

20120611000206250 1/1 \$12.00  
Shelby Cnty Judge of Probate, AL  
06/11/2012 04:05:30 PM FILED/CERT

### CANCELLATION AND RELEASE

The debt secured by that certain Mortgage and Security Agreement dated as of October 17, 2011, and filed October 24, 2011, as Instrument No. 2011024000316740 in the records in the Office of the Judge of Probate of Shelby County, Alabama from O'Charley's Inc., for the benefit of WELLS FARGO BANK, NATIONAL ASSOCIATION (successor by merger to Wachovia Bank, National Association), said lien is hereby fully released, satisfied, discharged and cancelled.

WELLS FARGO BANK, NATIONAL ASSOCIATION  
(successor by merger to Wachovia Bank,  
National Association)

By: Maureen S. Malphus  
Name: Maureen S. Malphus  
Title: Vice President

STATE OF CALIFORNIA)

SAN DIEGO COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Maureen S. Malphus, whose name as Vice President of Wells Fargo Bank, National Association, is signed to the foregoing conveyance and who is known to me, acknowledged before me, on this day that, being informed of the contents of said conveyance, she, as such officer and with full authority, executed the same voluntarily on behalf of the corporation on the day same bears date.

Given under my hand and official seal this 9th day of May, 2012



Carla Lee Ward  
Notary Public  
My Commission Expires: 7-16-14

THIS INSTRUMENT PREPARED BY:  
Winston & Strawn LLP  
200 Park Avenue  
New York, NY 10166

[Obligor Name: O'Charley's Inc.]

[Obligor No.: 0264473256]

101 Southgate Drive, Pelham, Alabama/Store 1508