

PREPARED BY:

J. Donald Stevenson, Jr.
Legal Department
7-Eleven, Inc.
2711 N. Haskell Avenue
Dallas, Texas 75204-2906
Location No. 26567

Record and Return to:
LandAmerica – Brigitte Sawicki
1302 N. 19th Street – Suite 200
Tampa, FL 33605
File # T-042792

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INSTR # 6614972
OR BK 04565 Pgs 3946 - 3951; (6pgs)
RECORDED 01/25/2005 09:46:11 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 52.50
DEED DOC 1,050.00
DEPUTY CLERK C Keller

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED given as of this 31st day of December, 2004, by **7-ELEVEN, INC.**, a Texas corporation, formerly known as The Southland Corporation, with principal offices at 2711 North Haskell Avenue, Dallas, Texas 75204-2906 ("Grantor"), to **TIMETEO R. GONZALES**, having an address of 215 Goldengate Blvd. East, Naples, Florida 34120 ("Grantee");

WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, aliened, remised, released, conveyed, confirmed and sold, and by these presents does grant, bargain, alien, remise, release, convey, confirm and sell unto Grantee that certain property situated in the County of Lee, State of Florida, and more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

BEING AND INTENDED TO BE a portion of the property conveyed to Grantor by Special Warranty Deed dated August 27, 1985, recorded October 11, 1985 in Official Records Book 1808, Page 3382, as Document #2003168, Public Records of Lee County, Florida.

SUBJECT TO current taxes and assessments not delinquent and taxes and assessments for subsequent years; covenants, restrictions, reservations, rights, rights-of-way and easements of record; zoning ordinances or statutes and building, use and occupancy restrictions of public record (the "Conditions").

SUBJECT FURTHER TO the following restrictions which shall run with the land (the "Restrictions"):

- A. Neither Grantee nor his heirs, successors, assigns or legal representatives, lessees or sublessees, shall conduct or permit the conduct on the Property of, and the Property shall never be used for:

- i. a grocery or convenience store selling at retail any food or food products, dairy products, beer, wine or other alcoholic beverages for consumption off the Property;
- ii. The retail sale of any food or food products, beer, wine or other alcoholic beverages for consumption on or off the Property; or
- iii. the sale of motor fuels and petroleum products.

B. No building or other structure on the Property which faces the same streets as the 7-Eleven property cross-hatched on Exhibit B attached hereto (herein the "7-Eleven Property") shall be constructed closer to such streets than the building on the 7-Eleven Property so as to impede or alter ingress and egress or visibility. Furthermore, all signs on the Property will be constructed and located in such a manner so as not to detract from the visibility of the fascia and pole signs on the 7-Eleven Property.

The foregoing restrictions shall not be held invalid or unenforceable because of either the extent or duration thereof, and may be modified by a judgment entered by a court of competent jurisdiction with respect thereto.

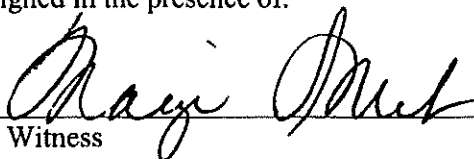
TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, belonging or in anywise appertaining, unto and for the proper use only, benefit and behoof forever of Grantee, his heirs, successors and assigns in fee simple.

GRANTOR HEREBY CERTIFIES that this conveyance is not part of a transaction effecting a sale, lease exchange or other transfer of all or substantially all of the properties or assets of Grantor in the State of Florida.

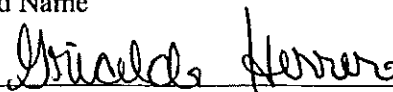
AND GRANTOR HEREBY COVENANTS that it is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor does hereby fully warrant title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other, subject to the Conditions and Restrictions.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be duly executed as of the day and year first above written.

Signed in the presence of:

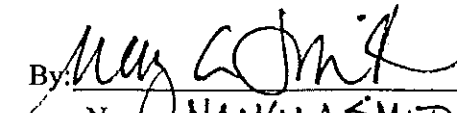

Witness


Marijan Smith
Printed Name


Witness

Gricelda Herrera
Printed Name

7-ELEVEN, INC.,
a Texas corporation

By: 
Name: NANCY SMITH
Title: VP FIELD MERCHANDISING

Attest: 
J. Donald Stevenson, Jr.
Assistant Secretary

(SEAL)

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the aforesaid County and State, on this day personally appeared _____ Nancy A. Smith _____ and J. Donald Stevenson, Jr., a(n) Vice President Field Merchandising and an Assistant Secretary, respectively, of 7-Eleven, Inc., personally known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said corporation and that they each executed the same as the act of such corporation for the purposes therein expressed and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 29th day of December, 2004.

Dianna C. Adkins
NOTARY PUBLIC

My Commission expires: May 1, 2005

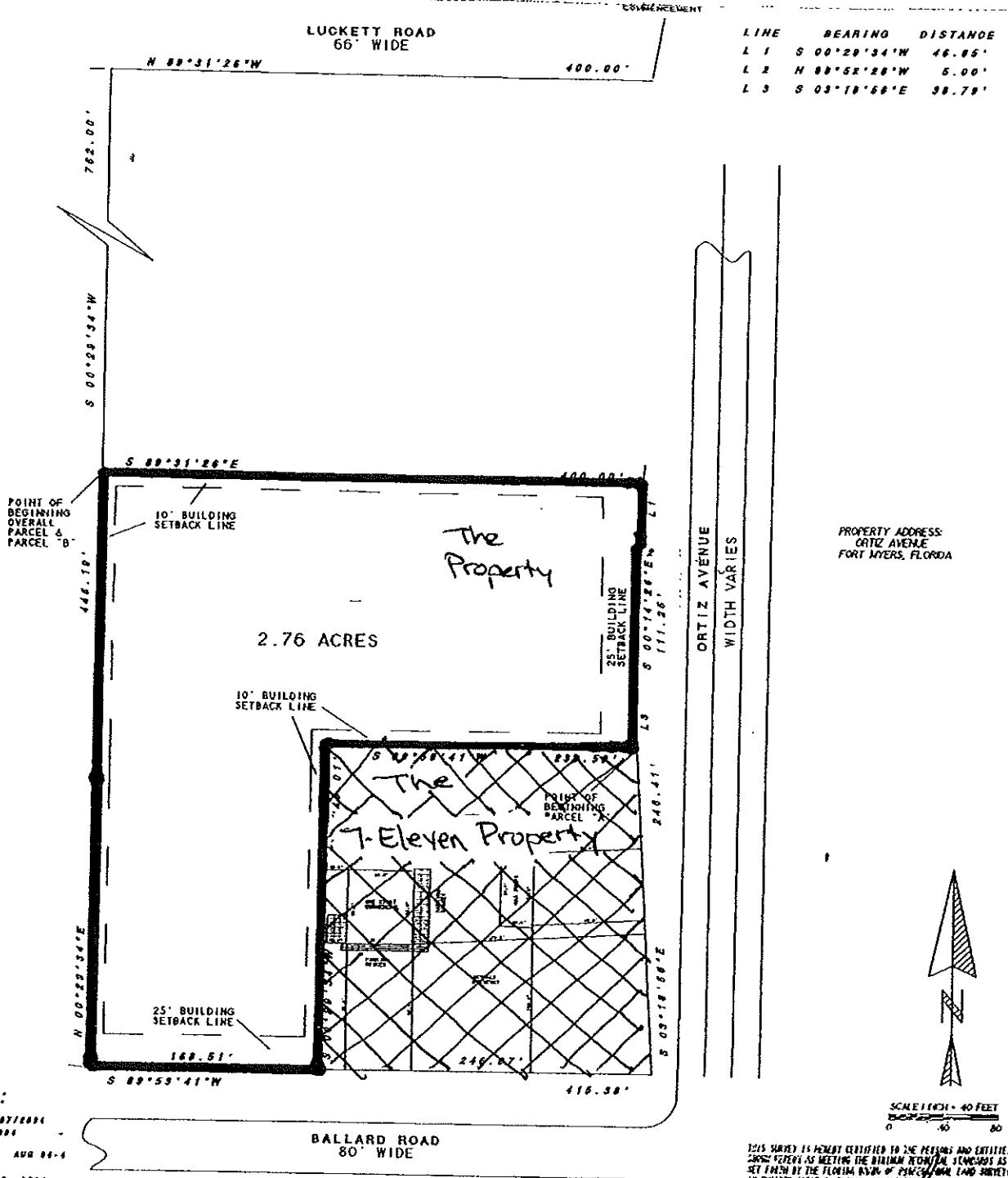


EXHIBIT A

A portion of the NW 1/4 of the NE 1/4 of Section 16, Township 44 South, Range 26 East, Lee County, Florida more particularly described as follows:

Commence at the point of intersection of the Southerly right-of-way of Luckett Road (66 feet wide) with the Westerly right-of-way line of Ortiz Avenue: thence run North 89°31'26" West along said Southerly right-of-way line of Luckett Road for 400.00 feet: thence South 00°29'34" West along a line parallel with said Westerly right-of-way line of Ortiz Avenue for 762.00 feet to the Point of Beginning of the hereinafter described parcel of land: thence South 89°31'26" East along a line parallel with said Southerly right-of-way line of Luckett Road for 400.00 feet to a point on said Westerly right-of-way line of Ortiz Avenue: the following four (4) courses being along said Westerly right-of-way line of Ortiz Avenue: (1) thence South 00°29'34" West for 46.85 feet: (2) thence North 89°52'26" West for 5.00 feet: (3) thence South 00°14'26" East for 111.25 feet: (4) thence South 03°18'56" East for 38.79 feet: thence South 89°59'41" West for a distance of 230.50 feet: thence South 00°29'34" West for a distance of 246.01 feet to a point on the Northerly right-of-way line of Ballard Road: thence South 89°59'41" West for a distance of 168.51 feet: thence North 00°29'34" East for 446.19 feet to the POINT OF BEGINNING.

EXHIBIT B



REVISIONS:
 ADDED SETBACK LINES 10/07/2004
 CENYA & LEGAL 01/21/2004
FILE DISK: AUG 04-4
DATE: AUGUST 12, 2004

7-Eleven Location 29043 26567
 Lee County, Florida