

WHEREAS, the Company and the Trustees deem it advisable to enter into this Sixth Supplemental Indenture and a Mortgage and Fifth Supplemental Indenture, both of even date herewith for the purposes of confirming the Grant under the Indenture of additional property for the equal and pro rata benefit and security of all Bondholders;

NOW, THEREFORE, THIS SIXTH SUPPLEMENTAL INDENTURE WITNESSETH: That the Company, in consideration of the premises, the acceptance by the Trustees of the trusts hereunder, and of other good and valuable consideration, the receipt of which is hereby acknowledged, and in order to secure the payment of the principal of, premium, if any, and interest and any other sums payable on, the Bonds, according to their tenor and effect, has executed and delivered this Sixth Supplemental Indenture, and by this Sixth Supplemental Indenture does Grant unto the Trustees (but in the case of the Corporate Trustee only to the extent of its legal qualification under the laws of any particular jurisdiction to receive and hold property located therein for the purposes hereof), and to their successors in the trusts hereunder and assigns forever, any and all right, title, and interest of the Company in and to the Restaurant Properties described in Section 1.1 hereof, any improvements, repairs, and replacements thereto, and any related leases or other instruments, together with all rents, issues, profits, and other income from said Restaurant Properties (including, without limitation, in the case of any leases or other instruments, any and all rights thereunder or with respect thereto to make claim for, collect and receive any and all moneys receivable thereunder or with respect thereto and to bring Proceedings thereunder for the specific or other enforcement thereof or otherwise with respect thereto; provided, however, that no obligation thereunder shall be imposed upon the Trustees).

TO HAVE AND TO HOLD all and singular the Trust Estate, whether now owned or held or hereafter acquired, unto the Trustees, their successors in the trusts hereunder and assigns, forever;

SUBJECT, HOWEVER, to Permitted Encumbrances;

IN TRUST NEVERTHELESS, upon the terms and trusts set forth in the Indenture, for the equal pro rata benefit and security of all of the Bondholders, present and future, in accordance with the terms of the Indenture, without preference, priority or distinction as to lien or otherwise, so that each and every Bond shall have the same right, lien and privilege under the Original Indenture and this Sixth Supplemental Indenture and shall be equally and ratably secured thereby in accordance with the terms of the Original Indenture and this Sixth Supplemental Indenture.