is prepared for the purpose of recordation and does not modify the provisions of the lease dated July 31, 2006 and entered into by and between Landlord and Tenant (the "Lease"). The Lease is incorporated herein by reference. If there are any conflicts between the Lease and this Memorandum of Lease, the provisions of the Lease shall prevail.

THE REMAINDER OF THIS PAGE WAS LEFT BLANK INTENTIONALLY.

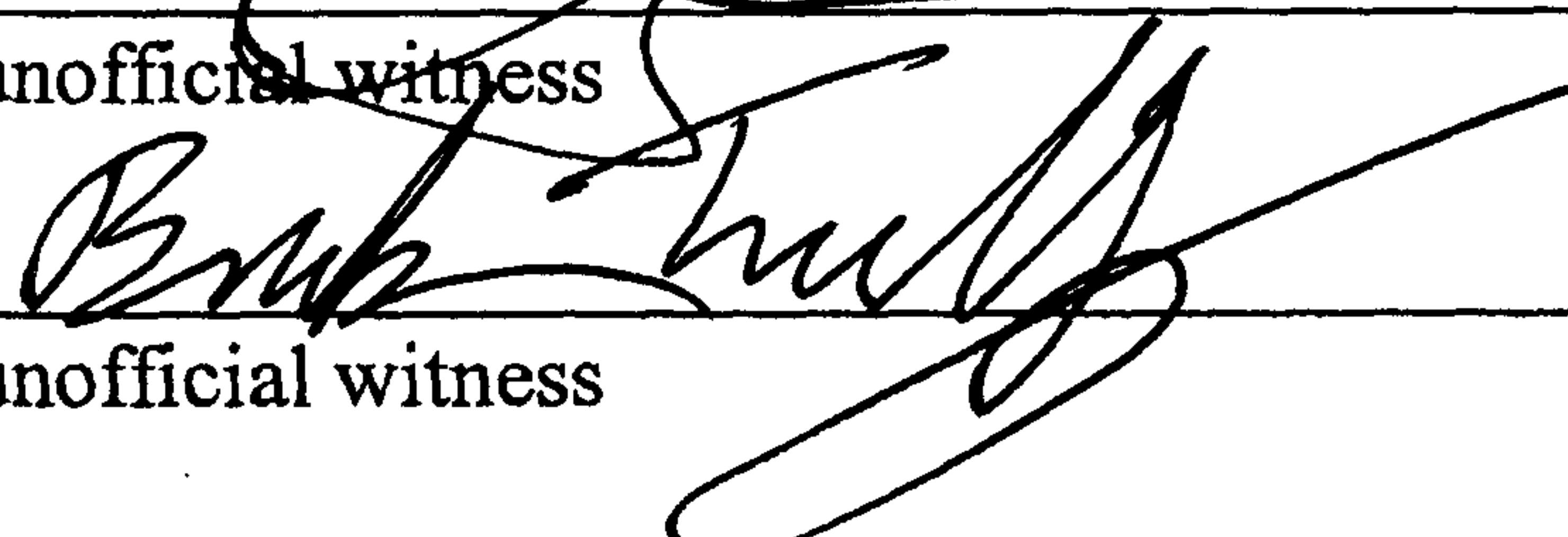


20060807000381510 2/6 \$936.50
Shelby Cnty Judge of Probate, AL
08/07/2006 03:10:05PM FILED/CERT

Dated this 25 day of July, 2006.
Signed, sealed and delivered in the presence of



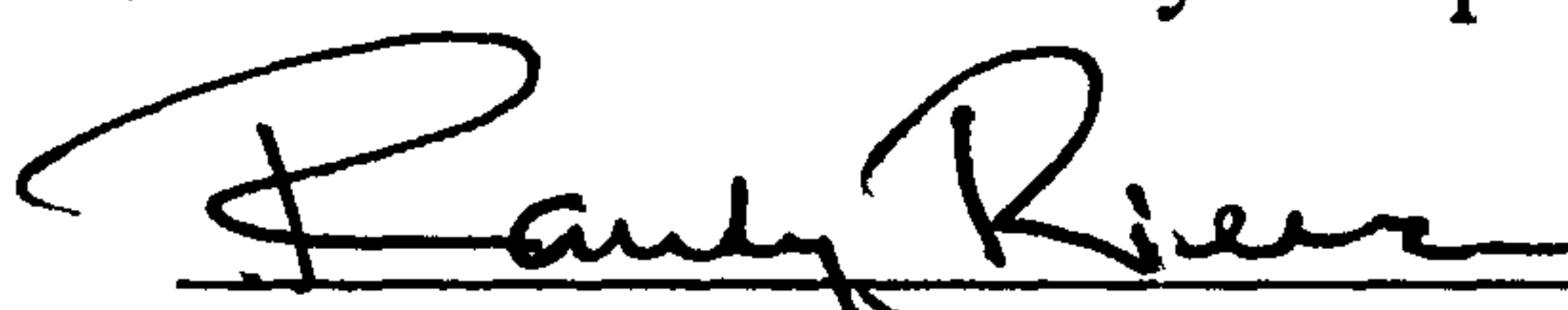
unofficial witness



unofficial witness

LANDLORD:

Capital Real Estate Investments LLC,
An Alabama limited liability company

By: 

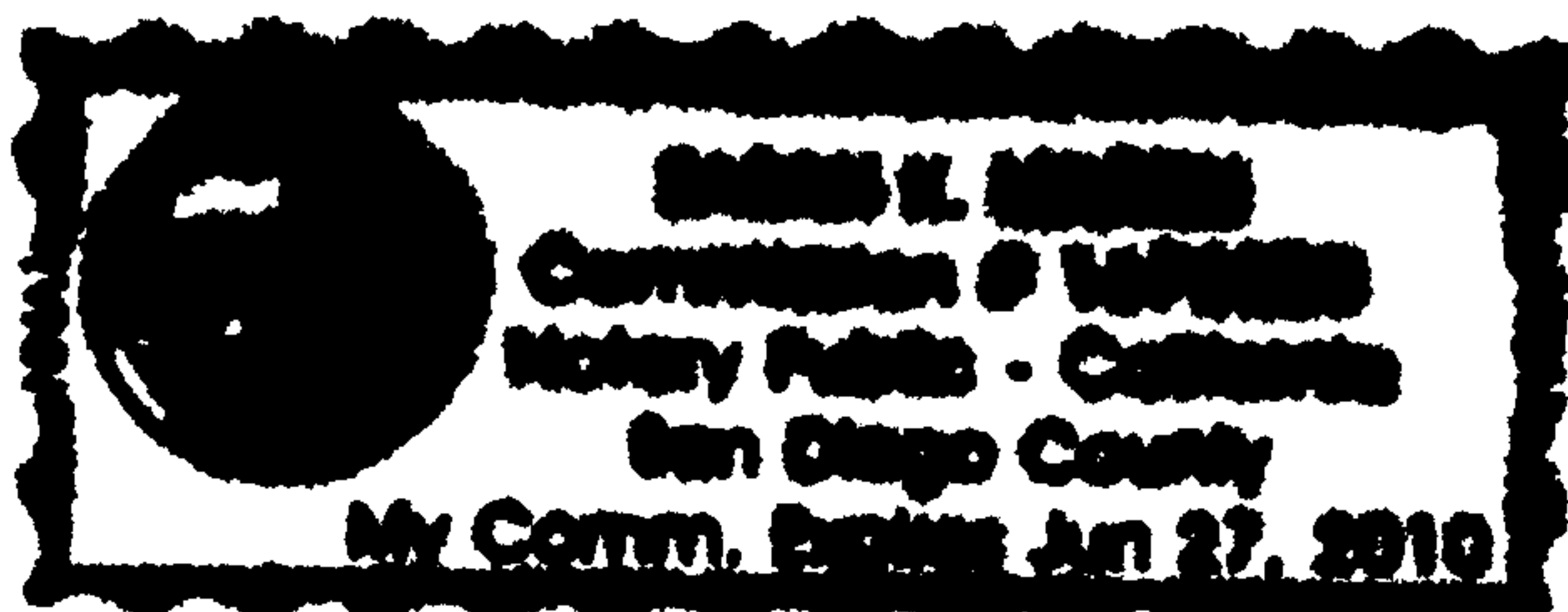
Randy Rivera, its Manager

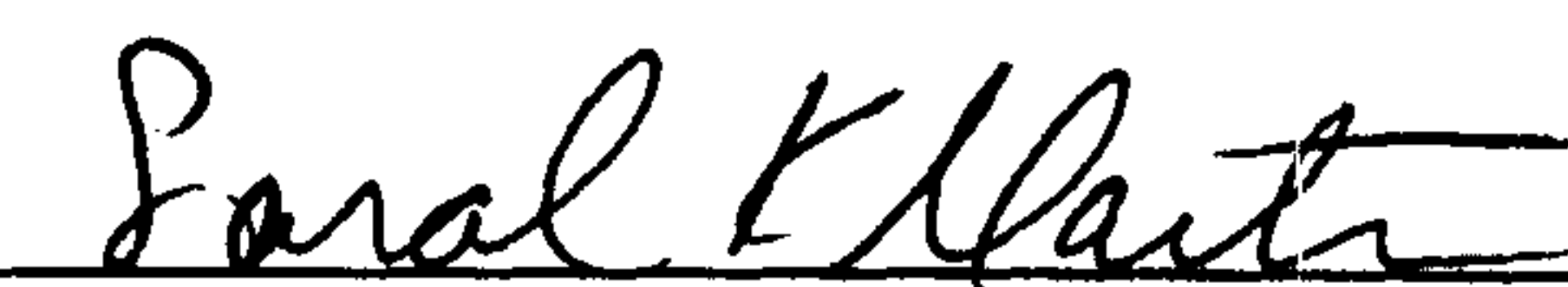
STATE OF CALIFORNIA

COUNTY OF San Diego

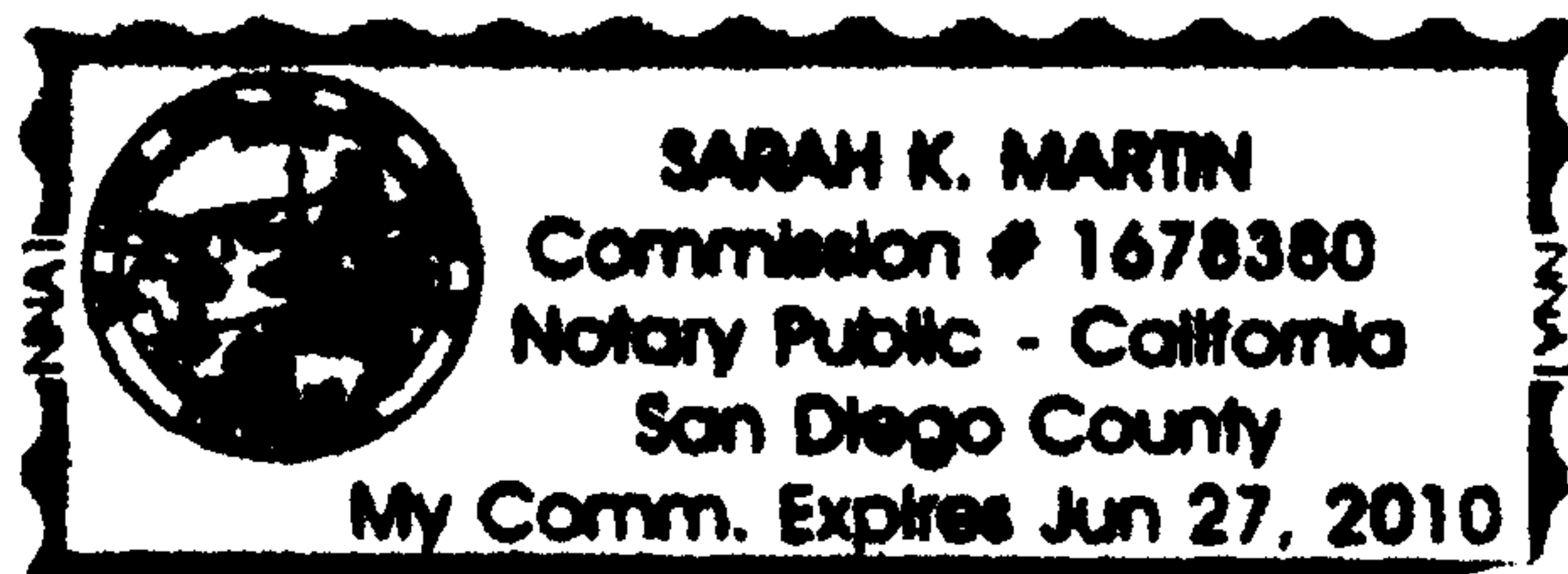
I, the undersigned Notary Public hereby certify that Randy Rivera, whose name as Manager of Capital Real Estate Investments LLC, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, s/he, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and notarial seal this 28th day of July, 2006





Notary Public
My Commission Expires: June 27th 2010



Dated this 28 day of July, 2006
Signed, sealed and delivered in the presence of

Esteria Meza
unofficial witness
Aubrey Small
unofficial witness

LANDLORD:
Pacifica Katie Avenue LLC,
A Nevada limited liability company

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

By Deepak Israni
Deepak Israni, its Secretary

STATE OF CALIFORNIA

COUNTY OF San Diego

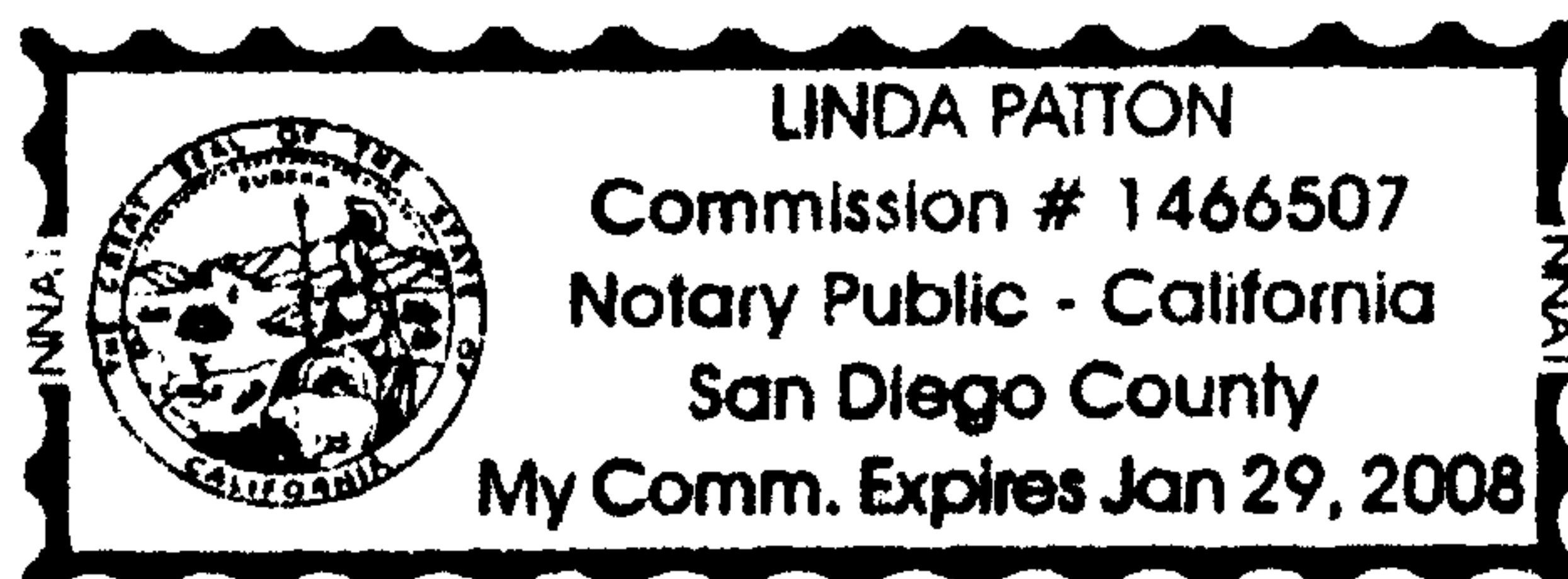
I, the undersigned Notary Public hereby certify that Deepak Israni, whose name as Manager of PAC Katie Avenue LLC, an Nevada corporation, the manager of Pacifica Katie Avenue LLC, a Nevada limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, s/he, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and notarial seal this 28 day of July, 2006.

Linda Patton

Notary Public

My Commission Expires: 29 Jan. 2008



20060807000381510 4/6 \$936.50
Shelby Cnty Judge of Probate, AL
08/07/2006 03:10:05PM FILED/CERT

Dated this 31st day of July, 2006.
Signed, sealed and delivered in the presence of

[Signature]
unofficial witness
[Signature]
unofficial witness

TENANT:
Bama Star LLC,
a Delaware limited liability company

By: [Signature]
Frank C. Heath, Jr., its Manager

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned Notary Public hereby certify that Frank C. Heath, Jr., whose name as Manager of Bama Star LLC, a Delaware 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 the instrument, s/he, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

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

[Signature]
Notary Public My Commission Expires 9/24/2007
My Commission Expires: _____

THIS INSTRUMENT WAS DRAFTED BY:
K. Andrew Hall, Esq.
Krass Monroe PA
8000 Norman Center Drive, Suite 1000
Minneapolis, MN 55437



20060807000381510 5/6 \$936.50
Shelby Cnty Judge of Probate, AL
08/07/2006 03:10:05PM FILED/CERT

EXHIBIT "A"

LEGAL DESCRIPTION

Commitment Number: 4875T-05W



20060807000381510 6/6 \$936.50
 Shelby Cnty Judge of Probate, AL
 08/07/2006 03:10:05PM FILED/CERT

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 180.00 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.

Shelby County, AL 08/07/2006
 State of Alabama

Deed Tax: \$910.50