

STATEMENT OF COMMENCEMENT OF GROUND LEASE TERM

THIS STATEMENT OF COMMENCEMENT OF GROUND LEASE TERM, dated this 10th day of MAY, 1983, by and between FREDERICK D. EHLERS and HELEN ANN EHLERS, his wife, hereinafter called the "Lessor", whose address is P.O. Box 7148, Klamath Falls, Oregon 97601, and BURGER KING CORPORATION, a Florida corporation, hereinafter "Lessee", whose address is 7360 North Kendall Drive, P.O. Box 520783, General Mail Facility, Miami, Florida 33152.

W I T N E S S E T H :

WHEREAS, the Lessor and Lessee, entered into a Ground Lease dated October 23, 1982, which Lease demised the real property, lying, being and situated in the County of Klamath, State of Oregon, and being more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, in accordance with the terms of said Ground Lease, the Lessor and Lessee desire to ratify the Commencement Date of the term and the date of expiration of the said lease by a written document in recordable form.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, it is mutually agreed as follows:

1. The commencement date of the term of the above described Lease was March 25, 1983 and the date of expiration is March 24, 2003 plus the right to extend the Lease for four (4) additional terms of five (5) years each.
2. This instrument in no way alters, changes, modifies or amends the said Lease above referred to but merely ratifies the Commencement and Expiration Dates of the term which has heretofore been agreed upon by the parties.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed and sealed this 10th day of MAY, 1983.

Witness:

Barbara Johnson

As to Lessor

F. D. Ehlers
Frederick D. Ehlers

Helen Ann Ehlers
Helen Ann Ehlers

LESSOR

(SEAL)

IN WITNESS WHEREOF, the Lessee has caused this instrument to be executed and sealed this 28 day of April, 1983.

Witness:

Becky King

Valerie Inouye
As to Lessee

BURGER KING CORPORATION,
Florida corporation

By:

Chuck King
Vice President

Attest:

Blair C. King
Assistant Secretary

LESSEE

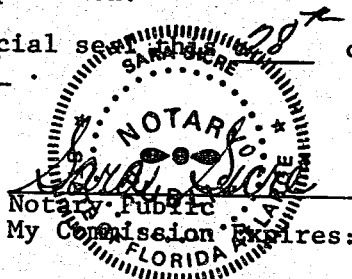
(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF DADE

BEFORE ME, the undersigned authority, personally appeared Charles R. Petty and Elliott C. Janis to me well known and known to me to be the individuals described in and who executed the foregoing instrument as Vice President and Assistant Secretary of BURGER KING CORPORATION, a Florida corporation, and severally acknowledged to and before me that they executed such instrument as such Vice President and Assistant Secretary respectively of said corporation and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

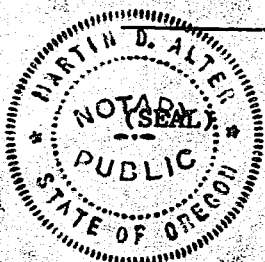
WITNESS my hand and official seal this April day of 1983.

(SEAL)

NOTARIAL COMMISSION EXPIRATION
OCTOBER 18, 1984STATE OF
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared FREDERICK D. EHLERS to me known and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purposes and considerations therein expressed.

WITNESS my hand and official seal this July day of 1983.

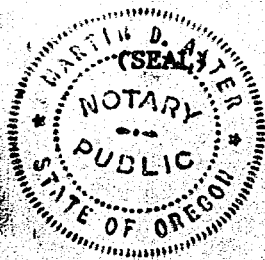


Martin D. Alter
Notary Public
My Commission Expires: 3-16-86

STATE OF
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared HELEN ANN EHLERS to me known and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purposes and considerations therein expressed.

WITNESS my hand and official seal this July day of 1983.



Martin D. Alter
Notary Public
My Commission Expires: 3-16-86

EXHIBIT "A"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 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 said 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 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 $55^{\circ}52'30''$ 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; thence South $55^{\circ}52'30''$ East parallel to said centerline 463.02 feet to the true point of beginning of this description; thence from said true beginning point continuing South $55^{\circ}52'30''$ East parallel to said centerline 795.36 feet; thence at right angles South $34^{\circ}07'30''$ West, 204 feet; thence South $55^{\circ}52'30''$ East parallel to Sixth Street 145.00; thence at right angles South $34^{\circ}07'30''$ West, 183.80 feet; more or less, to Northerly right of way line of the Oregon, California and Eastern Railroad; thence North $66^{\circ}57'30''$ 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 $00^{\circ}00'30''$ West, along said right of way line 503.39 feet; thence South $55^{\circ}52'30''$ East, 306.22 feet; thence North $34^{\circ}07'30''$ East, 160.00 feet to the true point of beginning.

PARCEL 3 - 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 $00^{\circ}00'30''$ 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 $55^{\circ}52'30''$ 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 $55^{\circ}52'30''$ East parallel to said centerline 463.02 feet; thence South $34^{\circ}07'30''$ West 160.00 feet; thence North $55^{\circ}52'30''$ West 306.22 feet to the East right of way of Washburn Way; thence North to the point of beginning.

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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 $00^{\circ}00'30''$ 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 $55^{\circ}52'30''$ 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 $00^{\circ}00'30''$ 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 $89^{\circ}59'30''$ East 10 feet; thence North $00^{\circ}00'30''$ West 143.12 feet to the point of tangency of a 49 foot radius curve right, thence North-easterly along said 49 foot radius curve right to a point South $55^{\circ}52'30''$ East 64.26 feet from the true point of beginning; thence North $55^{\circ}52'30''$ West 64.26 feet to the true point of beginning.

EXCEPT THEREFROM Parcel 1 above.

RETURN TO:
BURGER KING CORP
P.O. BOX 520783
GENERAL DELIVERY
MIAMI, FLORIDA 33152
ATTN: ELLIOT C. TUNIS

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

on this 3rd day of Aug A.D. 19 83
at 3:31 o'clock P M, and duly
recorded in Vol. M83 of DEEDS
page 12825

EVELYN BIEHN, County Clerk

By [Signature] Deputy

Fee 20.00