

CLINTON, UTAH
2000 West Street
L/C: 043-0278
File #43955

E 2326286 B 4424 P 764-767
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/7/2007 1:32:00 PM
FEE \$17.00 Pgs: 4
DEP eCASH REC'D FOR FOUNDERS TITLE CO - SLC

Prepared by: Jennifer Cohn
After recording, return to: Luann Reda
McDONALD'S CORPORATION
One McDonald's Plaza
Oak Brook, Illinois 60523

F-71803-D
Tax ID# 14-381-0002

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is dated December 4, 2007 between **HALKER PROPERTIES LLC, an Idaho limited liability company** ("Landlord") whose address is 855 Broad Street, Suite 300, Boise, Idaho 83702-7153, and **McDONALD'S USA, LLC, a Delaware limited liability company** ("Tenant") whose principal place of business is located at One McDonald's Plaza, Oak Brook, Illinois 60523.

Landlord leases to Tenant the Premises with improvements and appurtenant easements, if any, in the City of Clinton, County of Davis, State of Idaho, described on Exhibit A attached ("Premises") and made a part of this Memorandum of Lease.

1. **TERM:** To have and to hold for a term commencing on October 19, 2007 and ending 20 years from the date when a McDonald's Restaurant constructed on the Premises opens for business.

2. **OPTION TO EXTEND:** The term of the Lease shall be automatically extended for 4 successive periods of 5 years each aggregating 20 years if Tenant does not elect to terminate the Lease at the end of the Primary Term or any option period.

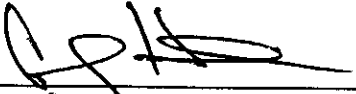
3. **FIRST REFUSAL:** Landlord grants to Tenant the right of first refusal to lease and purchase the Premises.

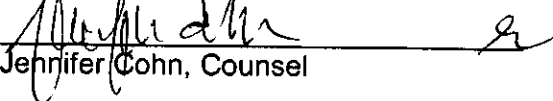
4. **MEMORANDUM:** The rentals to be paid by Tenant and all of the obligations and rights of Landlord and Tenant are set forth in the Ground Lease dated October 19, 2007 ("Lease") executed by the parties. This instrument is merely a memorandum of the Lease and is subject to all of its terms, conditions and provisions. In the event of any inconsistency between the terms of the Lease and this instrument, the terms of the Lease shall prevail. This memorandum is binding upon and shall inure to the benefit of the heirs, successors, assigns, executors and administrators of the parties.

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

LANDLORD:
HALKER PROPERTIES LLC
an Idaho limited liability company

TENANT:
McDONALD'S USA, LLC,
a Delaware limited liability company

By: 
Its: Celby Halter, Manager

By: 
Jennifer Cohn, Counsel

(Attach Acknowledgment of Signatures and Exhibits A)

ACKNOWLEDGMENT - McDONALD'S USA, LLC

BK 4424 PG 765

STATE OF ILLINOIS)
) SS:
COUNTY OF DUPAGE)

I, Janeth Rubi, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Jennifer Cohn, Counsel of McDonald's USA, LLC, a Delaware limited liability company, whose principal place of business is at Oak Brook, Illinois 60523, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Counsel 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 Counsel 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 29th day of November, 2007.

Handwritten signature of Janeth Rubi

My commission expires: 10/22/2009

Janeth Rubi, Notary Public



ACKNOWLEDGMENT - CORPORATE

STATE OF _____)
) SS:
COUNTY OF _____)

attached

I, _____, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that _____, President and _____, Secretary of _____ a(n)

_____ corporation, who reside at _____, who are personally known to me to be the persons whose names are subscribed to the foregoing instrument as such President and Secretary, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act as such President and Secretary respectively 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 _____ day of _____, 20____.

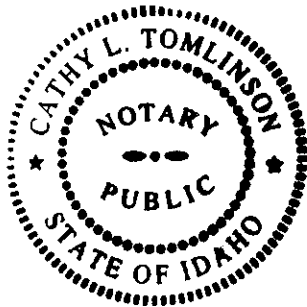
Notary Public My commission expires _____.

ACKNOWLEDGMENT – HALKER PROPERTIES LLC

STATE OF IDAHO)
 : ss.
County of Ada)

On this 4th day of December, 2007, before me, a Notary Public in and for the State of Idaho, personally appeared Colby Halker, known or identified to me to be a manager in the limited liability company of Halker Properties LLC and who subscribed said name to the foregoing instrument, and acknowledged to me that he executed the same in said company name.

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



Cathy L. Tomlinson
Notary Public for Idaho
Residing at: Meridian Id
My commission expires: 6-3-2009

Exhibit "A"
(Legal Description)

Lot 2, PIONEER SQUARE SUBDIVISION, a part of the NW1/4 of Section 27, Township 5 North, Range 2 West, Salt Lake Base and Meridian, Clinton, Davis County, Utah, according to the official plat thereof on file and of record in the office of the Davis County Recorder.

also described as follows:

A part of the Northwest Quarter of Section 27, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey in Clinton, Davis County, Utah:

Beginning at a point on the East Line of State Road 108 (2000 West Street) as it is proposed to be widened to 55.00 foot half-width being 422.50 feet North 0°07'29" East along the Section Line and 55.00 feet North 89°59'178" East from the West Quarter Corner of said Section 27; and running thence North 89°59'17" East 275.00 feet; thence South 0°07'29" West 10.00 feet; thence North 89°59'17" East 33.00 feet; thence South 0°07'29" West 130.0 feet; thence South 89°59'17" West 251.00 feet; thence North 0°07'29" East 8.52 feet; thence South 89°59'17" West 57.00 feet to the East Line of said State Road 108 (2000 West Street) as widened to 55.00 foot half-width; thence North 0°07'29" East 131.48 feet along said East Line to the point of beginning.