

99718

## MEMORANDUM OF LEASE

Aspen 89767

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THIS MEMORANDUM OF LEASE, dated this February 2, 1989, is between RHC Associates, successor in interest to SIXTH TOTTENHAM PROPERTIES, INC., a Delaware corporation (the "LANDLORD"), whose address is c/o Rod Cushman, Mill Hill Road, Mill Neck, NY 11765, and McDONALD'S CORPORATION, a Delaware Corporation, successor in interest to Franchise Realty Interstate Corporation (the "TENANT"), whose principal place of business is located at One McDonald's Plaza, Oak Brook, Illinois 60521.

LANDLORD hereby leases to TENANT the demised premises with improvements and appurtenant easements, if any, in the City of Klamath Falls, County of Klamath, State of Oregon, described in Exhibit A attached and made a part of this Memorandum of Lease.

1. TERM: TO HAVE AND TO HOLD for a term commencing on November 1, 1972 and ending October 31, 2007.
2. OPTION TO EXTEND: LANDLORD grants to TENANT the option to extend the term of the lease at the expiration of the original term for successive periods aggregating 5 years.
3. OPTION TO PURCHASE: LANDLORD grants to TENANT an option to purchase the demised premises during the last year of the option term.
4. MEMORANDUM: The rentals to be paid by TENANT and all of the obligations and rights of LANDLORD and TENANT are set forth in the Lease dated September 1, 1972 executed by the parties. This instrument is merely a Memorandum of Lease and is subject to all of its terms, conditions and provisions. In the event of any inconsistency between the terms of the Lease and this instrument, the terms of the Lease shall prevail as between the parties. This Memorandum is binding upon and shall inure to the benefit of the heirs, successors, assigns, executors and administrators of the parties.

To indicate their agreement to the above, the parties or their authorized representatives or officers have signed this document.

LANDLORD: RHC ASSOCIATES

R. C. Cushman  
Its: General Pauline

WITNESS:

Doreen L. Clifton

TENANT: McDONALD'S CORPORATION

By: Raymond Cushman  
Vice President

ATTEST:

[Signature]  
Assistant Secretary



WITNESS:

Ellen L. Rees  
[Signature]

(ATTACH ACKNOWLEDGEMENT OF SIGNATURES AND EXHIBIT A)

Prepared by and Return to:

Cheryle Z. Girtan  
Real Estate Legal Department  
McDONALD'S CORPORATION  
One McDonald's Plaza  
Oak Brook, Illinois 60521

PLEASE RETURN TO: JUDY O'CONNELL  
TICOR TITLE INSURANCE CO.  
203 N. LASALLE ST. SUITE 1400  
CHICAGO, IL 60601  
RE: A-5089-38

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McDONALD'S  
(ACKNOWLEDGMENT)

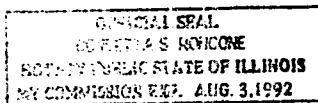
STATE OF ILLINOIS  
COUNTY OF DuPAGE

SS:

I, CONCETTA S. RONCONE, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Seymour Greenman, Vice-President, and Michael J. Sise, Assistant Secretary of McDonald's Corporation, a Delaware corporation, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice-President and Assistant Secretary, respectively, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act as such Vice-President and Assistant Secretary, respectively, and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

7523

Given under my hand and notarial seal, this 17th day of February, 19 89.



Concetta S. Roncone  
Notary Public

My commission expires August 3, 1992.

(ACKNOWLEDGMENT - INDIVIDUAL)

STATE OF WYOMING  
COUNTY OF Teton

SS:

I, Verena JF Cushman, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Roderick H Cushman and \_\_\_\_\_ of \_\_\_\_\_ who (is)(are) personally known to me to be the same person(s) whose name(s) (is)(are) subscribed to the foregoing instrument appeared before me this day in person and acknowledged that (he)(they) signed, sealed and delivered the said instrument as (h)(their) free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 1st day of March, 19 89.



Verena JF Cushman  
Notary Public

My commission expires 1-15-92.

(ACKNOWLEDGMENT - CORPORATE)

STATE OF  
COUNTY OF

SS:

I, \_\_\_\_\_, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, President, and \_\_\_\_\_, Secretary of \_\_\_\_\_, a(n) \_\_\_\_\_ corporation, who are personally known to me to be the persons whose names are subscribed to the foregoing instrument as such President and Secretary, respectively, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act as such President and Secretary, respectively, and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

## Klamath Falls, Klamath County, Oregon

The following described real property in Klamath Falls, Klamath County, Oregon;

PORTION of Tracts 36 and 43 ENTERPRISE TRACTS, in the NW 1/4 NW 1/4 Section 3, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

BEGINNING at an iron pin on the South line of Shasta Way, which bears South  $0^{\circ} 00' 1/2''$  East a distance of 73.0 feet and North  $89^{\circ} 54'$  East a distance of 510 feet from the iron pipe which marks the Northwest corner of said Section 3, Township 39 South, Range 9 East of the Willamette Meridian;

thence South  $0^{\circ} 00' 1/2''$  East a distance of 647.38 feet to the Northwesterly corner of that certain parcel described in Mortgage given by Rickfalls, Inc., to the United States National Bank of Portland, dated March 28, 1961, recorded April 4, 1961 in Volume 201 page 355, Mortgage Records of Klamath County, Oregon;

thence South  $59^{\circ} 21' 1/2''$  East a distance of 330.67 feet, more or less, to the Northwesterly line of Avalon Street and the TRUE POINT OF BEGINNING of this description;

thence North  $30^{\circ} 38' 30''$  East along the Northwesterly line of Avalon Street, a distance of 140.0 feet to a point;

thence North  $59^{\circ} 21' 30''$  West, at right angles to Avalon Street, a distance of 200.0 feet;

thence south  $30^{\circ} 38' 30''$  West parallel with Avalon Street, a distance of 140.0 feet;

thence South  $59^{\circ} 21' 30''$  East at right angles to Avalon Street, a distance of 200.0 feet to the POINT OF BEGINNING.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 1st day of May A.D., 19 89 at 3:46 o'clock PM., and duly recorded in Vol. M89, of Deeds on Page 7522.

FEE \$18.00

Evelyn Biehn, County Clerk

By Pauline Mulendare

Exhibit A