

WHEN RECORDED RETURN TO:

BUTLER SNOW LLP  
150 THIRD AVEUE SOUTH, SUITE 1600  
NASHVILLE, TN 37201



Skagit County Auditor  
5/9/2017 Page

\$77.00  
1 of 5 3:11PM

## Chicago Title Insurance Company

425 Commercial Street, Mount Vernon, Washington 98273 620029816

DOCUMENT TITLE(s)

**MEMORANDUM OF SUBLEASE**

GRANTOR(s):

1. **WENDY'S PROPERTIES, LLC**
- 2.
- 3.

Additional names on page \_\_\_\_\_ of the document

GRANTEE(s):

1. **BURGER MANAGEMENT SYSTEMS WASHINGTON, INC.**
- 2.
- 3.

Additional names on page \_\_\_\_\_ of the document

ABBREVIATED LEGAL DESCRIPTION:

TRACT C, PLAT OF K-MART COMMERCIAL PARK

Complete legal description is on page 5 of the document

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER(s):

P83926 / 4532-000-003-0006

(sign only if applicable) I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature \_\_\_\_\_

**This cover sheet is for the County Recorder's indexing purposes only.  
The Recorder will rely on the information provided on the form and will not read the document to verify the accuracy or completeness of the indexing information provided herein.**

**After recording return to:**

Butler Snow LLP  
150 Third Avenue South  
Suite 1600  
Nashville, TN 37201

620079816

**MEMORANDUM OF SUBLEASE**

**THIS MEMORANDUM OF SUBLEASE** is made among **WENDY'S PROPERTIES, LLC**, a Delaware limited liability company whose address is One Dave Thomas Boulevard, Dublin, Ohio 43017, Attention: Sublease Management ("**Sublandlord**"), and **BURGER MANAGEMENT SYSTEMS WASHINGTON, INC.**, a Tennessee corporation whose address is 7135 Charlotte Pike, Suite 100, Nashville, Davidson County, Tennessee 37209 ("**Subtenant**").

**RECITALS:**

A. Sublandlord and Subtenant are parties to that certain Sublease Agreement dated as of May 8, 2017 (the "**Sublease**"), for the premises commonly known as **Wendy's Restaurant Unit #1657** located at **1560 S. Burlington Blvd., Burlington, Washington**, and further described on **Exhibit A** attached hereto and incorporated herein by reference (the "**Premises**").

B. It is the desire of both Sublandlord and Subtenant to memorialize the Sublease and set forth certain pertinent data with respect thereto.

NOW THEREFORE, with respect to the Sublease and the Premises, the parties hereby acknowledge and agree as follows:

1. **Commencement and Initial Term.** The Original Term shall begin on May 8, 2017, and shall end on July 9, 2034.

2. **Renewal Options.** Subtenant is granted one (1) option to extend the term of the Sublease for a period of five (5) years, unless such option is otherwise terminated as provided in the Sublease.

3. **Other Terms.** The Premises are governed by certain additional terms, conditions, agreements and covenants more specifically set forth in the Sublease, which terms, conditions agreements and covenants are hereby incorporated by reference as if fully set forth herein.

4. **Notice.** The purpose of this Memorandum is to give record notice of the Sublease.

**[COUNTERPART SIGNATURE PAGES FOLLOW]**

Signed, sealed and delivered  
in the presence of:

**SUBLANDLORD:**

**WENDY'S PROPERTIES, LLC,**  
An Ohio limited liability company

Witness: Laura Stratton  
Print Name: Laura Stratton

By: [Signature]  
Name: Kris A. Kaffenbarger  
Title: Vice President – System Optimization

Witness: Colleen Marchionda  
Print Name: Colleen Marchionda

Legal Approved: DS

Portfolio Management Approved: [Signature]

STATE OF OH  
COUNTY OF Franklin

I hereby certify that I know or have satisfactory evidence that Kris A. Kaffenbarger is the person who appeared before me and said person acknowledged that they signed this instrument, on oath stated that they are authorized to execute the instrument, and acknowledged it as the Vice President – System Optimization of **WENDY'S PROPERTIES, LLC**, an Ohio limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal at office this 3 day of May, 2017.

[Signature]  
Notary Public

My Commission Expires:  
04.18.2020

(NOTARY SEAL)



[Signatures continue on the following page.]

Signed, sealed and delivered  
in the presence of:

**SUBTENANT:**

**BURGER MANAGEMENT SYSTEMS  
WASHINGTON, INC.,** a Tennessee corporation

Witness: [Signature]  
Print Name: Jimmy H. Porter

By: [Signature]  
Name: Keith Wolken  
Title: President

Witness: [Signature]  
Print Name: Patricia Hollman

STATE OF TENNESSEE  
COUNTY OF DAVIDSON

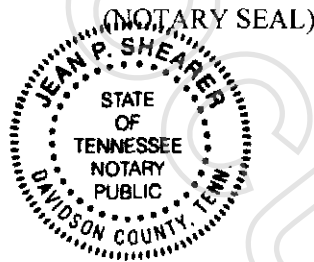
I hereby certify that I know or have satisfactory evidence that Keith Wolken is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument, and acknowledged it as the President of **BURGER MANAGEMENT SYSTEMS WASHINGTON, INC.,** a Tennessee corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal at office this 31<sup>st</sup> day of May, 2017.

My Commission Expires:

1-3-17

Jean P. Shearer  
Notary Public



**EXHIBIT A**

**Premises**

Tract C, PLAT OF K-MART COMMERCIAL PARK, according to the plat thereof, recorded in Volume 14 of Plats, pages 126 and 127, records of Skagit County, Washington.

Situated in Skagit County, Washington