

FILED
GREENVILLE CO. S. C.

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STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

AGREEMENT

WHEREAS, on or about September 23, 1975, Dennon O. Jones, Lawrence E. McNair and Milford D. Kelly executed a Restrictive Covenant in favor of W.J.W., Inc. over certain property, such Restrictive Covenant being recorded in the RMC Office for Greenville County on September 23, 1975 in Deed Book 1024 at Page 658; and

WHEREAS, such covenant restricts the sale of any portion of the property described therein "to any other person who would purpose to use the property as a steakhouse restaurant facility"; and

WHEREAS, C.W.I., a partnership, the present owner has conveyed a portion of such property described in such Restrictive Covenant to Wendy's of South Carolina, Inc. (hereinafter "Wendy's") by deed dated November 2,, 1977, and recorded in the RMC Office for Greenville County on November 3,, 1977, in Deed Book 1067, at Page 854 and has conveyed another portion of such property described in such Restrictive Covenant to Wendy's by Deed, dated November 2,, 1977, and recorded in the RMC Office for Greenville County on November 3,, 1977, in Deed Book 1067 at Page 859; and

WHEREAS, Wendy's intends to construct a Wendy's Old Fashioned Hamburger Restaurant on such purchased and leased property; and

WHEREAS, W.J.W., Inc. agrees that such Wendy's Old Fashioned Hamburger Restaurant does not violate the foregoing "steakhouse restaurant" restriction.

NOW, THEREFORE, in consideration of One Dollar in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, W.J.W., Inc. agrees that the foregoing described deeds to Wendy's and the construction of a Wendy's Old Fashioned Restaurant on the property conveyed thereunder, do not violate the foregoing Restrictive Covenant.

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