

***This Instrument Prepared By, And  
After Recording Return To:***

Elizabeth J. Jennings  
Tacala, LLC  
3750 Corporate Woods Drive  
Birmingham, Alabama 35242



20221221000457340 1/5 \$2190.00  
Shelby Cnty Judge of Probate, AL  
12/21/2022 12:48:52 PM FILED/CERT

**MEMORANDUM OF LEASE**

**THIS MEMORANDUM OF LEASE** entered into as of the 18 day of NOVEMBER, 2022 (the "Execution Date") by and between **CGP Birmingham (Valleydale Rd) TB, LLC**, a Delaware limited liability company, whose address is 361 Summit Boulevard, Suite 110, Birmingham, Alabama 35243, ("Landlord"), and **Tacala, LLC**, a Delaware limited liability company ("Tenant") whose address is 3750 Corporate Woods Drive Birmingham, Alabama 35242.

**WITNESSETH:**


**WHEREAS**, Landlord and Tenant are parties to that certain Lease dated the 21 day of NOVEMBER, 2022 (as heretofore or hereafter extended, amended, modified or renewed, the "Lease"); and,

**WHEREAS**, Landlord and Tenant desire to execute this Memorandum of Lease in order to publish record notice of the existence of the Lease and the rights created thereby;

**NOW, THEREFORE**, Landlord and Tenant do hereby acknowledge and agree that the Lease contains the following terms:

1. **Landlord:** The name of the Landlord is **CGP Birmingham (Valleydale Rd) TB, LLC**, a Delaware limited liability company
2. **Tenant:** The name of the Tenant is **Tacala, LLC**, a Delaware limited liability company
3. **Term:** The primary term of the Lease will commence on 11/21/22 (the "Commencement Date") and terminate on 7/10/2047.
4. **Renewal Options:** The Lease contains six (6) successive renewal options, each of which is for a term of five (5) years.
5. **Description of Leased Premises:** The leased premises are described in Exhibit A attached hereto and made a part hereof.
6. **Notice of Rights of Taco Bell Franchisor, LLC:** Landlord and Tenant have granted Taco Bell Franchisor, LLC, a Delaware limited liability company, and its affiliates certain conditional rights, including possession, in and to the Premises, pursuant to that certain Addendum to Lease dated of even date herewith between Landlord and Tenant.

Shelby County, AL 12/21/2022  
State of Alabama  
Deed Tax: \$2156.00

  
20221221000457340 2/5 \$2190.00  
Shelby Cnty Judge of Probate, AL  
12/21/2022 12:48:52 PM FILED/CERT

7. **Miscellaneous:** This Memorandum of Lease is for informational purposes only and nothing contained herein shall be deemed in any way to modify or otherwise affect any of the terms and conditions of the Lease, all of which are incorporated herein by this reference. In the event of any inconsistency between the terms of the Lease and this instrument, the terms of the Lease shall prevail. The rights and obligations set forth herein shall be binding upon and shall inure to the benefit of the parties hereto in their respective successors and assigns.

[No further text on this page. Signature pages follow.]

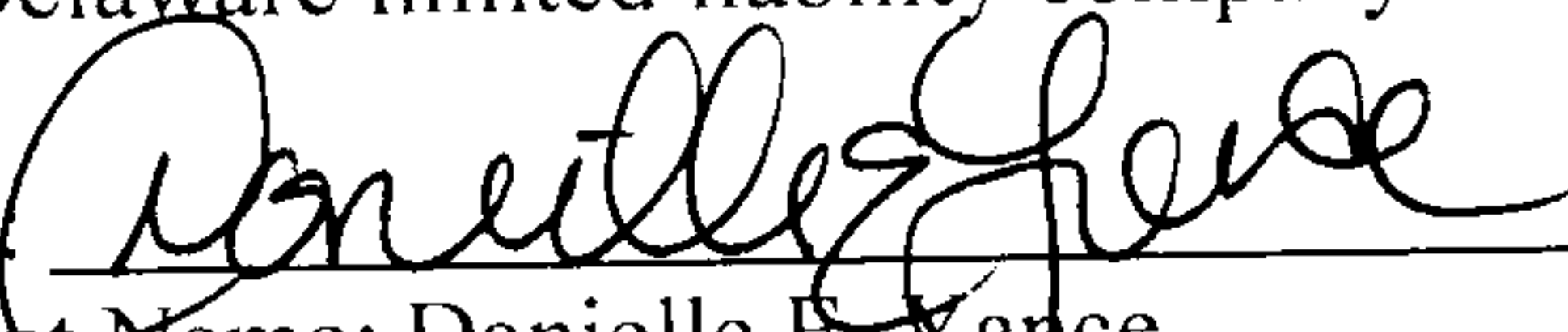


20221221000457340 3/5 \$2190.00  
Shelby Cnty Judge of Probate, AL  
12/21/2022 12:48:52 PM FILED/CERT

**IN WITNESS WHEREOF**, Landlord and Tenant have caused this Memorandum of Lease to be properly executed and delivered as of the date set forth above.

**LANDLORD:**

**CGP Birmingham (Valleydale Rd) TB, LLC,**  
a Delaware limited liability company

By   
Print Name: Danielle E. Yance  
Title: Authorized Agent

STATE OF ALABAMA     )  
COUNTY OF JEFFERSON )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Danielle E. Yance whose name as Authorized Agent of CGP BIRMINGHAM (VALLEYDALE RD) TB, LLC, a Delaware limited liability company, 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/she, in his/her capacity as such Authorized Agent and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this the 18<sup>th</sup> day of November, 2022.

[SEAL]

  
Elizabeth Pilgrim; Notary Public

My Commission Expires: ELIZABETH PILGRIM  
NOTARY PUBLIC, ALABAMA STATE AT LARGE  
MY COMMISSION EXPIRES NOV. 12, 2024

*[Landlord's Signature Page to Memorandum of Lease]*

20221221000457340 4/5 \$2190.00  
Shelby Cnty Judge of Probate, AL  
12/21/2022 12:48:52 PM FILED/CERT

TENANT:

Tacala, LLC,  
a Delaware limited liability company

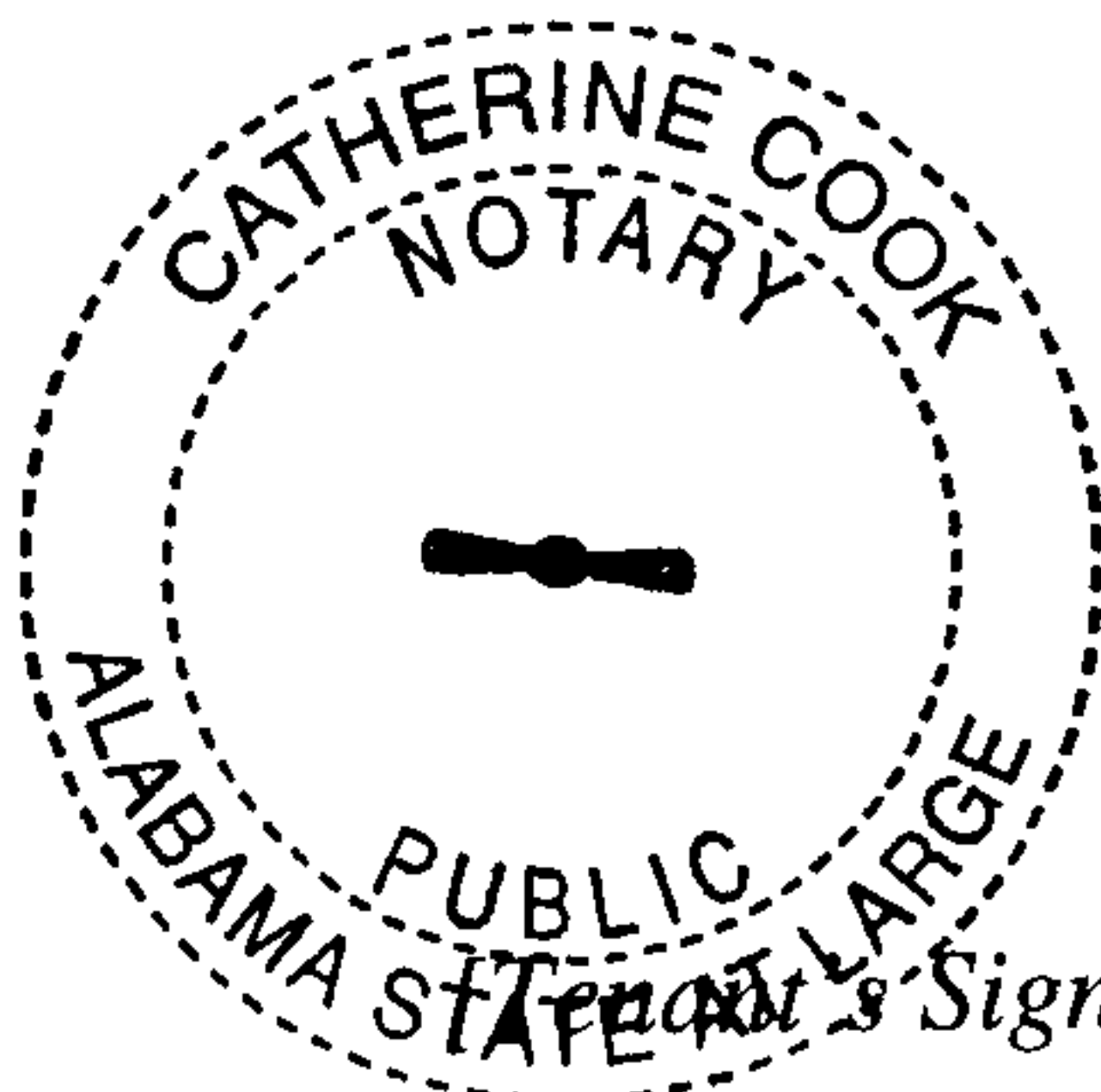
By: [Signature]  
Name: Michael Border  
Title: Chief Development Officer

STATE OF ALABAMA     )  
                                  )  
COUNTY OF JEFFERSON )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Michael Border whose name as Chief Development Officer of Tacala, LLC, a Delaware limited liability company, 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/she, in his/her capacity as such Chief Development Officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this the 18 day of November, 2022.

[SEAL]



[Signature]  
Notary Public

My Commission Expires: 03/04/2026

Tenant's Signature Page to Memorandum of Lease]





20221221000457340 5/5 \$2190.00  
Shelby Cnty Judge of Probate, AL  
12/21/2022 12:48:52 PM FILED/CERT

## **EXHIBIT A**

### **Legal Description of the Leased Premises**

The land referred to herein below is situated in the County of Shelby, State of Alabama, and is described as follows:

Lot 1 of the Tacala Valleydale subdivision according to the map or plat thereof, recorded in Map Book 55, Page 71, in the Office of the Judge of Probate of Shelby County, Alabama.