

SANDY, UTAH  
9400 South 2000 East  
L/C: 43-0147  
Prepared by and After  
Recording, Return To:

7272883  
03/01/99 3:14 PM 33.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
REC BY: V ASHBY , DEPUTY - WI

William Blanco, Esq.  
West Division - US Legal Department  
McDONALD'S CORPORATION  
One McDonald's Plaza  
Oak Brook, Illinois 60523

### COVENANT NOT TO COMPETE

Under Lease dated May 13, 1998, **MAGNA INVESTMENT & DEVELOPMENT, LTD.**, a Utah limited partnership ("Landlord") whose address is 36 East 3750 South, P. O. Box 65827, Salt Lake City, UT 84165-0827 leased to **McDONALD'S CORPORATION**, a Delaware corporation, whose address is One McDonald's Plaza, Oak Brook, Illinois 60523 ("Tenant") a parcel of land described on Exhibit A attached ("Demised Premises").

One of the terms of the Lease states that the Landlord will record certain restrictions against Landlord's remaining lands described on Exhibit B.

THEREFORE, Landlord covenants and agrees:

1. That no property (other than the Demised Premises) as shown on Exhibit B (whether or not such other property is subsequently voluntarily conveyed by Landlord) shall, during the term of the Lease and any extensions of it, be leased, used or occupied as a restaurant.

The term "restaurant" as used in this covenant shall mean and be limited to any type of food service establishment, which serves hamburgers or any other type of ground meat products served in patty form in a sandwich. Notwithstanding the foregoing, the term "restaurant" shall not apply to any food service establishment which offers as the primary method of service for all meal times, food and drink orders taken and served by a wait person at a customer's table. In addition, and not by way of example, the following restaurant operating under the listed trade names, are prohibited for the time period specified in this covenant: Burger King, Crown Burger, Wendy's, Hardee's, Artic Circle, Central Park, Jack-in-the-Box, Carl's Jr., In and Out Burgers, and Sonic. This covenant shall not apply to food served within a convenience store or to the anchor store occupants in the Shopping Center, which occupy not less than 20,000 square feet, unless the prohibited food is marketed under the name of a national or regional fast food company under a sublease, franchise or license agreement or other arrangement with the convenience store or anchor store occupants.

The Albertson's parcel shall not be subject to this covenant and Taco Bell and Arby's are not subject to this restrictive covenant so long as they do not add prohibited items to their menus.

BK8254PG2519.

7272883

0101-4764444

2. If during the term of the Lease, Landlord shall own or control any land other than the Demised Premises, which land is adjacent or contiguous to the Demised Premises, or which constitutes a parcel or parcels out of which the Demised Premises is comprised, then any building(s) or other improvement(s) constructed upon such other land shall be set back as far as the McDonald's restaurant to be constructed from the public right(s) of way along 9400 South Street for a distance of 250 feet west of the Demised Premises, provided however that the restrictions set forth in this subparagraph (2) shall not be applicable:

a. With regard to existing improvements on land owned or controlled by Landlord as of the date of execution hereof, or,

b. With regard to any improvements existing on land which subsequently comes under Landlord's ownership or control on the date that Landlord acquires such ownership or control.

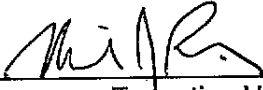
Landlord agrees that the covenants set forth in (1) and (2) shall run with the land and shall inure to the benefit of the Tenant and shall be binding upon the Landlord and the Landlord's heirs, executors, successors and assigns.

Landlord has executed this Covenant on this 10 day of February, 19

LANDLORD:

**MAGNA INVESTMENT & DEVELOPMENT, LTD,**  
a Utah limited partnership

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

By:   
Executive Vice President

BK8254PG2520

**AFFIDAVIT OF OWNERSHIP BY LANDLORD**

Michael J. Papantolis being first duly sworn on oath deposes and states that he/she/they is/are the Landlord or Landlord's duly authorized officers and that the Landlord has title to all of the property described on Exhibit B attached.

IN WITNESS WHEREOF, the affiant has set his/her/their hand(s) this 18<sup>th</sup> day of February, 1999.

AFFIANT(S)

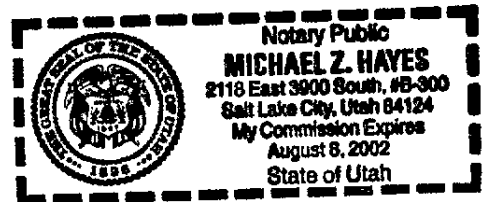
Michael J. Papantolis  
\_\_\_\_\_

Subscribed and sworn to before me this 18<sup>th</sup> day of February, 1999.

Michael Z. Hayes  
\_\_\_\_\_  
Notary Public

My commission expires 8/8/02

PLEASE ATTACH PROPER ACKNOWLEDGMENT FOR STATE WHERE DOCUMENT IS TO BE RECORDED AND EXHIBIT A (LEGAL DESCRIPTION OF DEMISED PREMISES) AND EXHIBIT B (LEGAL DESCRIPTION OF LANDLORD'S OTHER PROPERTY)



BK8254PG2521

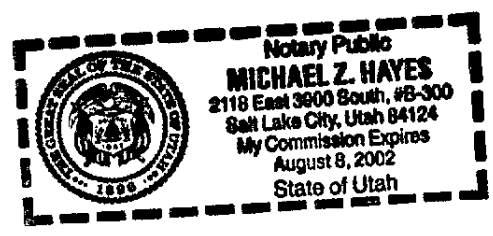
STATE OF UTAH )  
 ) SS:  
COUNTY OF SALT LAKE )

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 V.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 V.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 18<sup>th</sup> day of February, 19 99.

Michael Z. Hayes  
Notary Public

My commission expires 8/8/02.



BK8254PG2522

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

BK8254PG2523

November 5, 1996  
Revised March 10, 1997  
Revised October 1, 1997  
Revised January 21, 1998  
Revised November 20, 1998

LITTLE COTTONWOOD CENTER

PARCEL NO. 1

A part of the Northeast Quarter of Section 9, Township 3 South, Range 1 East,  
Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point which is 81.63 feet South 0°08'12" West along the East line of said Quarter Section; 210.33 feet South 89°48'32" West along a line parallel to the centerline of 9400 South Street; 630.39 feet North 87°49'41" West and 160.91 feet South 89°48'32" West along a line parallel to said centerline from the Northeast corner of said Quarter Section; running thence South 0°00'22" West 298.46 feet; thence North 89°59'38" West 170.66 feet; thence North 0°00'22" East 10.00 feet; thence North 89°59'38" West 66.67 feet; thence North 0°00'22" East 287.64 feet; thence North 89°48'32" East 237.33 feet along a line parallel to said centerline to the point of beginning.

Contains 1.609 Acres

LITTLE COTTONWOOD CENTER  
PARCEL NO. 2

	November 5, 1996
Revised	March 10, 1997
Revised	September 15, 1997
Revised	October 6, 1997
Revised	January 21, 1998
Revised	November 20, 1998

A part of the Northeast Quarter of Section 9, Township 3 South, Range 1 East,  
Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point which is 81.63 feet South 0°08'12" West along the East line of said Quarter Section; 210.33 feet South 89°48'32" West along a line parallel to the centerline of 9400 South Street; 630.39 feet North 87°49'41" West and 148.91 feet South 89°48'32" West along a line parallel to said centerline from the Northeast Corner of said Quarter Section; running thence South 0°00'22" West 195.67 feet; thence North 89°48'32" East 350.78 feet; thence South 313.67 feet; thence North 89°59'38" West 139.00 feet; thence South 0°00'22" West 54.90 feet; thence North 89°59'38" West 226.83 feet; thence South 0°00'22" West 24.79 feet; thence North 89°59'38" West 187.32 feet; thence South 0°00'22" West 10.00 feet; thence North 89°59'38" West 75.04 feet; thence Northwesterly along the arc of a 62.50 foot radius curve to the right a distance of 15.69 feet (Central Angle equals 14°22'49" and Long Chord bears North 7°11'03" West 15.65 feet) to a point of tangency; thence North 0°00'22" East 369.29 feet to a point of curvature; thence Northeasterly along the arc of a 13.00 foot radius curve to the right a distance of 7.31 feet (Central Angle equals 32°13'39" and Long Chord bears North 16°07'11" East 7.22 feet) to a point of tangency; thence North 32°14'01" East 14.98 feet to a point of curvature; thence Northeasterly along the arc of a 52.00 foot radius curve to the left a distance of 29.25 feet (Central Angle equals 32°13'39" and Long Chord bears North 16°07'11" East 28.87 feet) to a point of tangency; thence North 0°00'22" East 164.77 feet; thence North 89°48'32" East 12.00 feet; along a line parallel to said centerline of 9400 South Street; thence South 0°00'22" West 287.64 feet; thence South 89°59'38" East 66.67 feet; thence South 0°00'22" West 10.00 feet, thence South 89°59'38" East 170.66 feet; thence North 0°00'22" East 298.46 feet; thence North 89°48'32" East 12.00 feet along a line parallel to said centerline to the point of beginning

Contains 4.875 Acres

November 5, 1996  
Revised March 10, 1997  
Revised October 6, 1997  
Revised January 21, 1998  
Revised March 6, 1998  
Revised November 20, 1998

LITTLE COTTONWOOD CENTER

PARCEL NO. 3

A part of the Northeast Quarter of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point which is 81.63 feet South 0°08'12" West along the East line of said Quarter Section; 210.33 feet South 89°48'32" West along a line parallel to the centerline of 9400 South Street; 630.39 feet North 87°49'41" West and 410.24 feet South 89°48'32" West along a line parallel to said centerline from the Northeast Corner of said Quarter Section; running thence South 0°00'22" West 164.77 feet to a point of curvature; thence Southwesterly along the arc of a 52.00 foot radius curve to the right a distance of 29.25 feet (Central Angle equals 32°13'39" and Long Chord bears South 16°07'11" West 28.87 feet) to a point of tangency; thence South 32°14'01" West 14.98 feet to a point of curvature; thence Southwesterly along the arc of a 13.00 foot radius curve to the left a distance of 7.31 feet (Central Angle equals 32°13'39" and Long Chord bears South 16°07'11" West 7.22 feet) to a point of tangency; thence South 0°00'22" West 369.29 feet to a point of curvature; thence Southeasterly along the arc of a 62.50 foot radius curve to the left a distance of 15.69 feet (Central Angle equals 14°22'49" and Long Chord bears South 7°11'03" East 15.65 feet); thence South 89°59'38" East 75.04 feet; thence North 0°00'22" East 10.00 feet; thence South 89°59'38" East 187.32 feet; thence North 0°00'22" East 24.79 feet; thence South 89°59'38" East 226.83 feet; thence North 0°00'22" East 54.90 feet; thence South 89°59'38" East 139.00 feet; thence South 343.36 feet; thence North 89°59'38" West 642.68 feet; thence North 0°00'22" East 139.76 feet to the South Property line of White City Water Company, Inc. Property; thence North 89°58'18" East 20.00 feet and North 0°00'22" East 70.00 feet along the South and East property line of said White City Water Company, Inc.; thence Northwesterly along the arc of a 17.50 foot radius curve to the left a distance of 9.17 feet (Central Angle equals 30°00'22" and Long Chord bears North 14°59'49" West 9.06 feet) to a point of tangency; thence North 30°00'00" West 15.20 feet to a point of curvature; thence Northwesterly along the arc of a 75.00 foot radius curve to the right a distance of 39.28 feet (Central Angle equals 30°00'22" and Long Chord bears North 14°59'49" West 38.83 feet) to a point of tangency; thence North 0°00'22" East 581.29 feet; thence North 89°48'32" East 30.50 feet along a line parallel to said centerline of 9400 South Street to the point of beginning.

Contains 4.461 Acres



November 5, 1996  
Revised March 10, 1997  
Revised October 1, 1997  
Revised January 21, 1998  
Revised May 12, 1998

LITTLE COTTONWOOD CENTER

PARCEL NO. 4

A part of the Northeast Quarter of Section 9, Township 3 South, Range 1 East,  
Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point which is 81.63 feet South 0°08'12" West along the East line of said  
Quarter Section; 210.33 feet South 89°48'32" West and 428.39 feet North 87°49'41" West  
from the Northeast Corner of said Quarter Section; running thence South 187.34 feet; thence  
South 89°48'32" West 350.78 feet; thence North 00°00'22" East 195.67 feet; thence  
North 89°48'32" East 148.91 feet; thence South 87°49'41" East 202.00 feet to the point of  
beginning.

Contains 1.556 Acres

November 5, 1996

Revised January 21, 1998

Revised December 18, 1998

LITTLE COTTONWOOD CENTER

PARCEL NO. 5

A part of the Northeast Quarter of Section 9, Township 3 South, Range 1 East,  
Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point on the West line of 2000 East Street which is 93.66 feet  
South  $0^{\circ}08'12''$  West along the East line of said Quarter Section and 2.87 feet West from the  
Northeast Corner of said Quarter Section; running thence two (2) courses along said West line  
as follows: South  $0^{\circ}21'56''$  West 160.19 feet to a point of curvature and Southwesterly along  
the arc of a 761.78 foot radius curve to the right a distance of 392.34 feet (Central Angle  
equals  $29^{\circ}30'31''$  and Long Chord bears South  $15^{\circ}07'12''$  West 388.01 feet); thence  
North  $58^{\circ}43'53''$  West 121.59 feet; thence North  $89^{\circ}59'38''$  West 428.27 feet; thence  
North 501.01 feet; thence South  $87^{\circ}49'41''$  East 428.39 feet along a line parallel to the  
centerline of 9400 South Street; thence North  $89^{\circ}48'31''$  East 179.22 feet along a line parallel  
to said centerline; thence Southeasterly along the arc of a 39.00 foot radius curve to the right a  
distance of 31.48' (Central angle equals  $46^{\circ}14'39''$  and Long Chord bears  
South  $67^{\circ}03'57''$  East 30.63 feet) to the point of beginning.

Contains 7.074 Acres