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09/22/2021 11:40:14 AM
RELAGREE 1/4

**CANCELLATION OF MEMORANDUM OF
REAL ESTATE PURCHASE AGREEMENT**

Excise Tax: \$0.00

County PIN #: 10-9-30-0-001-005.001
Cross Reference: Instr. #20201124000540330

THIS INSTRUMENT PREPARED BY:

Richard L. Voigt, Esq.
Waffle House, Inc.
5986 Financial Drive
Norcross, GA 30071
Telephone: 770-729-5700
(as counsel to Waffle House only)

UPON RECORDING RETURN TO:

J. David Brady, Jr., Esq.
Anders, Boyett, Brady & Smith, P.C.
3800 Airport Blvd., Suite 203
Mobile, Alabama 36608
File No: 86788D
WHU#1295

THIS CANCELLATION OF MEMORANDUM OF REAL ESTATE PURCHASE AGREEMENT (this "Cancellation") is made and entered into as of this 21 day of September, 2021, by and among **EZELL HOLDINGS, LLC**, an Alabama limited liability company, whose mailing address is: 103 Lanier Avenue, Mobile, Alabama 36607-3213 ("Ezell"), and **WAFFLE HOUSE, INC.**, a Georgia corporation, with an address of 5986 Financial Drive, Norcross, GA 30071 ("Waffle House").

RECITALS:

- A. Ezell and Waffle House entered into of that certain unrecorded Real Estate Purchase Agreement dated September 22, 2020 (the "Agreement") as evidenced by a Memorandum of Real Estate Purchase Agreement dated October 22, 2020 which is recorded as Instrument No. 20201124000540330, Office of the Judge of Probate, Shelby County, Alabama (the "Memorandum").
- B. The property subject to the Agreement is described on Exhibit "A" attached hereto, (the "Property").
- C. Effective simultaneously herewith, Ezell has sold and conveyed its ownership interest in and to the Property to Waffle House in accordance with the terms of the Agreement.
- D. Ezell and Waffle House wish to give notice of the termination of the Agreement and cancel the Memorandum of record.

NOW THEREFORE, for and in consideration of the foregoing recitals, which are declared to be true and correct, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Ezell and Waffle House hereby declare that the Agreement has been terminated as of the date hereof, and, by these presents, do hereby cancel the Memorandum. Henceforth, the Property shall no longer be encumbered either by the Agreement or the Memorandum. This Cancellation may be executed in multiple counterparts, each of which shall be deemed to be an original and all which shall together constitute one and the same agreement. The undersigned hereby authorize and direct the Office of the Judge of Probate, Shelby County, Alabama to cancel the Memorandum referenced above.

IN WITNESS WHEREOF, Ezell has executed and delivered this Cancellation under seal as of the date first above written.

EZELL:

EZELL HOLDINGS, LLC, an Alabama limited liability company

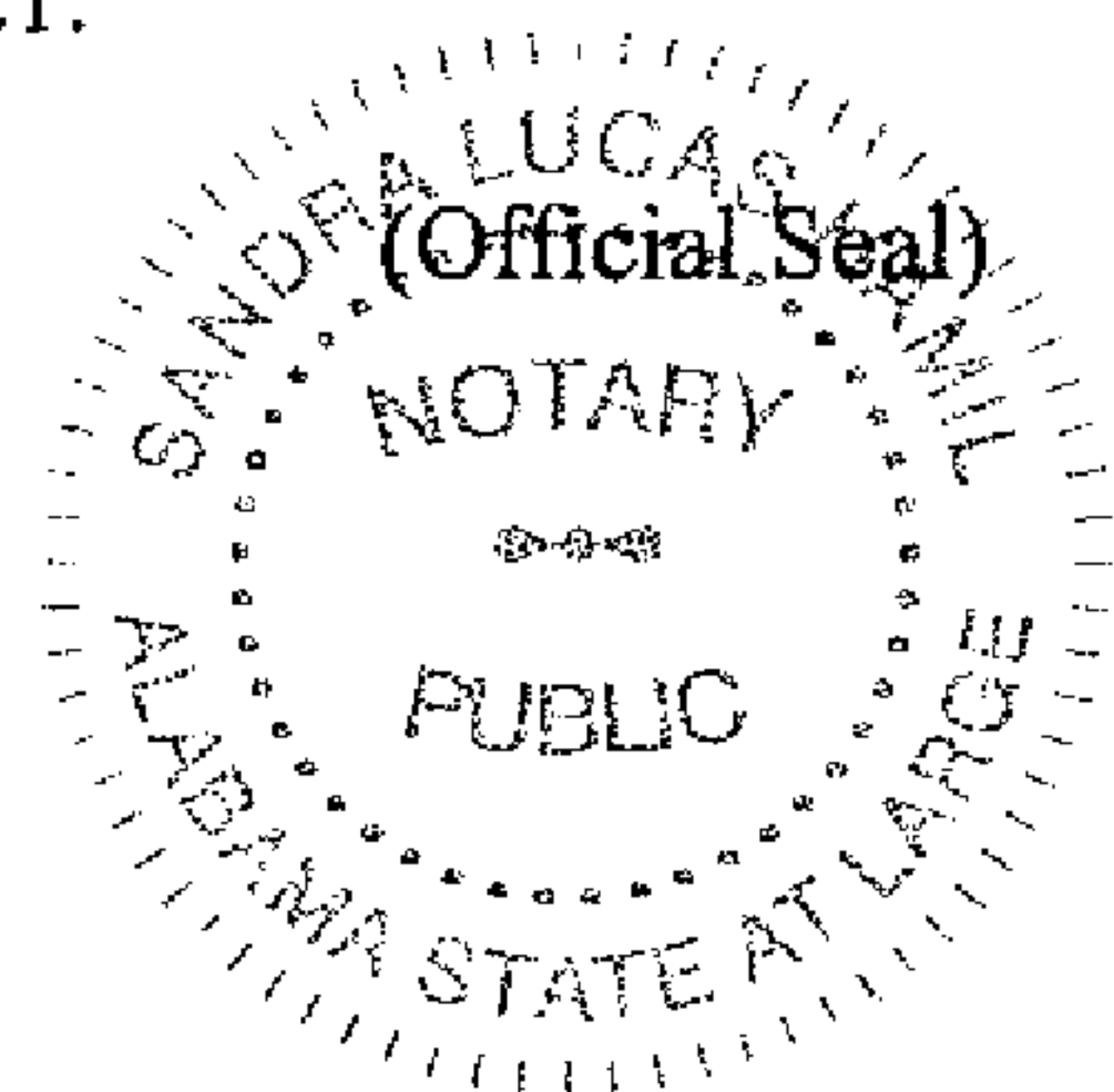
By: *Elissa E. Watkins*
Name: ELISSA E. Watkins
Title: Manager

STATE OF Alabama
COUNTY OF Mobile

I, the undersigned, a notary public of the State of Alabama, certify that Elissa E. Watkins personally came before me this day and acknowledged that he/~~she~~ is the Manager of Ezell Holdings, LLC, an Alabama limited liability, and that he/~~she~~ as Manager, being authorized to do so, executed the foregoing on behalf of the company.

Witness my hand and official seal, this the 21 day of September, 2021.

Sandra Lucas Daniel
Notary Public
My commission expires: 08/10/2024

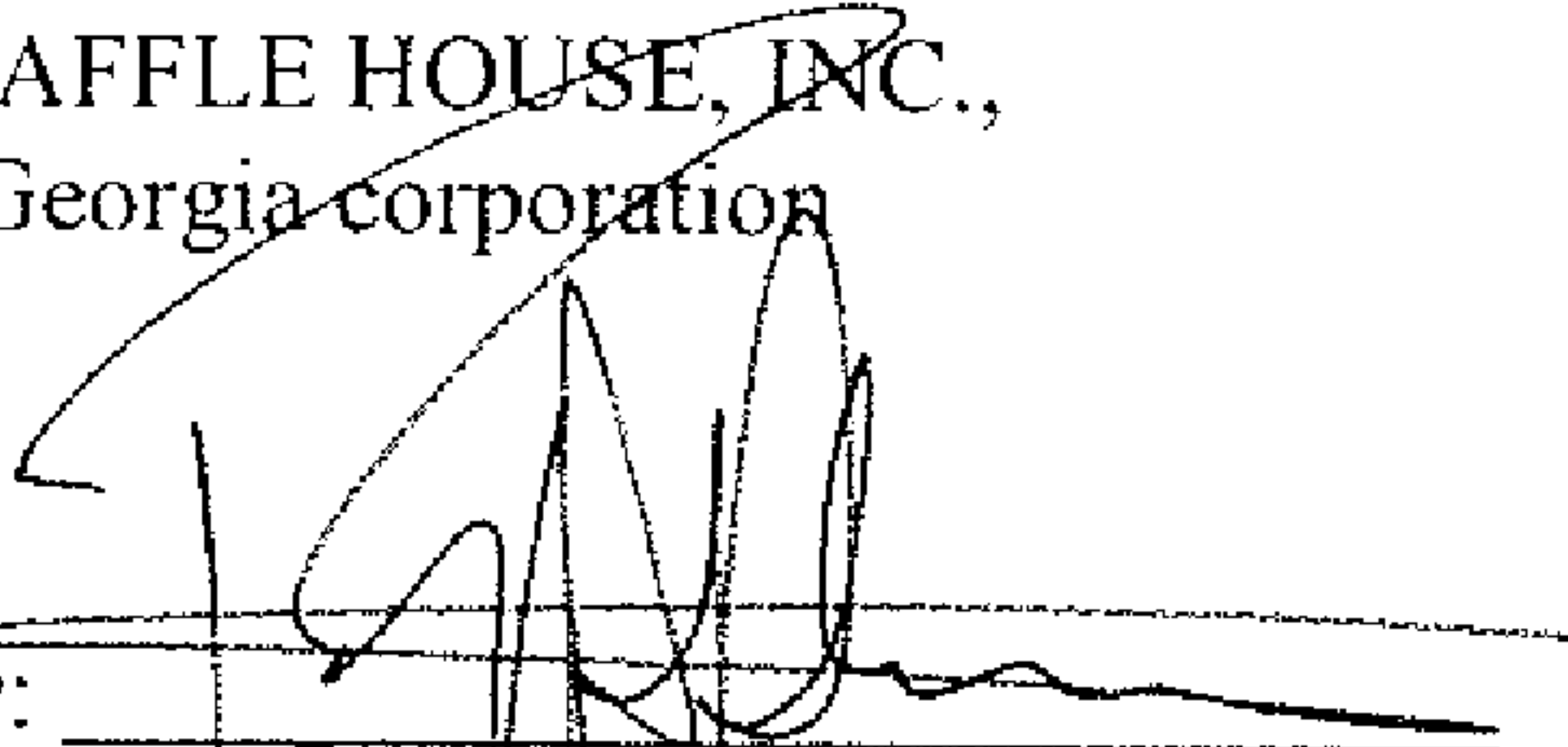


[Signatures continue on following pages.]

IN WITNESS WHEREOF, Waffle House has executed and delivered this Cancellation under seal as of the date first above written.

WAFFLE HOUSE:


WAFFLE HOUSE, INC.,
a Georgia corporation

By: 
Name: Ryan D. Peterson
Title: VP of Real Estate

STATE OF GEORGIA
COUNTY OF GWINNETT

I, the undersigned, a notary public of the State of Georgia, certify that Ryan D. Peterson personally came before me this day and acknowledged that he (or she) is the V.P. of REAL ESTATE of Waffle House, Inc., a Georgia corporation, and that he/she, as V.P. of REAL ESTATE, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 17 day of SEPTEMBER, 2021.


Notary Public
My commission expires: 10-6-2021



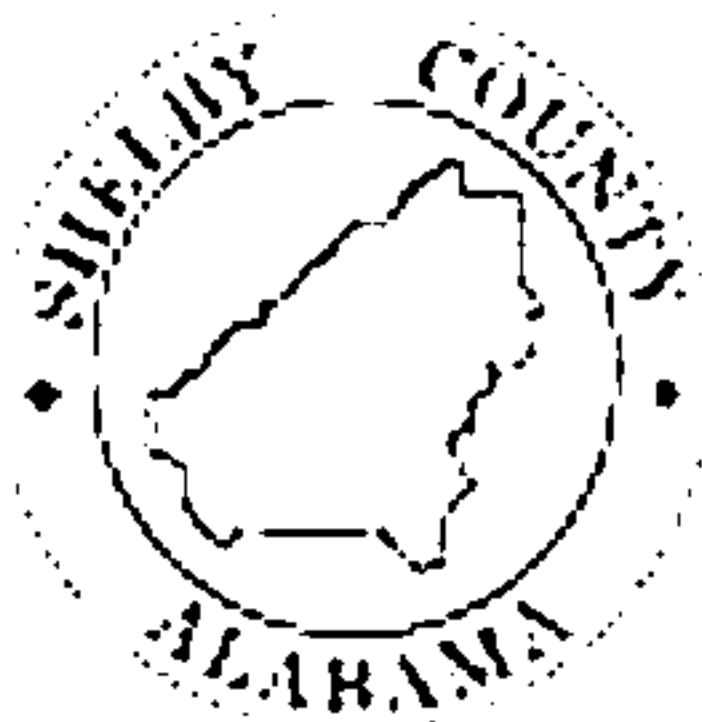
20210922000462640 09/22/2021 11:40:14 AM RELAGREE 4/4

EXHIBIT "A"

The Property

WHU #1295 / 1985 Hwy 31 S., Birmingham, AL 35244

Lot 1, according to the Survey of South Park, as recorded in Map Book 20, Page 100, in the Probate Office of Shelby County, Alabama.



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
09/22/2021 11:40:14 AM
\$31.00 JOANN
20210922000462640

Allen S. Bayl

Exhibit "A"