

1
2 STATE OF _____
3
4 COUNTY OF _____

5 **SHORT FORM LEASE**

6
7 THIS INDENTURE OF LEASE made this 11th day of October 2002 between
8 SEWELL, ALLEN, INC. whose address is 5260 Winchester Road, Memphis, Tennessee 38118,
9 hereinafter referred to as Lessor, and FRED'S FUELING STATION, LLC, whose address is 4300
10 New Getwell Road, Memphis, Tennessee 38118, hereinafter referred to as Lessee.

11 **WITNESSETH**

12 For and in consideration of One Dollar (\$1.00) and other good and valuable
13 considerations paid and to be paid by Lessee to the Lessor, the Lessor does demise and Lease unto
14 the Lessee and the Lessee does lease and take from the Lessor the property as described in "Exhibit
15 A" hereto attached, upon the terms and conditions more particularly set forth in a certain LEASE
16 AGREEMENT dated October 11th, 2002.

17 TO HAVE AND TO HOLD the above described premises unto the Lessee for a term
18 of Eight (8) years and Eleven (11) months commencing on the 1st day of November 2002, and
19 ending on the 30th day of September, 2011 with one (1) additional option of five (5) years.

20 IN TESTIMONY WHEREOF, the above named Lessor and the above named Lessee
21 have caused this instrument to be executed in duplicate on the day and year set forth above.

22 LESSOR: SEWELL, ALLEN, INC.

23 By: Richard James

24 Its: PRESIDENT

25 Attest:

26 R. D. Cole
27 **SECRETARY**

28 LESSEE: FRED'S FUELING STATION, LLC

29 By: John Speer

Its: President

30 Attest:

31 _____
32 Secretary

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EXHIBIT A

LEGAL DESCRIPTION OF THE SHOPPING CENTER, KNOWN OR TO BE KNOWN AS THE MARKET AT HORN LAKE: Lot 1, Part of Center City Subdivision, (being part of original plat of Horn Lake City Center, First Addition, in Plat Book 29, Page 49), in Section 33, Township 1 South, Range 8 West, in the City of Horn Lake, DeSoto County, Mississippi, as shown by plat appearing of record in Plat Book 47, Page 4, in the office of the Chancery Clerk of DeSoto County, Mississippi, and more particularly described by metes and bounds as follows, to wit: BEGIN at an iron stake (set) in the southerly line of Goodman Road (Mississippi State Highway No.302), said stake being 45 feet south and perpendicular to Highway Station 304+35 as shown on State project No.79-0021-01-005-10; thence eastwardly with the southerly line of said highway the following courses: South 89 degrees 50 minutes 00 seconds East 165.00 feet to an iron stake; South 76 degrees 07 minutes 50 seconds East 103.08 feet to an iron stake; North 78 degrees 31 minutes 24 seconds East 101.98 feet to an iron stake; North 86 degrees 58 minutes 15 seconds East 100.12 feet to an iron stake; thence North 89 degrees 50 minutes 00 seconds East 163.80 feet with the southerly line of said highway to an iron stake; thence South 00 degrees 11 minutes 27 seconds East 201.50 feet to an iron stake; thence North 89 degrees 49 minutes 13 seconds East 99.98 feet to an iron stake; thence South 00 degrees 11 minutes 27 seconds East 254.17 feet to an iron stake; thence South 01 degrees 53 minutes 33 seconds West 16.00 feet to an iron stake; thence South 07 degrees 29 minutes 14 seconds West 26.94 feet to an iron stake; thence South 14 degrees 30 minutes 27 seconds West 26.94 feet to an iron stake; thence South 21 degrees 31 minutes 40 seconds West 26.94 feet to an iron stake; thence South 28 degrees 32 minutes 53 seconds West 26.94 feet to an iron stake; thence South 35 degrees 34 minutes 06 seconds West 26.94 feet to an iron stake; thence South 42 degrees 35 minutes 19 seconds West 26.94 feet to an iron stake; thence South 49 degrees 36 minutes 32 seconds West 26.94 feet to an iron stake; thence South 56 degrees 37 minutes 45 seconds West 26.94 feet to an iron stake; thence South 63 degrees 38 minutes 58 seconds West 26.94 feet to an iron stake; thence South 70 degrees 40 minutes 11 seconds West 26.94 feet to an iron stake; thence South 77 degrees 41 minutes 24 seconds West 26.94 feet to an iron stake; thence South 84 degrees 42 minutes 37 seconds West 26.94 feet to an iron stake; thence South 89 degrees 03 minutes 33 seconds West 6.10 feet to an iron stake; thence South 89 degrees 48 minutes 33 seconds West 63.81 feet to an iron stake; thence North 00 degrees 20 minutes 30 seconds East 78.64 feet to an iron stake; thence North 89 degrees 58 minutes 25 seconds West 475.00 feet to an iron stake in the easterly line of Tulane Road; thence North 00 degrees 06 minutes 05 seconds West 561.10 feet with the easterly line of said road to an iron stake; thence North 38 degrees 35 minutes 46 seconds East 45.39 feet to the point of beginning containing 10.1073, more or less, acres of land (440,274, more or less, Square Feet) being subject to all codes, regulations and revisions, easements and right-of-ways of record.

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STATE OF Tennessee

COUNTY OF Shelby

Personally appeared before me, the undersigned authority, in and for said State and County, the within named RICHARD K. JAMES, of SEWELL, ALLEN, INC., a corporation, who, acting for and on behalf of said corporation and being thereunto duly and lawfully authorized so to do, acknowledged that he signed, sealed and delivered the foregoing instrument on the day and year and for the purposes therein mentioned as said corporation's own voluntary act and deed.

Witness my hand and official seal this the 16th day of October, 2002.



Judith Bennett
NOTARY PUBLIC

My commission expires:

06-07-2006

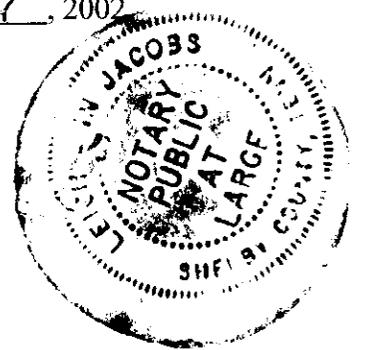
STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, the undersigned authority, in and for said State and County, the within named John D. Reier and Charles S. Vail, President and Secretary, respectively, of FRED'S FUELING STATION, LLC, a limited liability company, who, acting for and on behalf of said corporation and being thereunto duly and lawfully authorized so to do, acknowledged that they signed, sealed and delivered the foregoing instrument on the day and year and for the purposes therein mentioned as said corporation's own voluntary act and deed.

Witness my hand and official seal this the 16th day of October, 2002.

Richard Jacobs
NOTARY PUBLIC



My commission expires:

My Commission Expires Jan. _____

This document prepared by:

Fred's, Inc.
Real Estate Department ~~_____~~
4300 New Getwell Road
Memphis, Tennessee 38118

~~_____~~