

City, State: Sandy, UT  
Address: 9400 South 2000 East  
L/C: 43-0147

When recorded return to:  
William Blanco  
West Division US Legal Department  
McDonald's Corporation  
One McDonald's Plaza  
Oak Brook Illinois 60523

7272882  
03/01/99 3:13 PM 19.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
REC BY: V ASHBY , DEPUTY - WI

**MEMORANDUM OF LEASE**  
(Shopping Center)

THIS MEMORANDUM OF LEASE, dated February 9, 1999, is between Magna Investment & Development, Ltd., a Utah limited partnership (the "LANDLORD"), whose address is 36 East 3750 South, P. O. Box 65827, Salt Lake City, UT 84165-0827, and McDonald's Corporation, a Delaware corporation (the "Tenant"), whose principal place of business is located at One McDonald's Plaza, Oak Brook, Illinois 60523.

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

1. **TERM: TO HAVE AND TO HOLD** for a term of twenty years, commencing on July 10, 1998 and ending twenty (20) years from the date when a McDonald's Restaurant constructed on the demised premises opens for business.

2. **COMMON AREA EASEMENT:** LANDLORD grants to TENANT and TENANT'S invitees, licensees, assigns, subtenants and patrons, during the term of the Lease and any extensions, a non-exclusive ingress/egress and parking easement to use all of those portions of the property described in Exhibit B (the "Shopping Center") designated as common areas, parking areas and driveways.

3. **UTILITY EASEMENT:** LANDLORD grants to TENANT, during the term of the Lease and any extensions, a Non-Exclusive Easement to use portions of the Shopping Center as may reasonably be required now or in the future by the TENANT for the installation, maintenance and repair of sanitary sewer, water, gas and electric utility lines and related facilities.

4. **STORM SEWER EASEMENT:** LANDLORD grants to TENANT, during the term of the Lease and any extensions, a Non-Exclusive Easement to connect to and use the storm sewer line and related facilities located in the Shopping Center and/or to surface drain over the Shopping Center.

5. **PERMANENT EASEMENT:** If the TENANT acquires fee title to the demised premises under the terms of the Lease, the easements conveyed in Paragraphs 2, 3 and 4 above shall be perpetual.

6. **MEMORANDUM:** The rentals to be paid by TENANT and all of the obligations and rights of LANDLORD and TENANT are set forth in the Ground Lease dated May 13, 1998 executed by the parties. This instrument is merely a Memorandum of the 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.

7272882

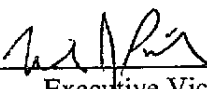
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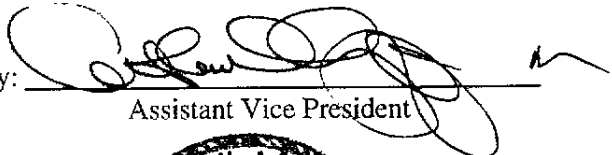
To indicate their agreement to the above, the parties or their authorized representatives or officers have signed this document.

LANDLORD: Magna Investment &  
Development, Ltd.,  
a Utah limited partnership

By: Allied Services, Inc., a Utah corporation,  
its General Partner

By:   
Executive Vice President

TENANT: McDONALD'S CORPORATION

By:   
Assistant Vice President



(ATTACH ACKNOWLEDGMENT OF SIGNATURES AND EXHIBITS A AND B)

Prepared by and Return to:

William Blanco  
Real Estate Practice Group  
Legal Department  
McDONALD'S CORPORATION  
One McDonald's Plaza  
Oak Brook, Illinois 60523

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ACKNOWLEDGMENT - McDonald's Corporation

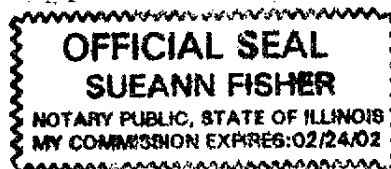
STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF DUPAGE )

I, Sueann Fisher, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Catherine A. Griffin, Assistant Vice President of McDonald's Corporation, a Delaware corporation, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Assistant Vice President appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act as such Assistant Vice President 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, February 9, 1999.

Sueann Fisher  
Notary Public

My commission expires 2/24/02



ACKNOWLEDGMENT - CORPORATE

STATE OF UTAH )  
 ) SS:  
COUNTY OF Salt Lake )

I, Michael Z. Hayes, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Michael J. Papanikolas, of Allied Services Inc., a(n) UTAH corporation, who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the foregoing instrument as such Executive U.P., appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act as such Executive U.P. 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 10<sup>th</sup> day of February, 19 99.

Michael Z. Hayes  
Notary Public

My commission expires 8/8/02



BK8254P62516

Parcel 1:

Beginning at a point that is S89°59'14"W along the section line 639.10 feet and S0°05'06"E 107.79 feet from the County monument at the Northeast corner of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, from which section corner the County monument at the East Quarter corner of said Section 9 bears S0°08'12"W 2663.37 feet (basis of bearing); thence S0°05'06"E 108.58 feet; thence Southwesterly 23.61 along the arc of a 15.00 foot radius curve to the right through a central angle of 90°10'07" (chord bears S44°59'58"W 21.24 feet); thence N89°54'59"W 316.30 feet; thence Northwesterly 20.95 feet along the arc of an 18.22 foot radius curve to the right through a central angle of 65°51'30" (chord bears N29°45'09"W 19.81 feet); thence N0°56'11"E 51.60 feet; thence S89°57'18"E 2.00 feet; thence N0°02'42"E 68.22 feet; thence S89°54'59"E 202.86 feet; thence N0°05'01"E 25.10 feet to a point on the South right of way line of 9400 South Street; thence along said right of way line S87°48'46"E 26.02 feet; thence S0°05'01"W 24.15 feet; thence S89°54'59"E 79.68 feet; thence Southeasterly 23.18 feet along the arc of a 15.50 foot radius curve to the left through a central angle of 85°40'15" (chord bears S48°56'03"E 21.08 feet); thence N88°13'49"E 13.67 feet to the point of beginning. Contains 46,702 square feet or 1.0721 acres.

EXHIBIT A

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Parcel 2:

Beginning on the new South line of 9400 South Street at a point that is  $S0^{\circ}08'12''W$  along the section line 90.12 feet and  $S89^{\circ}49'30''W$  28.30 feet from the County monument at the Northeast corner of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, from which section corner the County monument at the East Quarter corner of said Section 9 bears  $S0^{\circ}08'12''W$  2663.37 feet (basis of bearing); thence  $S44^{\circ}01'02''E$  36.19 feet to the West line of 2000 East Street; thence along said West line of street  $S0^{\circ}21'56''W$  137.63 feet to a point of curve; thence Southwesterly 515.36 feet along said West line of street and the arc of a 761.78 foot radius curve to the right through a central angle of  $38^{\circ}45'42''$  (chord bears  $S19^{\circ}44'47''W$ ); thence along said West line of street  $S39^{\circ}07'38''W$  819.79 feet; thence  $N49^{\circ}29'43''W$  30.01 feet; thence  $N84^{\circ}52'44''W$  617.89 feet, more or less (prior record = 618.72 feet), to a point on the East line of Ski Haven Estates No. 2, a subdivision, according to the official plat thereof; thence along said subdivision boundary line  $N0^{\circ}01'18''E$  520.72 feet, more or less (prior record =  $N0^{\circ}00'22''E$  520.28 feet), to the Southeast corner of Lot 214, said Ski Haven Estates No. 2; thence along the South, East and North lines of the White City Water Company property  $N89^{\circ}59'14''E$  70.00 feet (prior record =  $N89^{\circ}58'18''E$ ),  $N0^{\circ}01'18''E$  70.00 feet (prior record =  $N0^{\circ}00'22''E$ ) and  $S89^{\circ}59'14''W$  50.00 feet (prior record =  $S89^{\circ}58'18''W$ ) to a point that is 20.00 feet perpendicularly distant Easterly from said East line of Ski Haven Estates No. 2; thence parallel with the East line of Ski Haven Estates No. 2 and No. 4 subdivisions  $N0^{\circ}01'18''E$  632.17 feet, more or less (prior record =  $N0^{\circ}00'22''E$ ), to the new South line of 9400 South Street at a point that is  $S89^{\circ}59'14''W$  along the section line 1310.14 feet and  $S0^{\circ}01'18''W$  67.83 feet from said Northeast corner of Section 9; thence along said new South line of street  $N89^{\circ}49'30''E$  469.08 feet, more or less, to an angle point that is  $S0^{\circ}10'30''E$  53.00 feet from centerline station 144+44.94 as shown on the official right of way maps for 9400 South Street on file with the Utah Department of Transportation; thence along said new South line of street  $S87^{\circ}48'46''E$  67.00 feet; thence  $S0^{\circ}05'01''W$  25.10 feet; thence  $N89^{\circ}54'59''W$  202.86 feet; thence  $S0^{\circ}02'42''W$  68.22 feet; thence  $N89^{\circ}57'18''W$  2.00 feet; thence  $S0^{\circ}56'11''W$  51.60 feet; thence Southeasterly 20.95 feet along the arc of an 18.22 foot radius curve to the left through a central angle of  $65^{\circ}51'30''$  (chord bears  $S29^{\circ}45'09''E$  19.81 feet); thence  $S89^{\circ}54'59''E$  316.30 feet; thence Northeasterly 23.61 feet along the arc of a 15.00 foot radius curve to the left through a central angle of  $90^{\circ}10'07''$  (chord bears  $N44^{\circ}59'58''E$  21.24 feet); thence  $N0^{\circ}05'06''W$  108.58 feet; thence  $S88^{\circ}13'49''W$  13.67 feet; thence Northwesterly 23.18 feet along the arc of a 15.50 foot radius curve to the right through a central angle of  $85^{\circ}40'15''$  (chord bears  $N48^{\circ}56'04''W$  21.08 feet); thence  $N89^{\circ}54'59''W$  79.68 feet; thence  $N0^{\circ}05'01''E$  24.15 feet to a point on said new South line of 9400 South Street; thence along said street line  $S87^{\circ}48'46''E$  537.83 feet to an angle point that is  $S0^{\circ}10'30''E$  79.00 feet from UDOT centerline station 150+75.25; thence along said street line  $N89^{\circ}49'30''E$  182.19 feet to the point of beginning.

EXHIBIT B

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