

PLEASANT GROVE, UTAH  
Pleasant Grove Boulevard  
L/C: 043-0295  
F-80666UT

Prepared by: Shelly Hurta  
After recording, return to: Ana Maria Guedea  
McDONALD'S CORPORATION  
One McDonald's Plaza  
Oak Brook, Illinois 60523

## RESTRICTIVE COVENANT

Under a Contract dated July 21, 2010, **DMB INVESTMENTS, an Idaho limited liability company, and DON BRANDT, an individual**, (collectively "Grantor") agreed to convey to **McDONALD'S REAL ESTATE COMPANY, a Delaware corporation** ("Grantee") a parcel of real estate described on Exhibit A attached.

One of the terms of that Contract required Grantor to record a Restrictive Covenant affecting the use of Grantors' other property.

THEREFORE, in consideration of the terms and conditions contained in that Contract, Grantor promises and declares that the property described on Exhibit B attached will not be used for restaurant or food service purposes for a period of 20 years from the date of the recording of this document. The term "restaurant or food service purposes" for the purposes of this restriction, shall mean any type of food service establishment that sells hamburgers. Provided that any food service establishment which offers as the primary method of service, for all meal times, food and drink orders taken by and served by a waiter or waitress at the customer's table is excluded from the term "restaurant or food service purposes."

In addition, and not by way of example, the following restaurants operating under the listed trade names, or operating under any successor trade names, are prohibited within the areas, and for the time period specified in this Restriction.

Apollo Burgers	Backyard Burgers	Johnny Rockets
Atlanta Burgers	Burger Chef	Olympic Burgers
Arctic Circle	Burger King	Rally's
Astro Burgers	Carl's Jr.	Rax
A & W	Chedders	Roy Rodgers
Burger Street	Culver's	Smashburger
Checkers	Cheeburger, Cheeburger	Sonic
Crown Burgers	Crystal Burgers	Steak 'N' Shake
Dairy Queen	Hardee's	Tim Horton's
Five Guys Burgers	Hire's Big H	Wendy's
5-N-Diner	IceBerg Drive-In	Whataburger
Jack-in-the-Box	In and Out Burgers	White Castle
Del Taco		

This restriction runs with the land described on Exhibits A and B and shall inure to the benefit of Grantee and be binding upon Grantor and Grantor's successors and assigns.

REMINDER OF PAGE IS BLANK

Grantor has executed this Restrictive Covenant, this 11th day of October, 2010.

GRANTOR:  
**DMB INVESTMENTS,**  
An Idaho limited liability company

By D. Sabu  
Its manager 10-11-10

GRANTOR:  
**DON BRANDT**

Don Brandt

ACKNOWLEDGMENT – CORPORATE

STATE OF Idaho )  
 )  
COUNTY OF ADA )

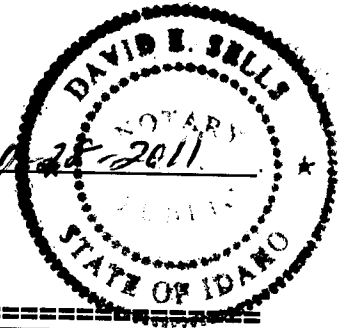
SS:

I, David E Sells, a Notary Public in and for the county and state set forth above, CERTIFY that Dennis M. Baker, as Manager of DMA Investments, LLC, a(n) LLC corporation, who is personally known to me to be the person whose name is subscribed to the foregoing instrument as such authorized party, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered this instrument as his/her free and voluntary act as such authorized party and as the free and voluntary act of the company/corporation for the uses and purposes described in this instrument.

Given under my hand and notarial seal, this 11th day of October, 2010.

[Signature]  
Notary Public

My commission expires 10-25-2011



ACKNOWLEDGMENT – INDIVIDUAL

STATE OF Idaho )  
 )  
COUNTY OF Canyon )

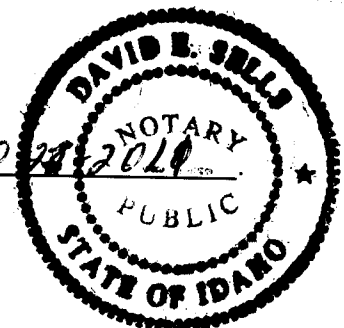
SS:

I, David E Sells, a Notary Public in and for the county and state set forth above, CERTIFY that Don Brandt and \_\_\_\_\_ 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)(she)(they) signed, sealed and delivered this instrument as (his)(her)(their) free and voluntary act for the uses and purposes described in this instrument.

Given under my hand and notarial seal, this 11th day of October, 2010.

[Signature]  
Notary Public

My commission expires 10-25-2011



STATE OF Idaho

COUNTY OF ADA

**AFFIDAVIT OF OWNERSHIP  
Corporation**

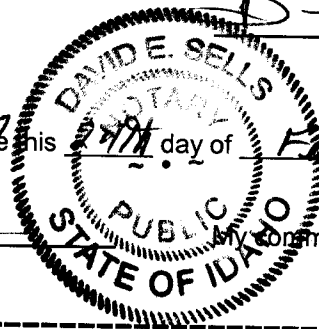
The undersigned, being first duly sworn on oath, deposes and states that the undersigned is an officer or partner of the above named Grantor and as such has access to the records of the Grantor and knows of his(her) personal knowledge that the Grantor has title to all of the property described on Exhibit B attached.

[Signature]

Affiant

Subscribed and sworn to before me this 27th day of February, 2012

[Signature]



My commission expires 10-28-2017

STATE OF Idaho

COUNTY OF ADA

**AFFIDAVIT OF OWNERSHIP  
Individual**

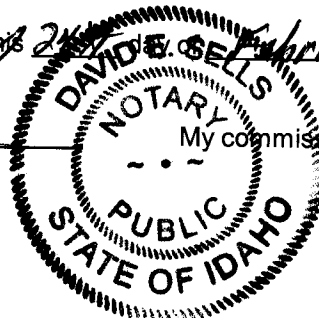
The undersigned, being first duly sworn on oath, deposes and states that he is the owner of the property described on Exhibit B attached.

[Signature]

Affiant

Subscribed and sworn to before me this 27th day of February, 2012

[Signature]  
Notary Public



My commission expires 10-28-2017

(Attach Exhibits A and B)

PLEASANT GROVE, UTAH  
L/C: 043-0295

**Exhibit A**

Legal description of Grantee's Property

All of Lot 2, The Grove Subdivision Phase I, as recorded in the Office of the Utah County Recorder and being located in the Southwest Quarter of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

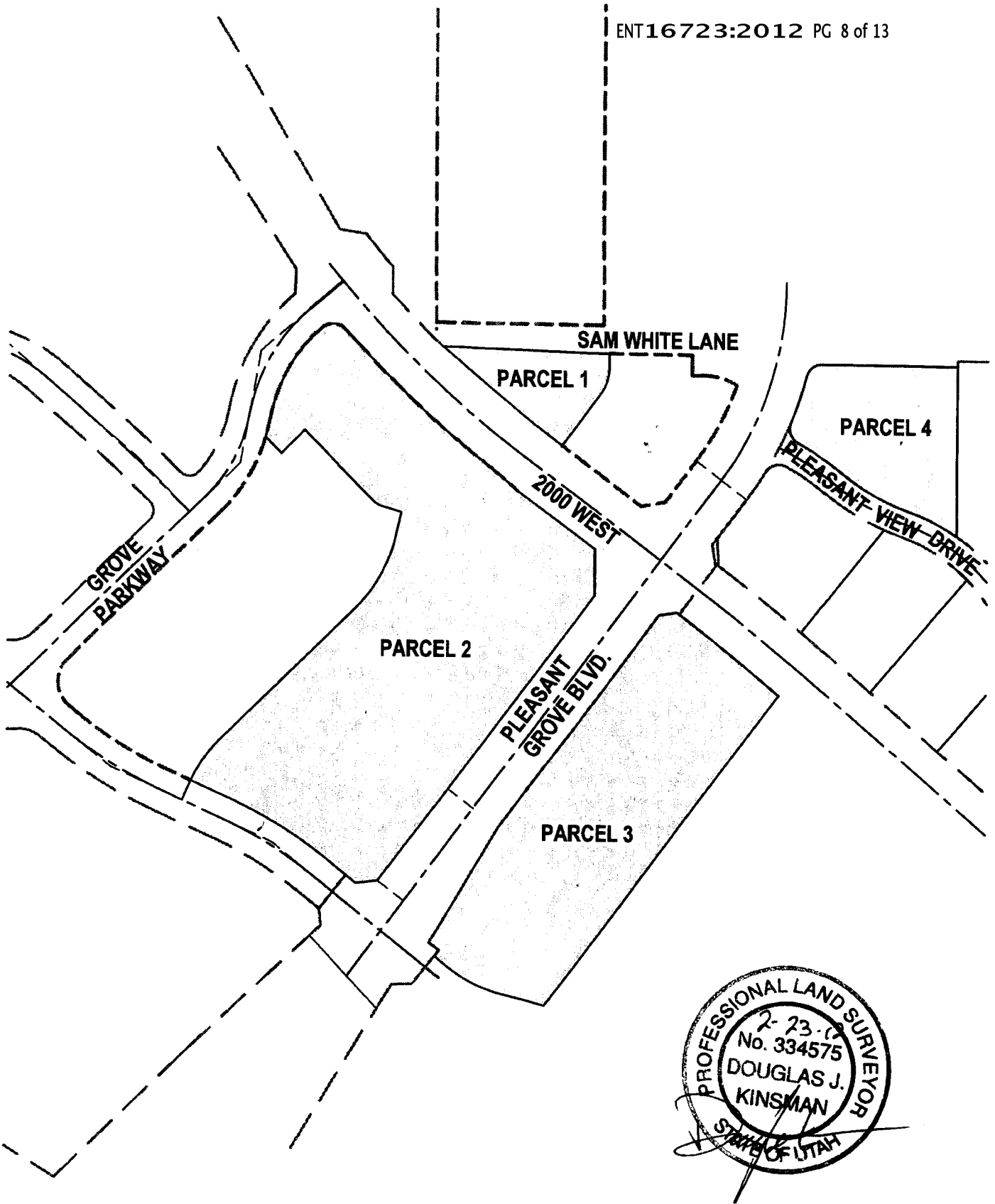
**BEGINNING** at the Northwest corner of said Lot 2 which is 1955.78 feet North 89°37'36" East along the Quarter Section line and 41.25 feet South and Southeasterly 15.03 feet along the arc of a 8370.83-foot radius curve to the left through a Central Angle of 0°06'10" (chord bears South 49°51'04" East 15.03 feet) and 294.07 feet South 88°02'01" East and 25.09 feet South 89°39'11" East from the West Quarter Corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, and running thence South 89°39'11" East 224.95 feet; thence South 43°23'44" East 44.04 feet to a point on a 563.16 foot radius curve (non-tangent) to the right: thence Southwesterly 187.71 feet along the arc of said curve through a central angle of 19°05'53" (chord bears South 27°09'12" West 186.85 feet); thence South 36°42'07" West 99.08 feet; thence South 79°24'51" West 47.95 feet; thence North 53°17'53" West 190.38 feet to the Southwest corner of said Lot 2; thence North 36°35'40" East 124.59 feet to a point of curvature with a 75.00 foot radius curve to the left; thence Northerly 47.94 feet along the arc of said curve through a central angle of 36°37'12" (chord bears North 18°17'04" East 47.12 feet); thence North 00°01'32" West 29.31 feet to the POINT OF BEGINNING.


*The following is shown for informational purposes only: Tax ID No. 40:446:0002*

PLEASANT GROVE, UTAH  
L/C: 043-0295

**Exhibit B**

Legal description of Grantor's Restricted property  
(Grantor to insert)



<p>PROJECT # DATE 3029JJ 2/23/12</p> <p><b>1 of 1</b></p> <p>FILE: P:\3029JJ\dwg\Exhibit_Areas.dwg</p>	<p><b>GROVE SUBDIVISION</b></p> <p>2000 WEST PLEASANT GROVE BLVD. PLEASANT GROVE, UTAH EXHIBIT</p>	<p>FOR: D.M.B. INVESTMENTS UTAH LLC 250 S. BEECHWOOD DR., STE 120 BOISE, ID 83709 208-375-8666</p>	<p>169 No. Main Str. Unit 1 Tooele, Utah 84074 Phone: 435.843.3590 Fax: 435.578.0108 <a href="http://www.ensignutah.com">www.ensignutah.com</a></p>	
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**BOUNDARY DESCRIPTION**

**Parcel 1**

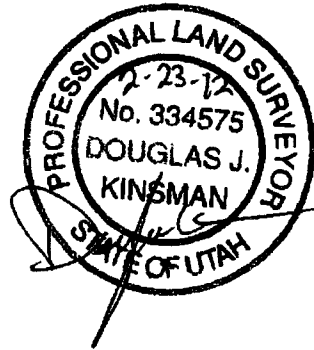
A parcel of land, situate in the Southwest Quarter of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the north line of 2000 West Street, which is located North 89°37'36" East 1967.21 feet along the Quarter Section line and South 51.02 feet from the West Quarter Corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, and running:

- thence South 88°02'01" East 294.07 feet;
- thence South 89°39'11" East 25.09 feet;
- thence South 0°01'32" East 29.31 feet;
- thence Southwesterly 47.94 feet along the arc of a 75.00-foot radius tangent curve to the right (center bears South 89°58'28" West and the long chord bears South 18°17'04" West 47.12 feet, through a central angle of 36°37'12");
- thence South 36°35'40" West 124.59 feet to the north line of said 2000 West Street;
- thence North 53°17'53" West 68.20 feet along said north line;
- thence Northwesterly 226.57 feet along the arc of an 8370.83-foot radius non-tangent curve to the right (center bears North 38°32'48" East and the long chord bears North 50°40'41" West 226.57 feet, through a central angle of 1°33'03"), to the Point of Beginning.

Parcel contains: 30,935 square feet or 0.71 acres.

Tax Parcel: 40:446:0001



**BOUNDARY DESCRIPTION****Parcel 2**

A parcel of land, situate in the Southwest Quarter of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the east line of Grove Parkway, which is located North  $89^{\circ}37'36''$  East 1731.50 feet along the Quarter Section line and South 18.24 feet from the West Quarter Corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, and running:

thence Northeasterly 54.73 feet along the arc of a 35.00-foot radius curve to the right (center bears South  $41^{\circ}51'58''$  East and the long chord bears South  $87^{\circ}04'18''$  East 49.32 feet, through a central angle of  $89^{\circ}35'19''$ ), to the south line of 2000 West Street;

thence Southeasterly 395.46 feet along the arc of a 2,056.00-foot radius tangent reverse curve to the left (center bears North  $47^{\circ}43'21''$  East and the long chord bears South  $47^{\circ}47'16''$  East 394.85 feet, through a central angle of  $11^{\circ}01'14''$ ), along said south line of 2000 West Street;

thence South  $48^{\circ}56'31''$  East 52.66 feet along said south line;

thence South  $53^{\circ}17'53''$  East 184.91 feet along said south line;

thence South 89.01 feet along said south line to the west line of Pleasant Grove Boulevard;

thence South  $36^{\circ}41'47''$  West 465.97 feet along said west line;

thence South  $37^{\circ}20'59''$  West 221.50 feet along said west line;

thence South  $83^{\circ}21'16''$  West 42.42 feet along said west line to the north line of Granite Way;

thence North  $51^{\circ}36'51''$  West 73.93 feet along said north line;

thence Northwesterly 209.06 feet along the arc of an 851.38-foot radius tangent curve to the left (center bears South  $38^{\circ}23'09''$  West and the long chord bears North  $58^{\circ}38'56''$  West 208.54 feet, through a central angle of  $14^{\circ}04'10''$ ), along said north line;

thence North  $65^{\circ}41'01''$  West 91.08 feet along said north line to the centerline of a private road;

thence North  $24^{\circ}18'59''$  East 1.16 feet along said centerline;

thence Northeasterly 102.69 feet along the arc of a 275.00-foot radius tangent curve to the right (center bears South  $65^{\circ}41'01''$  East and the long chord bears North  $35^{\circ}00'49''$  East 102.09 feet, through a central angle of  $21^{\circ}23'40''$ ), along said centerline;

thence North  $45^{\circ}42'39''$  East 352.94 feet along said centerline;

thence Northeasterly 177.09 feet along the arc of a 288.89-foot radius tangent curve to the left (center bears North  $44^{\circ}17'21''$  West and the long chord bears North  $28^{\circ}08'57''$  East 174.33 feet, through a central angle of  $35^{\circ}07'22''$ ), along said centerline;

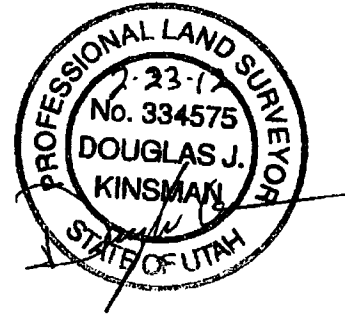
thence Northeasterly 34.78 feet along the arc of a 350.00-foot radius tangent reverse curve to the right (center bears South  $79^{\circ}24'44''$  East and the long chord bears North  $13^{\circ}26'05''$  East 34.77 feet, through a central angle of  $5^{\circ}41'38''$ ), along said centerline;

thence North  $73^{\circ}42'59''$  West 36.87 feet;

thence Northwesterly 25.35 feet along the arc of a 50.00-foot radius tangent curve to the right (center bears North 16°17'01" East and the long chord bears North 59°02'59" West 25.08 feet, through a central angle of 29°02'59");  
thence North 44°40'00" West 184.85 feet;  
thence South 45°01'40" West 64.00 feet;  
thence North 44°40'00" West 43.70 feet to the east line of Grove Parkway;  
thence Northeasterly 33.06 feet along the arc of a 329.89-foot radius non-tangent curve to the left (center bears North 73°40'11" West and the long chord bears North 13°27'33" East 33.05 feet, through a central angle of 5°44'32"), along said east line;  
thence Northeasterly 202.49 feet along the arc of a 309.00-foot radius tangent reverse curve to the right (center bears South 79°24'44" East and the long chord bears North 29°21'39" East 198.89 feet, through a central angle of 37°32'46"), along said east line to the Point of Beginning.

Parcel contains: 367,374 square feet or 8.43 acres

Tax Parcel: 37:281:0004  
37:281:0005  
37:281:0006



**BOUNDARY DESCRIPTION**  
**Parcel 3**

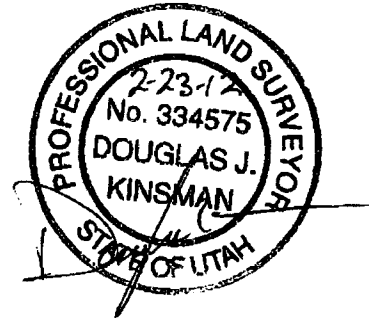
A parcel of land, situate in the Southwest Quarter of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the east line of Pleasant Grove Boulevard, which is located North 89°37'36" East 2385.86 feet along the Quarter Section line and South 559.98 feet from the West Quarter Corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, and running:

thence North 81°42'06" East 35.86 feet along said east line to the south line of 2000 West Street;  
 thence South 53°17'53" East 20.97 feet along said south line;  
 thence Southeasterly 229.27 feet along the arc of a 3439.99-foot radius tangent curve to the right (center bears South 36°42'07" West and the long chord bears South 51°23'19" East 229.22 feet, through a central angle of 3°49'07"), along said South line;  
 thence South 36°41'47" West 748.72 feet to the north line of Granite Way;  
 thence Northwesterly 77.81 feet along the arc of a 927.00-foot radius non-tangent curve to the left (center bears South 17°21'41" West and the long chord bears North 75°02'36" West 77.79 feet, through a central angle of 4°48'34"), along said north line;  
 thence Northwesterly 123.09 feet along the arc of a 273.00-foot radius tangent reverse curve to the right (center bears North 12°33'07" East and the long chord bears North 64°31'52" West 122.05 feet, through a central angle of 25°50'02"), along said north line;  
 thence North 51°36'51" West 33.02 feet along said north line to the east line of Pleasant Grove Boulevard;  
 thence North 38°18'48" East 14.00 feet along said east line;  
 thence North 51°36'51" West 24.36 feet along said east line;  
 thence North 30°47'08" East 257.23 feet along said east line;  
 thence North 36°41'47" East 512.06 feet along said east line to the Point of Beginning.

Parcel contains: 214,052 square feet or 4.91 acres.

Tax Parcel: 14:057:0080



**BOUNDARY DESCRIPTION**  
**Parcel 4**

A parcel of land, situate in the South Half of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the south line of Sam White Lane, which is located North 89°37'36" East 2695.72 feet along the Quarter Section line and South 81.03 feet from the West Quarter Corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, and running:

thence South 89°50'37" East 261.06 feet;

thence South 321.49 feet to the north line of a private street;

thence Northwesterly 101.70 feet along the arc of a 375.00-foot radius non-tangent curve to the left (center bears South 34°15'02" West and the long chord bears North 63°31'08" West 101.39 feet, through a central angle of 15°32'19"), along said north line;

thence Northwesterly 152.80 feet along the arc of a 425.00-foot radius tangent reverse curve to the right (center bears North 18°42'43" East and the long chord bears North 60°59'18" West 151.98 feet, through a central angle of 20°35'58"), along said north line;

thence Northwesterly 99.64 feet along the arc of a 527.50-foot radius tangent reverse curve to the left (center bears South 39°18'41" West and the long chord bears North 56°05'59" West 99.49 feet, through a central angle of 10°49'20"), along said north line;

thence Northwesterly 43.98 feet along the arc of a 30.00-foot radius tangent reverse curve to the right (center bears North 28°29'21" East and the long chord bears North 19°30'46" West 40.15 feet, through a central angle of 83°59'46"), along said north line to the east line of Pleasant Grove Boulevard;

thence Northeasterly 92.49 feet along the arc of a 683.92-foot radius tangent reverse curve to the left (center bears North 67°30'53" West and the long chord bears North 18°36'40" East 92.42 feet, through a central angle of 7°44'54"), along said east line;

thence Northeasterly 39.49 feet along the arc of a 30.00-foot radius tangent reverse curve to the right (center bears South 75°15'47" East and the long chord bears North 52°26'48" East 36.70 feet, through a central angle of 75°25'10"), along said east line to the Point of Beginning.

Parcel contains: 73,537 square feet or 1.69 acres.

Tax Parcel: 14:057:0079

