

STATE OF ALABAMA)

COUNTY OF SHELBY)


20080114000017340 1/2 \$14.00
Shelby Cnty Judge of Probate, AL
01/14/2008 10:09:37AM FILED/CERT

TERMINATION OF EASEMENT

COMES NOW, the undersigned, successor-in-interest to 119 Properties Ltd., an Alabama limited partnership, grantor under that Grant of Easements (the "Easement") to Bourne & Seneff Investments, a Florida general partnership ("Grantee"), which Easement was recorded at Book 376, Page 686 of the Records of the Judge of Probate of Shelby County, and owner of the parcel of land on which said easements are located and declares as follows:

1. In accordance with the terms of the Easement, all rights thereunder terminate automatically and are of no further force and effect if the Grantee or its successors and assigns fail "to operate a Nationally Recognized Restaurant on Grantee's Property for a period of twelve (12) consecutive months."

2. As of January 10, 2007, the full-service restaurant previously operated on Grantee's Property was closed and there has been no Nationally Recognized Restaurant or any other business of any description operated on Grantee's Property since that time, which period is in excess of twelve (12) consecutive months.

3. Accordingly, the Easement has terminated and is of no further force and effect.

IN WITNESS WHEREOF, the undersigned, Automotive Real Estate, Inc., an Alabama corporation, has caused these presents to be executed this 14th day of January, 2008.



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AUTOMOTIVE REAL ESTATE, INC.

By: [Signature]
Its: president

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I, the undersigned Notary public, in and for said County in said State, hereby certify that Masanori Okita, whose name as President of Automotive Real Estate, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said entity.

Given under my hand and official seal this 14TH day of JANUARY, 2008.

Ashley M. Walden
Notary Public
My Commission Expires: 08-09-2009