
20090107000005270 1/3 \$17.00
Shelby Cnty Judge of Probate, AL
01/07/2009 03:50:17PM FILED/CERT

STATE OF ALABAMA

COUNTY OF SHELBY

PREPARED BY:
Frederick B. Tyler, Jr., Esq.
Waffle House, Inc.
5986 Financial Drive
Norcross, GA 30071

NOTICE OF TERMINATION OF OPTION AGREEMENT

Comes now **Waffle House, Inc.**, a Georgia corporation (hereinafter "Waffle House") and in the presence of the undersigned Notary Public declares as follows:

1. Waffle House and Calera Partners, LLC, an Alabama limited liability company (hereinafter "Calera Partners"), are parties to that certain Option to Purchase Land and Improvements dated May 13, 2008 as evidenced by that certain Memorandum of Option Agreement dated as of May 13, 2008 and recorded as **Instrument No. 20080522000208510** in the Office of the Probate Judge of Shelby County, Alabama (the "Option Agreement"), which Option Agreement affects and concerns that certain real property, including improvements thereon, described in **Exhibit "A"**, attached hereto and made a part hereof (hereinafter the "Property").
2. Waffle House acknowledges that, on or prior to the date of recording hereof, it has purchased the Property from Calera Partners in accordance with the terms and conditions of the Option Agreement.
3. Waffle House further acknowledges that the Option Agreement is fully and completely satisfied and terminated, so that neither party thereto has any further outstanding rights or obligations thereunder.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Waffle House has hereunto set its hand and seal by and through its authorized officer as of the date first written above.

Waffle House, Inc., a Georgia corporation

By: 

Name: Frederick B. (Rick) Tyler, Jr.

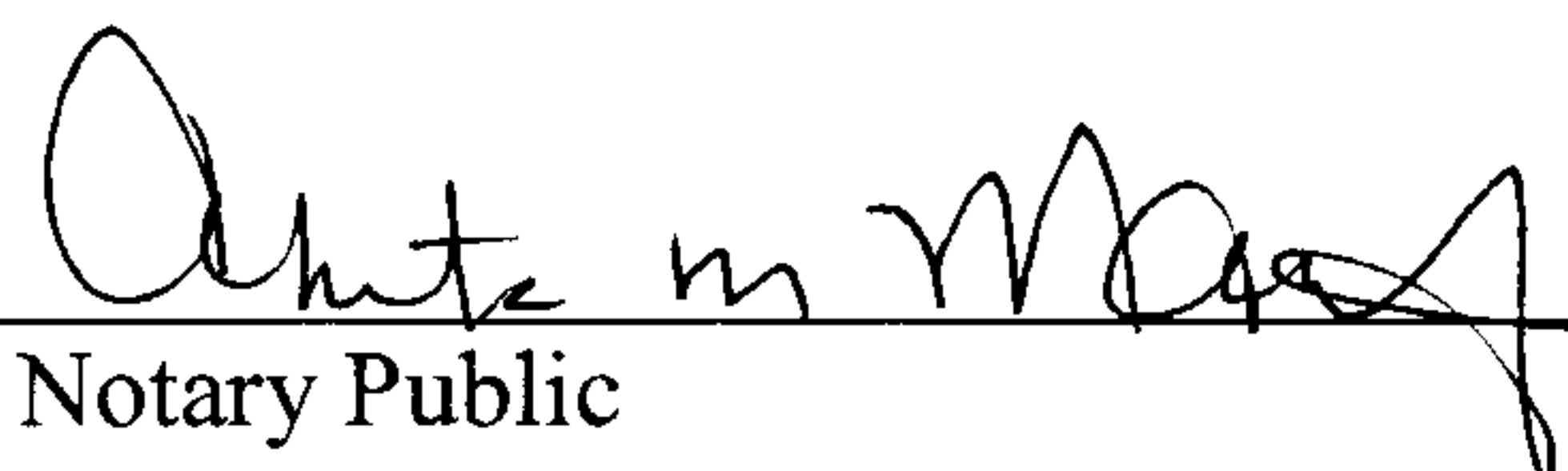
Title: Vice President & Corporate Counsel

STATE OF GEORGIA

COUNTY OF GWINNETT

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Frederick B. (Rick) Tyler, Jr., whose name as Vice President & Corporate Counsel of **WAFFLE HOUSE, INC.**, a Georgia 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and on behalf of said corporation.

Given under my hand and official seal this 19 day of DECEMBER, 2008.



Notary Public

Commission Expires: _____



[SEAL]

EXHIBIT "A"


20090107000005270 3/3 \$17.00
Shelby Cnty Judge of Probate, AL
01/07/2009 03:50:17PM FILED/CERT

Legal Description

Lot 1A according to the Map and Survey of Wadsworth Subdivision, a commercial subdivision, as recorded in Map Book 28, page 2 in the Office of the Judge of Probate of Shelby County, Alabama and also described by metes and bounds as follows:

A parcel of land situated in the Northeast Quarter of Section 4, Township 22 South, Range 2 West, Shelby County, Alabama, as more particularly described as follows: COMMENCE at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 4, Township 22 South, Range 2 West, Shelby County, Alabama, and run North along the East line of said quarter-quarter line for 113.74 feet; thence left 88°25'30" and run Westerly for 619.11 feet; thence left 1°02'30" and continue Westerly for 30.01 feet; thence right 91°23'20" and run North for 30.01 feet; thence left 91°36'25" and run Westerly for 567.45 feet to a point, said point being on the North right of way line of an unnamed street; thence right 1°21'08" and continue Westerly along the said North right of way line for 310.74 feet; thence right 51°17'03" and continue along the said North right of way line of 3.09 feet to a point on the East right of way line of U.S. Highway 31; thence right 21°45'27" and run Northwesterly along said East right of way line of 234.25 feet to the point of parcel herein described; thence continue along said right of way line for 113.87 feet; thence right 105°00'00" and leaving said right of way line and run Easterly for 252.00 feet; thence right 90°00'00" and run Southerly for 110.00 feet; thence right 90°00'00" and run Westerly for 222.53 feet back to the point of beginning.