

IT IS HEREBY COVENANTED, DECLARED AND AGREED by and among the parties hereto that all property subject or to become subject to the Lien of the Indenture by this Sixth Supplemental Indenture is to be held subject to the further covenants, conditions, uses and trusts set forth in the Original Indenture, and the Company, for itself and its successors and assigns, does hereby covenant and agree to and with the Trustees and their successor or successors in such trust, for the equal and ratable benefit of all lawful Bondholders, or any of them, as follows:

ARTICLE 1

DESCRIPTION OF RESTAURANT PROPERTIES

SECTION 1.1. The Restaurant Properties Granted to Trustees and subjected to the Lien of the Indenture by this Sixth Supplemental Indenture are described on Exhibit A attached hereto.

ARTICLE 2

CONCERNING THE TRUSTEES

SECTION 2.1. The Trustees hereby accept the trusts hereby declared and provided and agree to perform the same upon the terms and conditions set forth in the Original Indenture and in this Sixth Supplemental Indenture. The Trustees shall not be responsible in any manner whatsoever for or in respect of the validity or sufficiency of this Sixth Supplemental Indenture or the due execution thereof by the Company or in respect of the recitals contained herein, all of which recitals are made by the Company solely.

ARTICLE 3

MISCELLANEOUS

SECTION 3.1. Each and every term and condition contained in the Original Indenture shall apply to this Sixth Supplemental Indenture with the same force and effect as if the same were herein set forth in full, with such omissions, variations and modifications hereof as may be appropriate to make the same conform to this Sixth Supplemental Indenture. As supplemented by this Sixth Supplemental Indenture, the Original Indenture is in all respects ratified and confirmed, and the Original Indenture and this Sixth Supplemental Indenture shall be read, taken and construed as one and the same instrument.

SECTION 3.2. All terms used in this Sixth Supplemental Indenture which are defined in the Original Indenture shall have the same meanings when used in this Sixth Supplemental Indenture.