## MEMORANDUM OF LEASE/SUBLEASE

H-0050280-00-85 AT

THIS MEMORANDUM OF LEASE/SUBLEASE, made and entered into this <u>John</u> day of <u>March</u>, 1983, by and between Burger King Limited Partnership I, a New York Limited partnership (hereinafter "Lessor"), whose address is Two World Trade Center, 105th Floor, New York, New York 10048, and JOHN V. RACHOR and SUSAN L. RACHOR (hereinafter "Lessee"), whose address is 1881 Crater Lake Highway, Medford, Oregon 97501. (The terms "Lessor" and "Lessee" shall mean respectively "Sublessor" and "Sublessee" whenever the context requires or permits it.)

Lessor, for and in consideration of the execution and delivery of a certain Lease/Sublease dated <u>March</u> 25, 19<u>83</u>, and the rents and covenants specified therein to be paid and performed by Lessee, hereby grants, demises and leases to Lessee, and Lessee does hereby hire and take as Lessee that certain parcel of real property (including the building and related improvements situated thereon) described in Exhibit "A" attached hereto and made a part hereof ("demised premises").

Lessee shall have and hold the demised premises for a period of twenty (20) years, upon the terms, covenants and conditions as set forth in said Lease/Sublease and commencing on the date provided therein. Lessor and Lessee hereby agree that they will execute a supplemental instrument in recordable form setting forth the exact date of commencement and expiration of the term of said Lease/Sublease.

IN WITNESS WHEREOF, the Lessor and Lessee have caused this Memorandum of Lease/Sublease to be executed by these presents the date and year first above written.

Witnesses for Lessor:

21983

Witnesses for Lessee:

BKLPI - PAH 2nd Draft - 3/23/82 (Franchisee document) JKT: - 2/28/83 #3645 BURGER KING LIMITED PARTNERSHIP I By Its General Partner Shearson/,BK Realty, Inc.

4858

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LESSOR

Susan L. Rachor

LESSEE

1859

STATE OF NY ))) county of  $N \neq$ On this  $14^{\prime\prime}$  day of Mauch, 1983, before me personally came ROBERT F. GREENWALD, to me personally known, who, being by me duly sworn, did depose and say that he resides at 6766 108th Street, New York, New York; that he is the Vice President of SUPERDOV (NY DEVENUE). SHEARSON/BK REALTY, INC., the sole general partner of BURGER KING LIMITED PARTNERSHIP I, the partnership described in and which executed the within Memorandum of Lease/Sublease; and that he signed his name thereto by authority of such partnership. lorma Notary Public NORMA DELEPINE NOTARY PUBLIC, State of New York No. 31-4765783 نې مې م Qualified in New York County. Commission Expires March 30, 1984. STATE OF ) Jackson COUNTY OF The foregoing instrument was acknowledged before me thr. Mark 10, 1983, by John V. Rachor. TERRI TERESA BLODGETT NOTARY PUBLIC - OREGO MY COMMISSION EXPIRES (SEAL) Notary Public My Commission Expires: STATE OF ; decor COUNTY OF The foregoing instrument was acknowledged before me this  $M_{\text{RISL}}(\mathcal{N})$ , 1983, by Susan I. Rachor III LIGACO. TERRI TERESA BLODGETT ( NOTARY PUBLIC - ORIGO MY COMMISSION EXPIRE Notary Public (SEAL) My Commission Expires:

2710 S. 6th Street Klamath Falls, Oregon

## LEGAL DESCRIPTION

## PARCEL 1:

A parcel of land lying in the Northwest quarter of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Starting at the Northwest corner of Section 3, Township 39 South, Range 9 East of the Willamette Meridian; thence South 0°00'30" East along the Westerly boundary of Section 3 and the centerline of Washburn Way 917.42 feet to its intersection with the centerline of South Sixth Street, formerly known as the Dalles-California Highway, at Engineer's Station 9+17 42 on Washburn Way and Engineer's Station 16+14.87 on South Sixth Street, the recorded bearing of the conterline of South Sixth Street being South 550 bearing of the centerline of South Sixth Street being South 55° 52'30" East; thence continuing South 0°00'30" East along the West line of said Section 3 and the centerline of Washburn Way 48.32 feet to a point on the South boundary of South Sixth Street which is 40.0 feet distant from, when measured at right angles to, the centerline of South Sixth Street thence South 55°52'30" East parallel to aid centerline 125.56 feet to the true point of beginning of this description; thence continuing South 55°52'30" East parallel to said centerline 181.50 feet to a point; thence East parallel to sald centerline 101.30 reet to a point; thence South 34°07'30" West at right angles to said centerline 160.00 feet to a point; thence North 55°52'30" West 150.27 feet to a point on the Easterly boundary of Washburn Way; thence North 0°00'30" West along the Easterly boundary of Washburn Way 103.29 feet to the beginning of a 49.00 foot radius curve to the right; thence along said 49.00 foot radius curve, the long chord of which bears North 53°51'50" East 79.16 feet, 92.14 feet, more or less, to the true point of beginning.

PARCEL 2 - a non-exclusive easement for ingress, egress, parking and utilities over the unconstructed portions of the following described property:

A parcel of land lying in the Northwest quarter of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Starting at the Northwest corner of said Section 3; thence South 00°00'30" East along the Westerly boundary of Section 3 and the centerline of Washburn Way, 917.42 feet to the intersection with the present centerline of Sixth Street, formerly known as the Dalles-California Highway, recorded bearing South 55°52'30" East, at Engineer's Station 9+17.42 feet on Washburn Way and Engineer's Station 16+14.87 feet on Sixth Street present centerline, and continuing thence along said boundary and centerline 48.32 feet to Engineer's Station 9+65.74 feet on South boundary of Sixth Street, which is distant 40 feet at right angles Southwesterly from centerline of Sixth Street at Engineer's Station 16+41.99 feet; the se South 55°52'30" East parallel to said centerline 463.02 fect to the true point of beginning of this description; thence from said true beginning point continuing South 55°52'30" East parallel to said centerline 795.36 feet; thence at right angles South 34°07'30" West, 204 feet; thence South 55°52'30" East parallel to Sixth Street 145.00; thence at right angles South 34°07'30" West, 183.80 feet; more or less, to Northerly right of way line of the Oregon, California and Eastern Railroad;

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EXHIBIT "A" - 3 -

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thence North 66°57'30" West along said line 982.45 feet, more or less, to a point on the Easterly right of way line of Washburn Way which is 40.00 feet Easterly of said centerline; thence North 00°00'30" West, along said right of way line 503.39 feet; thence South 55°52'30" East, 306.22 feet; thence North 34°07'30" East, 160.00 feet to the true point of beginning.

<u>PARCEL 3</u> - a non-exclusive easement for ingress, egress, parking and utilities over the unconstructed portions of the following described property:

A parcel of land lying in the Northwest quarter of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Starting at the Northwest corner of said Section 3; thence South 00°00'30" East along the Westerly boundary of Section 3 and the centerline of Washburn Way, 917.42 feet to the intersection with the present centerline of Sixth Street, formerly known as the Dalles-California Highway, recorded bearing South 55°52'30" East, at Engineer's Station 9+17.42 feet on Washburn Way and Engineer's Station 16+14.87 feet on Sixth Street present centerline, and continuing thence along said boundary and centerline 48.32 feet to Engineer's Station 9+65.74 feet on South boundary of Sixth Street, which is distant 40 feet at right angles Southwesterly from centerline of Sixth Street at Engineer's Station 16+41.99 feet, to the true point of beginning; thence South 34°07'30" West 160.00 feet; thence North 55°52'30" West 306.22 feet to the East right of way of Washburn Way; thence North to the point of beginning.

EXCEPT THEREFROM that portion deeded to State of Oregon more particularly described as follows:

A parcel of land lying in Tract 44, ENTERPRISE TRACTS, situated in Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; the said parcel being described as follows:

Beginning at the Northwest corner of Section 3, Township 39 South, Range 9 East of the Willamette Meridian; thence South 00°00'30" East 977.8 feet along the Westerly line of said Section 3, to a point 50 feet Southwesterly of (when measured at right angles to) the centerline of the Dalles-California Highway (also known as South Sixth Street), as the same is now located and constructed; thence South 55°52'30" East parallel with said centerline 36.2 feet, more or less, to a point 30 feet Easterly of (when measured at right angles to) the centerline of the relocated Midland Highway (also known as Washburn Way), which point is marked by a railroad spike with a cross on top, embedded in the pavement and is the true point of beginning; thence South 00°00'30" East, parallel with said last mentioned centerline 227.83 feet to a point 30 feet Easterly of (when measured at right angles to) said last mentioned centerline at Engineer's Station 12+26; thence North 89°59'30" East 10 feet; thence North 00°00'30" West 143.12 feet to the point of tangency of a 49 foot radius curve right, thence Northeasterly along said 49 foot radius curve right to a point South 55°52'30" East 64.26 feet from the true point of beginning; thence North 55°52'30" West 64.26 feet to the true point of beginning.

EXCEPT THEREFROM Parcel 1 above.

 RETURN TO:
 Burger King

 Burger King
 STATE OF OREGON; COUNTY OF KLAMATH; ss.

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