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E# 3125910 PG 1 OF 5
Leann H. Kilts, WEBER COUNTY RECORDER
12-Feb-21 0835 AM FEE \$40.00 DEP PC\
REC FOR: THOMPSON COBURN LLP - ST. LOUIS
ELECTRONICALLY RECORDED

This instrument was prepared out of state.

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Carl's Jr. Restaurants LLC
Two Franklin Park
6700 Tower Circle, Suite 1000
Franklin, Tennessee 37067
Attn: Real Estate Asset Management

Space above for Recorder's Use Only

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE ("Memorandum") dated as of Teornat 2, 2021 ("Effective Date"), by and between CARL'S JR. RESTAURANTS LLC, a Delaware limited liability company, having an address of Two Franklin Park, 6700 Tower Circle, Suite 1000, Franklin, Tennessee 37067 ("Landlord"), and CJ EAST, LLC, an Idaho limited liability company, having a mailing address of 13601 W. McMillian Road, Suite 102, PMB 354, Boise, Idaho 83713 and ("Tenant") with respect to the Premises (as defined below).

WHEREAS, Landlord and Tenant are parties to an unrecorded Lease Agreement, dated February 1, 2021 (the "Lease"), pursuant to which Tenant leases from Landlord that certain real property located in the City of Ogden, State of Utah, as more particularly described in Exhibit A attached hereto and incorporated by reference (the "Premises"). Capitalized terms used herein and not otherwise defined shall have the meaning given in the Lease.

NOW, THEREFORE, in consideration of the foregoing, the mutual promises and provisions herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. Agreement to Lease. Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the Premises pursuant to the Lease, and all rights, privileges and easements appurtenant thereto, at the rental and upon all of the terms and conditions set forth in the Lease, which Lease is incorporated herein by this reference. Terms used, but not defined, herein shall have the same meaning as set forth in the Lease.
 - 2. <u>Notice of Lease</u>. Landlord and Tenant desire to provide notice of the Lease.

- 3. <u>Term.</u> Subject to the terms and conditions contained in the Lease, the Premises are leased for a Term of twenty (20) years, with four (4) consecutive five (5) year options to extend the Term.
- 4. <u>Miscellaneous</u>. This Memorandum does not amend, alter or otherwise change the provisions of the Lease. In the event of any inconsistency between the terms and conditions of this Memorandum and the terms and conditions of the Lease, the terms and conditions of the Lease shall govern and control. All provisions of this Memorandum, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the heirs, assigns, licensees, invitees, successors, tenants and subtenants of the parties.

[Remainder of page intentionally blank]

IN WITNESS WHEREOF, this instrument is executed as of the Effective Date set forth above.

LANDLORD:

CARL'S JR. RESTAURANTS LLC., a Delaware limited liability company

STATE OF <u>Tennessee</u>

COUNTY OF <u>Rutherford</u>
)SS.

Before me, a Notary Public of the state and county aforementioned, personally appeared <u>Liven</u>, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be <u>Chief Development Officer</u> of Carl's Jr. Restaurants LLC, a Delaware limited liability company, the within named bargainor, a limited liability company, and that such person as such <u>Chief Development Officer</u> being authorized so to do, executed the foregoing instrument for the purposes therein contained, by personally signing the name of the limited liability company as such <u>Chief Development Officer</u>.

Witness my hand and official stamp or seal, this

_day of February , 202

My commission expires: 8

Notary Public

SEAL-STAMP

STATE OF TENNESSE NOTARY TENANT:

CJ EAST, LLC,

an Idaho limited liability company

Printed Name

Date:

STATE OF Idaho

COUNTY OF Ada

SEAL-STAMP

My commission expires: Residing at:

SKIRWIN COMMISSION NO. 20192471 NOTARY PUBLIC STATE OF IDAHO

EXHIBIT "A"

All of Parcel 5 of Ogden Fred Meyer Subdivision, a Subdivision being a part of the North 1/2 of Section 20, Township 6 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah.

Tax Parcel Number: 12-156-0003_____