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Prepared by and Record & Return to:  
Lauren J. Licata, CLA  
Burger King Corporation - Legal Dept.  
General Mail Facility  
P.O. Box 020783  
Miami, FL 33102 - 0783

State of Oregon, County of Klamath  
Recorded 02/02/2004 2:05 p m  
Vol M04 Pg 6439-42  
Linda Smith, County Clerk  
Fee \$ 36<sup>00</sup> # of Pgs 4

## MEMORANDUM OF GROUND LEASE

**THIS MEMORANDUM OF GROUND LEASE** (the "Memorandum") is dated as of March 25, 2003 and is by and between **SWAN LAKE MOULDING COMPANY**, a Oregon corporation, whose address is c/o Dorothy Collier, President, P.O. Box 248, Klamath Falls, Oregon 97601 ("Landlord") and **BURGER KING CORPORATION**, a Florida corporation, whose address is General Mail Facility, P.O. Box 020783, 5505 Blue Lagoon Drive, Attn.: Associate General Counsel/Real Estate, Miami, Florida 33102-0783 ("Tenant").

### RECITALS:

A. Landlord, as landlord, and Tenant, as tenant, are the parties to that certain Ground Lease of even date herewith (the "Lease").

B. The Lease demises the real property commonly known as **BURGER KING® Restaurant #3645**, located at 2710 South Sixth Street, in the City of Klamath Falls, County of Klamath, State of Oregon, being more particularly described on Exhibit "A" annexed hereto and made a part hereof.

C. The parties desire to give notice of certain terms of the Lease; and, accordingly, have entered into this Memorandum for recording notice purposes.

**NOW, THEREFORE**, in consideration of the making of this Memorandum, the parties agree and acknowledge as follows:

1. Pursuant to the Lease, the term of the Lease is five (5) years and shall commence at 12:01 AM on March 25, 2003 and expire at midnight on March 24, 2008. (the "Term"). Pursuant to the Lease, Tenant shall have the option of extending the Term for three (3) successive periods of five (5) years each ("Extension(s)"), commencing at midnight on the date on which the Term or any Extension expires, as the case may be.

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2. The purpose of this Memorandum is to give written notice of the Lease and all of the rights created thereby. This Memorandum is summary in nature only and is not intended, and shall not be construed, to affect the terms of the Lease, or the rights of the parties thereunder, which are governed solely by the terms of the Lease.

IN WITNESS WHEREOF, the parties have signed this Memorandum under seal as of the date first written above.

WITNESSES:

SWAN LAKE MOULDING COMPANY,  
an Oregon corporation

Carla J. Jantvold  
Print Name: Carla J. Jantvold

By: Dorothy Collier  
Dorothy Collier  
President

Julia A. Stenkamp  
Print Name: Julia A. Stenkamp

Attest: Dorothy Collier  
Print Name: DOROTHY COLLIER  
Title: CORPORATE SECRETARY

LANDLORD  
(Corporate Seal)

WITNESSES:

BURGER KING CORPORATION, a  
Florida corporation

Daryl Culp  
Print Name: DARYL CULP

By: Craig S. Prushee  
Name: Craig S. Prushee  
Associate General Counsel

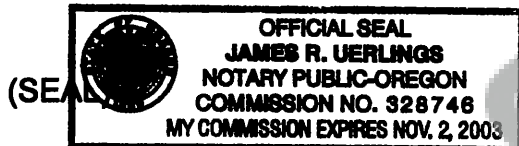
Lauren J. Licata  
Print Name: LAUREN J. LICATA

Attest: Ilene K. Kobert  
Ilene K. Kobert  
Assistant Secretary

TENANT  
(Corporate Seal)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.



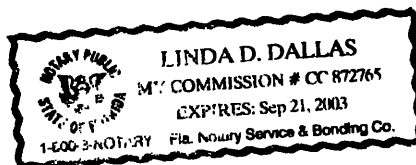
Notary Public  
My Commission Expires: 11-2-03

**STATE OF FLORIDA** )  
                              **ss.:** )  
**COUNTY OF MIAMI-DADE** )

On this 12<sup>th</sup> day of March, 2003, before me, the undersigned, a Notary Public of said State, duly commissioned and sworn, personally appeared CRAIG S. PRUSHER and Ilene K. Kobert, personally well known to me, or proved to me on the basis of satisfactory evidence, to be the persons who executed the foregoing instrument as Associate General Counsel and Assistant Secretary on behalf of **BURGER KING CORPORATION**, a Florida corporation. the corporation therein and acknowledged to and before me that such corporation executed the same.

**IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.**

**(SEAL)**



**Notary Public**  
**My Commission Expires:**

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 degrees 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 degrees 52' 30" East; thence continuing South 0 degrees 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 degrees 52' 30" East parallel to said centerline 125.56 feet to the true point of beginning of this description; thence continuing South 55 degrees 52' 30" East parallel to said centerline 181.50 feet to a point; thence South 34 degrees 07' 30" West at right angles to said centerline 160.00 feet to a point; thence North 55 degrees 52' 30" West 150.27 feet to a point on the Easterly boundary of Washburn Way; thence North 0 degrees 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 degrees 51' 50" East 79.16 feet, 92.14 feet, more or less, to the true point of beginning.

Tax Account No.: 3909 003BB 01700 (covers additional property)