

AFTER RECORDING, RETURN TO:  
Paul D. Betken, Regional Attorney  
Real Estate/Legal Department  
McDonald's Corporation  
One McDonald's Plaza  
Oak Brook, Illinois 60521

RECORDED  
S. C.  
PH '81  
WERSLEY

121 37

DECLARATION OF RESTRICTIVE COVENANT

WHEREAS, under contract dated the 2nd day of September 19 80, L. Stewart Spinks and Ken Morehead (hereinafter referred to as "Seller") agreed to convey to McDonald's Corporation, a(n) Delaware corporation, (hereinafter referred to as "Purchaser") a parcel of real estate described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, one of the terms of said contract states that Seller shall record a Restrictive Covenant affecting Seller's property;

NOW THEREFORE, Seller hereby covenants and agrees, in consideration of the terms and conditions recited in said contract, that the property described on Exhibit B, attached hereto, will not be used ~~as~~ for a restaurant or food service establishment of any type deriving 25% or more of its gross\* for a period of twenty (20) years from the date first herein above written. ~~annual sales from the sale of hamburgers, ground beef products and french fries including but not limited to Burger King, Wendy's, Hardee's etc.~~

This covenant shall run with the land described in Exhibits A and B and shall inure to the benefit of and shall be binding upon the Purchaser and Seller, their heirs, administrators, grantees, assigns and successors.

IN WITNESS WHEREOF, Seller has executed this DECLARATION OF RESTRICTIVE COVENANT, this 7 day of Dec., 1980.

SELLER:

WITNESS:

*L. Stewart Spinks*  
*Ken Morehead*  
*Martha Lou Cato*  
*Jimmy J. Lindsey*

ATTEST: \_\_\_\_\_

STATE OF: SOUTH CAROLINA  
COUNTY OF: GREENVILLE

AFFIDAVIT OF OWNERSHIP  
(Individual)

L. Stewart Spinks  
Ken Morehead, being first duly sworn on oath, deposes and states that he (she, they) is (are) the owner(s) of the property described on Exhibit B attached and that he (she, they) owns no other property within a two (2) mile radius of the property described on Exhibit A attached.

IN WITNESS WHEREOF, affiant(s) has (have) set his (her, their) hand(s) this 4 day of Dec., 1980.

*Jimmy J. Lindsey*  
*Martha Lou Cato*  
*L. Stewart Spinks*  
*Ken Morehead*

Subscribed and sworn to before me this 4 day of Dec., 1980.

*Walter Meinhart*  
NOTARY PUBLIC

My Commission expires 7/13/81

PLEASE ATTACH PROPER ACKNOWLEDGEMENT FOR STATE WHERE DOCUMENT IS TO BE RECORDED.

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