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Instrument prepared by or
Under the supervision of
Ambarina Perez, Esq.
Burger King Corporation
5505 Blue Lagoon Drive
Miami, Florida 33126

Doc# 4640
Bk: 3953 Pg: 27

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# MEMORANDUM OF SECOND AMENDMENT TO AND MODIFICATION OF AGREEMENT TO BUILD AND LEASE

This **MEMORANDUM OF SECOND AMENDMENT TO AND MODIFICATION OF AGREEMENT TO BUILD AND LEASE** (the "Memorandum") dated as of this 24 day of April, 2008, by and between **RUTH E. SALEMME** (hereinafter called the "Lessor") and **BURGER KING CORPORATION**, a Florida corporation, (hereinafter called the "Lessee").

## PRELIMINARY STATEMENTS

A. The Lessor and the Lessee are the present parties to that certain Agreement to Build and Lease supplemented by the Rider to Agreement to Build and Lease, each dated March 22, 1977, as amended by First Amendment to and Modification of Agreement to Build and Lease dated December 1, 1997, and further revised by First Amendment to and Modification of Agreement to Build and Lease dated June 23, 1998 (collectively the "Lease"), covering certain real property in the City of Rockland, County of Knox, State of Maine, (commonly known as Burger King® restaurant #2153, located at 49 Camden Street, Rockland, Maine 04841), and more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Premises").

B. To further evidence their agreement, the parties executed a Memorandum of Lease dated September 28, 1978, recorded in the Knox County Registry of Deeds in Book 775, Page 224; and a Memorandum of First Amendment to and Modification of Agreement to Build and Lease dated December 1, 1997, recorded in Deeds Book 2192, Page 34, which was revised by that certain Revised Memorandum of First Amendment to and Modification of Agreement to Build and Lease dated June 23, 1998, recorded in Deeds Book 2251, Page 243, all of the Registry of Deeds records of Knox County, State of Maine.

C. Lessor and Lessee have amended the Lease as set forth below.

**NOW, THEREFORE,** in consideration of Ten and No/100 Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the Lessor and Lessee hereby give notice that:

1. Lessee exercised its first five (5) year extension option under the Lease, which shall run from December 1st, 2007 through November 30, 2012. In addition, Lessor granted to Lessee the right, privilege and option to further extend the lease for one (1) additional period of fifteen (15) years (the "Additional Extension Option"). The Additional Extension Option, if exercised, shall run from December 1st, 2012 through November 30, 2027.

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2. The purpose of this Memorandum is to give written notice of the Lease, the Second Amendment thereto and all of the rights created thereby. This Memorandum is summary in nature only and is not intended, and shall not be construed, to affect the terms of the Lease, the Second Amendment, or the rights of the parties thereunder, which are governed solely by the terms of the Lease, and the Second Amendment.

**IN WITNESS WHEREOF**, the parties have executed this Memorandum of Second Amendment to and Modification of Agreement to Build and Lease as of the date first set forth above.

WITNESSES:

Print Name: Luis Romero

Print Name: Matt Yorston

Ruth E. Salemme

LESSOR

WITNESSES:

Print Name: ORIA A. VILLAR

Print Name: JESSICA ROSENDO

BURGER KING CORPORATION

By:
Name: Amy R. Knights
Title: Vice President

LESSEE

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STATE OF Florida )
) ss
COUNTY OF Palm Beach )

The foregoing instrument was acknowledged before me this 19 day of April, 2008, by RUTH E. SALEMME, and she is personally known to me or has produced FL Drivers License as identification.

(SEAL)

REBECCA HUMPHOUSE
Notary Public - State of Florida
My Commission Expires Jul 17, 2011
Commission # DD 686161

Notary Public
My Commission Expires: 07/17/11

STATE OF FLORIDA )
) ss
COUNTY OF MIAMI-DADE )

On this 24 day of April, 2008, before me, the undersigned, a Notary Public of said State, duly commissioned and sworn, personally appeared Amy R. Knights personally well known to me, or proved to me on the basis of satisfactory evidence, to be the person who executed the foregoing instrument as Vice President of **BURGER KING CORPORATION**, the corporation therein and acknowledged to and before me that he/she executed the same on behalf of such corporation.

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

(SEAL)

Notary Public State of Florida
Pranda T Morata
My Commission DD489778

Notary Public
My Commission Expires:

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# EXHIBIT A

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BEGINNING on the easterly side of Camden Street in line of land of Douglas M. Green; thence North 28 deg. 32 min. 30 sec. East by said Camden Street eighty-six and three one-hundredths (86.03) feet, more or less, to a spike driven into the pavement of said Camden Street; thence North 60 deg. 32 min. East by said Camden Street fifty-three and eight one-hundredths (53.08) feet to an iron pipe at the intersection of said Camden Street and Maverick Street; thence South 43 deg. 44 min. 30 sec. East by said Maverick Street one hundred five and thirty-one one-hundredths (105.31) feet to an iron pipe in line of land now or formerly of the John Anderson heirs; thence South 52 deg. 00 min. 30 sec. West by land now or formerly of the said John Anderson heirs one hundred twenty-one and thirty one-hundredths (121.30) feet to an iron pipe in line of said land of Douglas M. Green; thence North 52 deg. 45 min. West by said land of Douglas M. Green eighty-one (81) feet, more or less, to the point of beginning.

ALSO granting hereby all of my right, title, and interest in and to said Camden Street and said Maverick Street where said streets abut the premises granted hereby.

ALSO another certain lot or parcel of land situated in the City of Rockland in the County of Knox and State of Maine, more fully bounded and described as follows, to wit: --

BEGINNING at an iron pipe on the easterly side of Camden Street at its intersection with the northerly side of Trinity Street; thence North 28 deg. 32 min. 30 sec. East by said Camden Street one hundred (100) feet, more or less, to line of land of Felice McAleer; thence South 52 deg. 45 min. East by said land of Felice McAleer eighty-one (81) feet, more or less, to an iron pipe; thence continuing South 52 deg. 45 min. East by land now or formerly of the John Anderson heirs and by land now or formerly of Lena Cavarsan one hundred fourteen and forty-five one-hundredths (114.45) feet to an iron pipe; thence South 56 deg. 27 min. 30 sec. West by land now or formerly of Gerald C. and Nellie J. Brackett one hundred sixty-two and ninety-one one-hundredths (162.91) feet to an iron pipe on the northerly side of said Trinity Street; thence North 29 deg. 18 min. West by said Trinity Street one hundred thirty-eight and nineteen one-hundredths (138.19) feet to the point of beginning.

ALSO granting hereby all of my right, title, and interest in and to said Camden Street and said Trinity Street where said streets abut the premises conveyed hereby.

Reference is further made to "Plan of Property in Rockland, Maine, Made for Burger King Corporation," by H. I. and E. C. Jordan, dated April 18, 1977.

Reference is made to deed of Felice McAleer to this Grantor and to deed of Douglas M. Green to this Grantor, to be recorded in the Knox County Registry of Deeds.

KNOX SS: RECEIVED
May 08,2008
at 03:25:06P
ATTEST: LISA J SIMMONS
REGISTER OF DEEDS