



200707090131
Skagit County Auditor

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RECORDATION REQUESTED BY:

AFTER RECORDATION RETURN TO:

Jack in the Box Inc.
9330 Balboa Avenue
San Diego, CA 92123
Attention: Israel Zepeda
Phone: 858-571-2197

RETURN BY: MAIL (X) PICK UP ()

JTB No. 8379

P122695

FIRST AMERICAN TITLE CO.

89541-1

lot 2, "BSP PL-04-0916"

MEMORANDUM OF LEASE

This Memorandum of Lease is made as of 7/9, 2007, by FAST BREAK ENTERPRISES, LLC, a Washington limited liability company ("Landlord"), and JACK IN THE BOX INC., a Delaware corporation ("Tenant"). Landlord is the owner of the real property described in Exhibit A attached hereto and made a part hereof (the "Retail Center"). The "Demised Premises" as referred herein is that portion of the Retail Center shown and described on Exhibit B attached hereto and made a part hereof.

In consideration of One Dollar (\$1.00) and other valuable consideration paid by Tenant to Landlord and the mutual covenants contained in that certain Standard Lease Agreement between Landlord and Tenant, dated December 14, 2006 ("Lease"), Landlord has leased and does hereby lease to Tenant, and Tenant has hired and does hereby hire from Landlord, upon the terms and conditions set forth in said Lease, the Demised Premises.

The original term of the Lease is twenty (20) years, commencing subsequent to satisfaction of each of Tenant's contingencies as described in the Lease. Said Lease grants to Tenant: (i) an option to renew the Lease for four (4) additional consecutive periods of five (5) years each, and (ii) a right of first refusal to purchase the Demised Premises for periods of time after expiration or termination of the Lease, and (iii) a right of first refusal to lease the Demised Premises.

Among other provisions, pursuant to the Lease, a restriction, that Landlord shall not any at time permit or allow the tenancy or operation of any drive-through and/or fast-food hamburger restaurant business upon any land within the Retail Center and/or upon any land adjacent to the Demised Premises which is owed or controlled by Landlord. Additionally, Landlord has granted Tenant a non-exclusive easement to use the common area (as defined in the Lease) of the Retail Center (or easement over adjacent property)

for vehicular and pedestrian ingress, egress and parking purposes, and for other purposes as described in the Lease.

Said Lease also provides that Tenant shall have the right to enforce, by appropriate legal or equitable proceedings, or by any other lawful means, any restrictive covenant or equitable servitude made for or otherwise benefiting the Demised Premises.

This Memorandum of Lease may be executed in counterparts, all of which when taken together shall constitute one original document.

Executed by Landlord this 20th day of June, 2007

LANDLORD:

FAST BREAK ENTERPRISES, LLC, a
Washington limited liability company

By: [Signature]
Its: PRESIDENT

By: N/A
Its: _____

Executed by Tenant this 26 day of June, 2007

TENANT:

JACK IN THE BOX INC., a Delaware
corporation

By: [Signature]
Vice President Carlo E. Cetti

By: [Signature]
Assistant Secretary Michael J. Snider

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JUL 09 2007

Amount Paid \$ 5
Skagit Co. Treasurer
By [Signature] Deputy



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Notary for Landlord:

STATE OF Washington
)ss.
COUNTY OF Skagit

On 6-20-2007, before me, Rhonda R Tingle personally appeared James J Duffy personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.



WITNESS my hand and official seal.

Rhonda R Tingle
Notary Public in and for said
County and State Washington

10-1-10

STATE OF _____)
)ss.
COUNTY OF _____)

On _____, before me, _____, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public in and for said
County and State



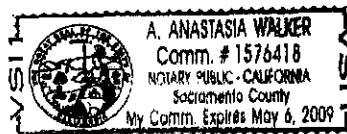
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State of California)
)
County of San Diego)

On June 26, 2007, before me, A. Anastasia Walker, Notary Public, personally appeared Carlo E. Cetti, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Anastasia Walker
Notary Public



SEAL

OPTIONAL SECTION:

Capacity Claimed by Signer. Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

____ Individual
x Corporate Officer(s) _____ Title(s)
____ Partner(s) _____ Limited _____ General
____ Trustee(s)
____ Other

Signer is Representing: Jack in the Box Inc.
Name of Entity

Title or Type of Document: _____

Number of Pages: _____ Date of Document: _____

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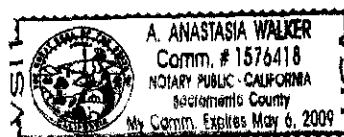
State of California)
)
County of San Diego)

On June 26, 2007, before me, A. Anastasia Walker, Notary Public, personally appeared Michael J. Snider, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Anastasia Walker

Notary Public



SEAL

OPTIONAL SECTION:

Capacity Claimed by Signer. Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

____ Individual
x Corporate Officer(s) ____ Assistant Secretary ____
Title(s)
____ Partner(s) ____ Limited ____ General
____ Trustee(s)
____ Other

Signer is Representing: Jack in the Box Inc.
Name of Entity

Title or Type of Document: _____

Number of Pages: _____ Date of Document: _____

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EXHIBIT A

Legal Description of Retail Center

Plat Map of Plat No. PL-04-0916 recorded under Skagit County Auditor's File No.
200504200093.



200707090131

Skagit County Auditor

EXHIBIT B
Legal Description of Demised Premises

Lot 2 of Binding Site Plan No. PL-04-0916, recorded April 20, 2005, under Auditor's File No. 20050400093, records of Skagit County, Washington and being a portion of the South ½ of the Northeast ¼, Section 19, Township 35 North, Range 4 East, W.M. Situate in the County of Skagit, State on Washington.



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