

MEMORANDUM OF LEASE

This Memorandum of Lease, dated this 9th day of April, 2025, provides notice of the existence of an unrecorded lease ("**Lease**") dated December 15, 2023 ("**Effective Date**"), by and between Highway 11/31 LLC, a Delaware limited liability company, whose address is c/o Merchants Retail Partners, 2801 Hwy 280 South, Suite 345, Birmingham, AL 35223 ("**Landlord**") and Apex Casual Dining, LLC, an Alabama limited liability company, whose address is 140 Carnoustie Dr., Pellham, Alabama 35124 ("**Tenant**").

RECITALS:

For good and valuable consideration, Landlord has leased to Tenant and Tenant has leased from Landlord certain real property situated in Shelby County, Alabama more particularly described on attached Exhibit A ("**Premises**").

The Lease provides for the following:

1. The Term of the Lease will commence on the Lease Commencement Date and will expire on the last day of the calendar month in which the tenth (10th) anniversary of the day immediately preceding the Rent Commencement Date.
2. Tenant has the option on certain conditions to extend the term for three (3) renewal terms of five (5) years each in duration.

This Memorandum is not a complete summary of the Lease. Provisions in this Memorandum shall not be used to interpret the provisions of the Lease, and, in the event of conflict between this Memorandum and the Lease, the Lease shall control.

{Remainder of Page Intentionally Left Blank; Signatures to Follow}

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum of Lease as of the date stated above.

LANDLORD:

Highway 1131 LLC,
a Delaware limited liability company

By: [Signature]
Name: William Leitner
Title: manager

ACKNOWLEDGMENT

STATE OF Alabama)
)ss.
COUNTY OF Jefferson)

On April 8, 2024, before me, the undersigned Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within named William Leitner (being the person authorized by said limited liability company to execute such instrument, stating his capacity in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that he was the President of Highway 1131 LLC, a Delaware limited liability company, and was duly authorized in his capacity to execute the foregoing instrument(s) for and in the name and behalf of said limited liability company, and further stated and acknowledged that he had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.



Melanie Thomas
NOTARY PUBLIC

TENANT:

APEX CASUAL DINING, LLC,
an Alabama limited liability company
By: Apex Solutions, Inc., an Alabama corporation
Its: Member

By: 
Name: Terry Sims
Its: President

ACKNOWLEDGMENT

STATE OF Alabama)
)ss.
COUNTY OF Shelby)

On April 9, 2024, before me, the undersigned Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within named **Terry Sims** (being the person authorized by said limited liability company to execute such instrument, stating his capacity in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that he was the President of Apex Solutions, Inc., an Alabama corporation, Member of APEX CASUAL DINING, LLC, an Alabama limited liability company, and was duly authorized in his capacity to execute the foregoing instrument(s) for and in the name and behalf of said limited liability company, and further stated and acknowledged that he had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 9 day of April, 2025.


NOTARY PUBLIC

Prepared by and after recording return to:
Apex Casual Dining, LLC
140 Carnoustie Dr.
Pelham, Alabama 35124

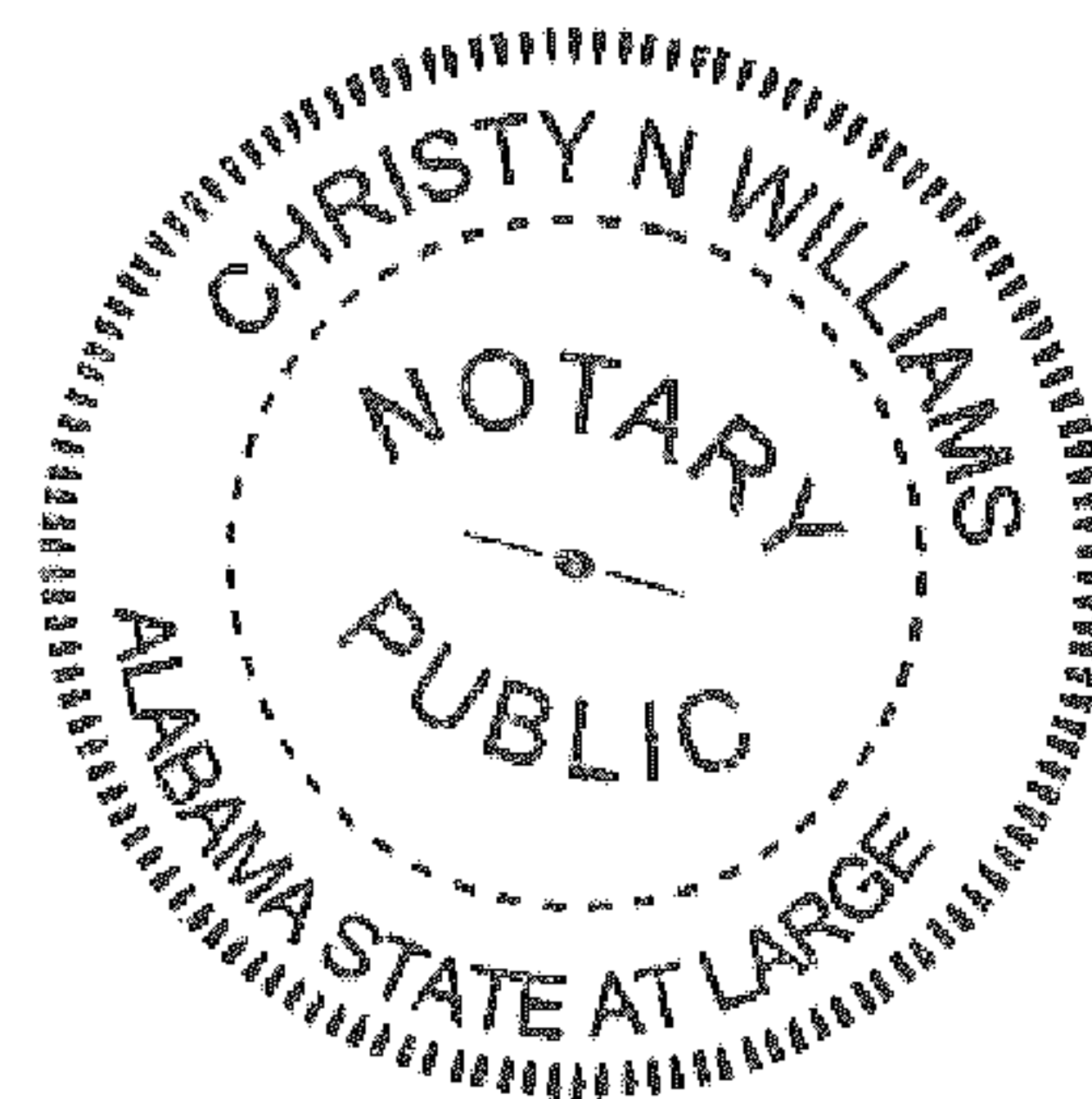


EXHIBIT A

Lot 6 according to the Plat of Colonial Promenade Alabaster South as recorded in Map Book 38, Page 119A and B, 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
04/22/2025 01:38:25 PM
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Allie S. Bayl