



20230628000191780 1/5 \$1156.00
Shelby Cnty Judge of Probate, AL
06/28/2023 10:19:56 AM FILED/CERT

THIS INSTRUMENT PREPARED,
WITHOUT TITLE EXAMINATION,
BY, AND AFTER RECORDING PLEASE RETURN TO:

LUCAS W. HUMBLE
BELL, ORR, AYERS & MOORE, P.S.C.
P.O. BOX 738
BOWLING GREEN, KENTUCKY 42102-0738
PHONE: (270) 781-8111

DEED

THIS DEED OF CONVEYANCE, made and entered into on this 14th day of May, 2023, by and between **WENDY'S OF BOWLING GREEN, INC.**, a Kentucky corporation, 2501 Crossings Boulevard, Suite 300, Bowling Green, Kentucky 42104, parties of the first part, hereinafter called "GRANTOR" and **O'MALLEY HUGHES REAL ESTATE, LLC**, a Kentucky limited liability company, 2501 Crossings Boulevard, Suite 300, Bowling Green, Kentucky 42104, parties of the second part, hereinafter called "GRANTEE",

WITNESSETH: That for and in total consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, Grantor does hereby bargain, sell, alien, grant and convey unto Grantee, its successors and assigns, forever, that certain real property located in Shelby County, Alabama, and more particularly described as follows:

Parcel 1

A parcel of land situated in the Northeast Quarter of the Northwest Quarter of Section 14, Township 21 South, Range 3 West, Shelby County, Alabama more particularly described as follows: Commence at a 3-inch iron pipe found on the Northwest Corner of said Section 14; thence run South 89 degrees 03 minutes 42 seconds East along the North boundary of said Section 14 a distance of 1538.52 feet to a point on the Southeast right of way of Alabama Highway No. 119 (variable right of way); thence run South 25 degrees 20 minutes 17 seconds West along said right of way a distance of 134.10 feet to the POINT OF BEGINNING; thence depart said right of way and run South 67 degrees 21 minutes 17 seconds East a distance of 253.16 feet; thence run South 25 degrees 30 minutes 31 seconds West a distance of 217.20 feet; thence run North 64 degrees 29 minutes 29 seconds West a distance of 253.23 feet to a point on the Southeast right of way of said Alabama Highway No. 119; thence run North 25 degrees 20 minutes 17 seconds East along said right of way a distance of 204.56 feet to the POINT OF BEGINNING.

Parcel 1 now know as Lot 2 White Stone Center Subdivision, as recorded in Map Book 33, Page 138 A & B in the Probate Office of Shelby County, Alabama.

Shelby County, AL 06/28/2023
State of Alabama
Deed Tax: \$1122.00

Parcel 2

Ingress and Egress easements for the benefit of Parcel 1 as created by that certain Declaration of Restrictions Covenants and Conditions and Grant of Easements as recorded in Instrument #20031124000768400 over under and across the property described therein.

TOGETHER WITH that certain Non-Exclusive private easement between Brusters and SouthTrust for the benefit of Parcel 1 as created by that certain Reciprocal Easement Agreement as recorded in Instrument #20040615000322360 under over and across the property described therein.

That certain easement regarding Curb-Cuts between Outparcel 2 and Shopping Center Tract as created by Clarification Regarding Curb-Cuts between Outparcel 2 and The Shopping Center Tract recorded in Instrument #20040329000157920 over, under and across the property described therein.

Lying and being situated in Shelby County, Alabama.

Subject to an on ongoing right of first refusal in favor of Publix in the event that the Property is not developed as a Wendy's branded restaurant or if it should cease being used as a Wendy's brand restaurant (but will not apply to any sale-leaseback transactions, mortgage or deed of trust financing or foreclosures, nor to any franchisee-to-franchisee transfers so long as the use does not change from that as a Wendy's branded restaurant) for a period of twenty (20) years from the date of this deed.

TO HAVE AND TO HOLD, the above-described real property, together with all the improvements thereon and all the appurtenances thereunto belonging, unto the Grantee, forever, with Special Warranty of Title, subject, however to all existing restrictive covenants, rights of way easements, and reservations of record that apply to the hereinabove described real property.

IN TESTIMONY WHEREOF, witness the hands of the Grantor and Grantee on this the date first above written.

[Remainder of page left blank; signature pages to follow]



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[Signature Page of Grantee]

GRANTEE:

O'MALLEY HUGHES REAL ESTATE, LLC

By: John Hughes
Name: JOHN HUGHES
Title: AUTHORIZED REPRESENTATIVE

STATE OF KENTUCKY)
COUNTY OF WARREN) SCT.

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that JOHN HUGHES, AUTHORIZED REPRESENTATIVE of O'Malley Hughes Real Estate, LLC, a Kentucky limited liability company 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 the conveyance, he, as such AUTHORIZED REPRESENTATIVE and with full authority, executed the same voluntarily for and as the act of said limited liability company.

[Signature]
Notary Public, State of Kentucky at Large
My commission expires: 3/4/25
Notary ID Number: KYND24068

[Signature Page of Grantor]

GRANTOR:

WENDY'S OF BOWLING GREEN, INC.

By: Michael D. Malley
Name: MICHAEL O'MALLEY
Title: CEO

STATE OF KENTUCKY)
) SCT.
COUNTY OF WARREN)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that MICHAEL O'MALLEY, CEO of Wendy's of Bowling Green, Inc., a Kentucky corporation, 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 the conveyance, he, as such CEO and with full authority, executed the same voluntarily for and as the act of said corporation.

[Signature]
Notary Public, State of Kentucky at Large
My commission expires 3/4/25
Notary ID Number: KYN 24068

Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name Wendy's of Bowling Green, Inc.
Mailing Address 2501 Crossings Boulevard, Suite 300
Bowling Green, KY 42104

Grantee's Name O'Malley Hughes Real Estate, LLC
Mailing Address 2501 Crossings Boulevard, Suite 300
Bowling Green, KY 42104

Property Address 9200 Highway 119
Alabaster, AL 35007

Date of Sale _____

Total Purchase Price \$ _____

or

Actual Value \$ _____

or

Assessor's Market Value \$ 1,121,690



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The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

☐ Bill of Sale

☒ Sales Contract

☐ Closing Statement

☐ Appraisal

☐ Other _____

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 6/14/23

Print JOHN HUGHES

Unattested

(verified by)

Sign

(Grantor/Grantee/Owner/Agent) circle one

Print Form

Form RT-1