


THIS MEMORANDUM OF LEASE IS BEING
RE-RECORDED FOR PURPOSES OF RECORDING
LEGAL DESCRIPTION.


20061215000612060 1/2 \$1131.00
Shelby Cnty Judge of Probate, AL
12/15/2006 02:08:52PM FILED/CERT


MEMORANDUM OF LEASE

STATE OF ALABAMA
SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS; that, on September 7, 2006 a Ground Lease (the Lease) was entered into between Prickett Partners, LLLP (Landlord), and JFC Sweets, LLC as Assignee of Meadowlark, Inc. (Tenant).

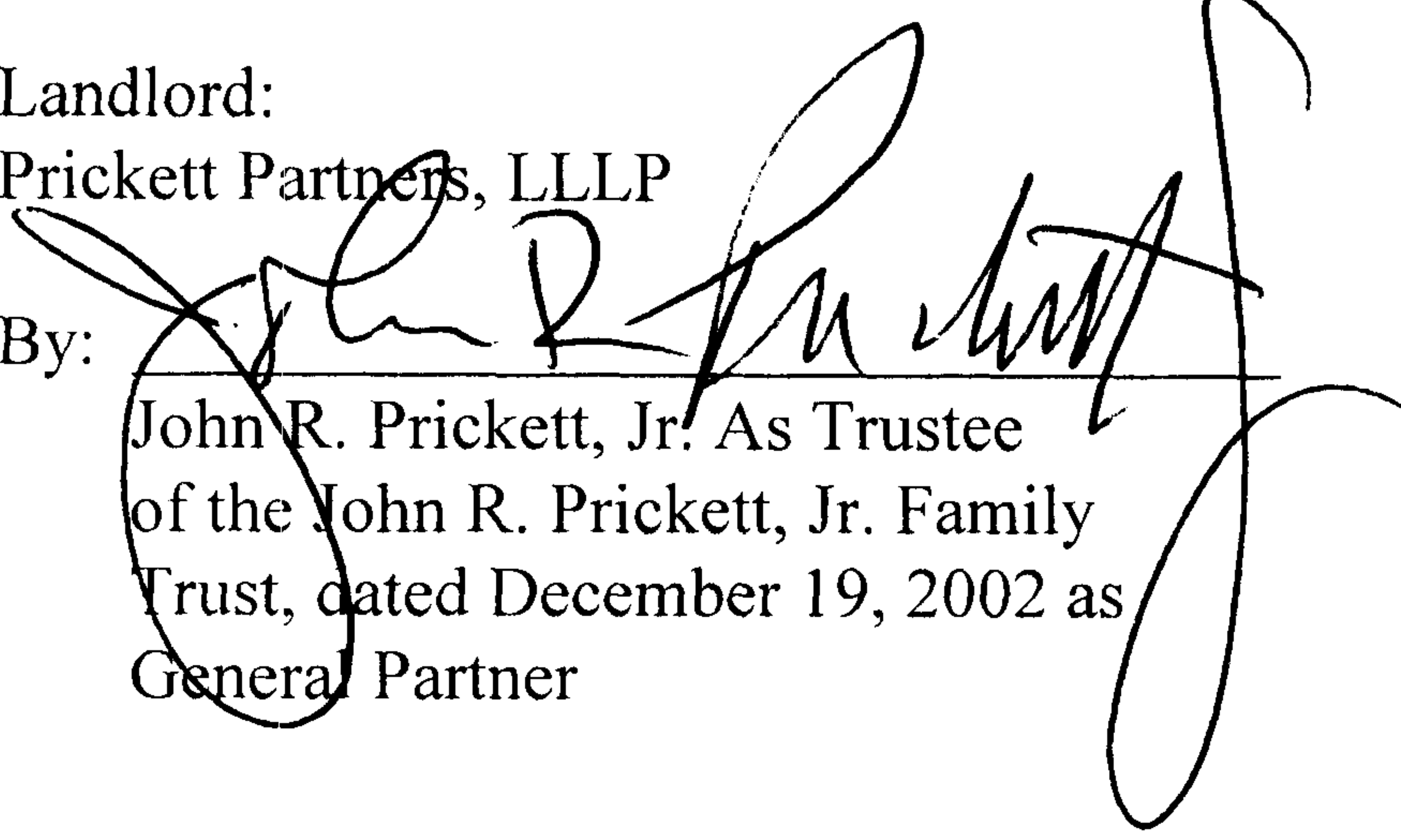
This Memorandum of Lease is presented for recording and the following information is provided:

1. The name of the Landlord is Prickett Partners, LLLP .
2. The name of the Tenant is JFC Sweets, LLC.
3. The address of the premises demised to Tenant is described as 33,675 rentable square feet of land located in Colonial Promenade, Alabaster, Alabama. The legal description for the real property which is the demised premises is described on Exhibit A attached hereto and incorporated by reference herein.
4. The Lease is dated September 7, 2006. The term of the lease begins on March 1, 2007 and the initial term thereof is for twenty years. Tenant has four renewal options, each renewal option being five years in length. The first renewal option begins on March 1, 2027 and the last renewal option, if all options are exercised, ends on February 28, 2047.



20070212000065690 1/4 \$21.00
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02/12/2007 02:59:51PM FILED/CERT

This Memorandum of Lease is executed as of the 22nd day of November, 2006 by the undersigned.

Landlord:
Prickett Partners, LLLP

By: 
John R. Prickett, Jr. As Trustee
of the John R. Prickett, Jr. Family
Trust, dated December 19, 2002 as
General Partner

Tenant:
JFC Sweets, LLC

By: 
Thomas C. Cairns
Its: Authorized Member and Manager

Shelby County, AL 12/15/2006
State of Alabama

Deed Tax: \$1117.00

(Notaries on following page)

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STATE OF FLORIDA)
COUNTY OF LAKE)

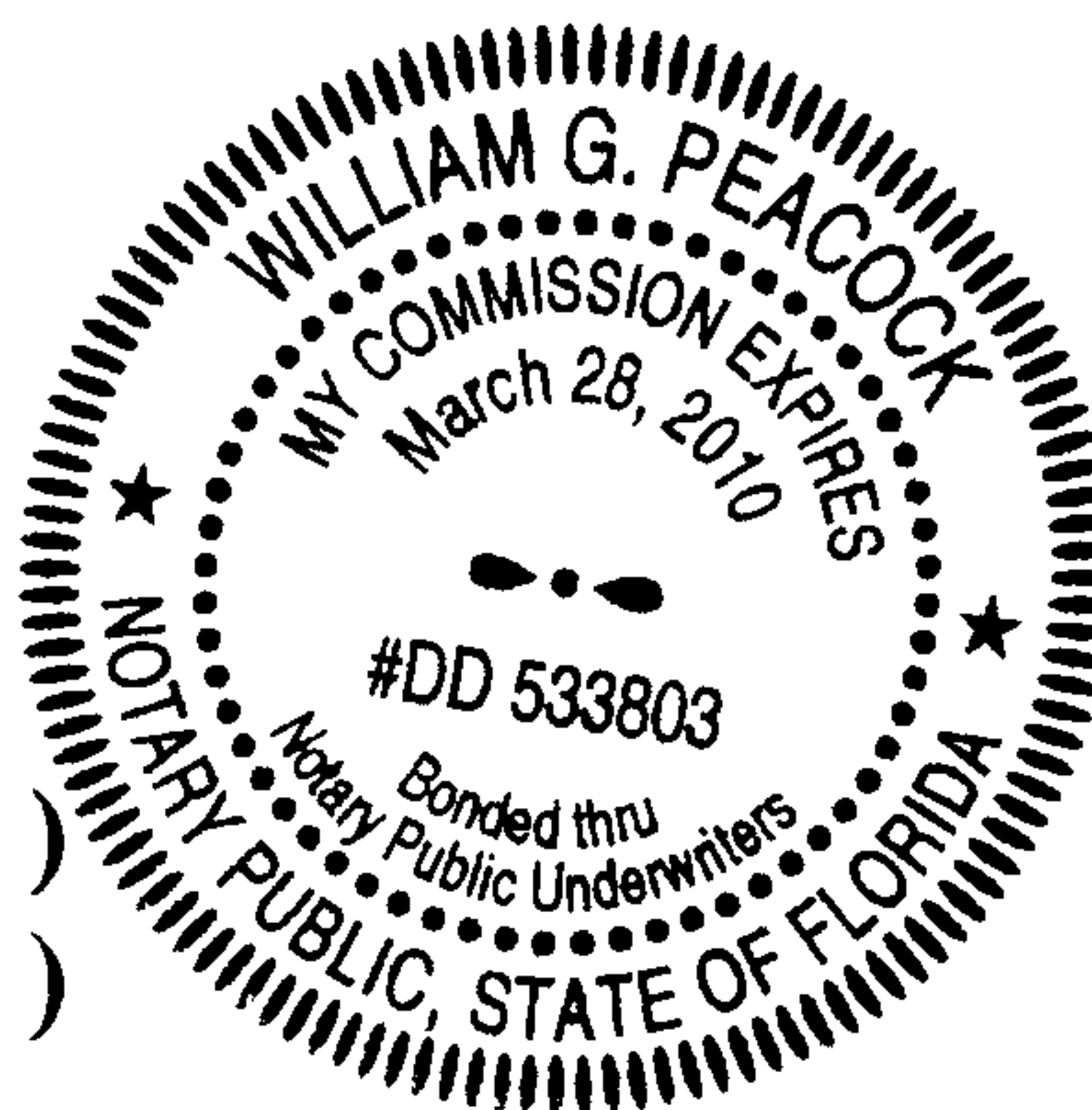
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LLP ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that John R. Prickett, Jr. as Trustee of the John R. Prickett, Jr. Family Trust, dated Signature December 19, 2002, as General Partner of Prickett Partners, LLLP, whose name 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 this instrument, he executed the same voluntarily and with full authority on the day the same bears date.

Given under my hand and official seal this 22nd day of November, 2006.

William G. Peacock



Notary Public
My Commission Expires: _____

STATE OF ALABAMA
COUNTY)
)

LLC ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Thomas C. Cairns as Authorized Member and Manager of JFC Sweets, LLC, whose name 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 this instrument, he, in his capacity as such member, executed the same voluntarily, for and as the act of said limited liability company.

Given under my hand and official seal this 22nd day of November, 2006.

Thomas C. Cairns

Notary Public
My Commission Expires: 12/14/2008

EXHIBIT "A"


20070212000065690 3/4 \$21.00
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A parcel of land situated in a portion of Lot 14, Colonial Promenade Alabaster Survey as recorded in Map Book 35, Page 102 A & B in the Office of Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northernmost corner of Lot 14 Colonial Promenade Alabaster Survey, said corner being the point of intersection of the Southeasterly Right-of-Way line of Colonial Promenade Parkway, the Northeasterly line of said Lot 14 and the Southwesterly line of Lot 15 Colonial Promenade Alabaster Survey and run in a Southeasterly direction along the common line of said Lots 14 and Lot 15 a distance of 226.48 feet to a point, said point being the point of intersection of said common line and a Northwesterly line of Lot 1 Colonial Promenade Alabaster Survey lying on a curve to the right having a radius of 1000.00 feet and a central angle of 6 degrees 42 minutes 37 seconds; thence 86 degrees 53 minutes 30 seconds to the right (angle measured from tangent) along the arc of said curve in a Southwesterly direction (leaving said common line of Lots 14 and 15) along the common line of said Lots 1 and 14 a distance of 117.12 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Southwesterly direction along said common line a distance of 49.42 feet to the POINT OF BEGINNING of the parcel described herein; thence continuing along the last described course in a Southwesterly direction along said common line a distance of 28.66 feet to the P.C. (Point of Curve) of a curve to the right having a radius of 500.00 feet and a central angle of 11 degrees 41 minutes 08 seconds; thence in a Southwesterly direction along said common line and along the arc of said curve a distance of 101.98 feet to the P.C.C. (Point of Compound Curve) of a curve to the right having a radius of 25.00 feet and a central angle of 87 degrees 32 minutes 44 seconds; thence in a Southwesterly, Westerly and Northwesterly direction along said common line and along the arc of said curve a distance of 38.20 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Northwesterly direction along said common line a distance of 168.92 feet to the P.C. (Point of Curve) of a curve to the right having a radius of 15.00 feet and a central angle of 82 degrees 35 minutes 50 seconds; thence in a Northwesterly, Northerly and Northeasterly direction along said common line and along the arc of said curve a distance of 21.62 feet to a point lying on the Southeasterly Right-of-Way line of said Colonial Promenade Parkway and being the P.R.C. (Point of Reverse Curve) of a curve to the left having a radius of 350.00 feet and a central angle of 5 degrees 25 minutes 15 seconds; thence in a Northeasterly direction (leaving said common line) along the arc of said curve and along the common line of said Southeasterly Right-of-Way line of Colonial Promenade Parkway and Lot 14 a distance of 33.11 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Northeasterly direction along said common line a distance of 111.44 feet to a point; thence 102 degrees 56 minutes 28 seconds to

the right in a Southeasterly direction (leaving said common line) a distance of 228.71 feet to the POINT OF BEGINNING.

SUBJECT TO: i) taxes for the year 2007 constituting a lien but which is not yet due and payable; ii) Right of Way granted to Alabama Power Company by instrument recorded in Deed Book 48, Page 584; Deed Book 130, Page 89, 91 and 94; Deed Book 145, Page 297; Deed Book 169, Page 335; Deed Book 181, Pages 212 and 229; and Deed Book 207, Page 676 in the Probate Office of Shelby County, Alabama; iii) Agreement for water line easement to Alabaster Water and Gas Board recorded in Instrument 1992-21213, in the Probate Office of Shelby County, Alabama; iv) Restrictions as to uses declared in that certain I-65, Exit 238 Redevelopment Plant adopted by the City of Alabaster, Alabama, as may be amended from time to time, as set out on deed recorded in Instrument 20040218000085110; Instrument 20040218000085140; Instrument 20040211000072140 and Instrument 20040218000085080, in the Probate Office of Shelby County, Alabama; v) Easement with Covenants and Restrictions affecting Land ("ECR") 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; vi) Alabaster Development Agreement recorded in Instrument 20050712000346700, in the Probate Office of Shelby County, Alabama; vii) Easement for Alabama Power Company recorded in Instrument 20050802000388790, in the Probate Office of Shelby County, Alabama; viii) Building line, as shown by map recorded in Map Book 35, Page 102 A and B, in Probate Office of Shelby County, Alabama; ix) Declaration of Covenants, Conditions and Restrictions and Operating Agreement between Colonial Properties Services, Inc. and Prickett Partners, LLLP, dated September 20, 2005 and recorded on September 23, 2005, in Instrument 20050923000494710, in the Probate Office of Shelby County, Alabama; x) Restrictions, 50-foot building line on front, 15-foot building line on rear and 5-foot building line on sides as shown by recorded Map; xi) any coal, oil, gas and other mineral and mining rights not owned by Mortgagor.


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