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FILED SARPY CO. NE.
INSTRUMENT NUMBER

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Lloyd J. Davidson

REGISTER OF DEEDS



RECORDER'S COVER SHEET

Type of Document: Amended and Restated Covenant Not to Compete

Return Document to: Chicago Title Insurance Company
222 So. 9th Street, Suite 3060
Minneapolis, MN 55402

City, State: La Vista, NE
Address: 8003 South 84th Street
L/C: 026-0080
File #11825

Prepared by: Daniel Marks
After recording, return to: Bruce Aguirre
McDONALD'S CORPORATION
110 N Carpenter St
Chicago IL 60607-2101

AMENDED AND RESTATED COVENANT NOT TO COMPETE

Under the Ground Lease dated June 1, 1994 ("**Lease**"), **LA VISTA CITY CENTRE, LLC**, a Nebraska limited liability company ("**Landlord**") whose address is PO Box 428, Boys Town, Nebraska 68010 leased to **McDONALD'S CORPORATION**, a Delaware corporation ("**Tenant**") whose address is 110 N Carpenter St, Chicago IL 60607-2101, a parcel of land described on Exhibit A attached ("**Premises**").

Whereas, one of the terms of the Lease states that the Landlord will record certain restrictions against the Restricted Property (as defined below).

Whereas, Landlord and Tenant entered into a Covenant Not to Compete dated February 2, 1995 and recorded on February 15, 1995 as Instrument No. 95 - 01885, Sarpy County, Nebraska (the "**Original CNTC**"). Landlord and Tenant desire to amend and restate the Original CNTC as set forth in this Amended and Restated Covenant Not to Compete in its entirety (the "**Amended CNTC**").

Therefore, Landlord covenants and agrees as follows:

For so long as the Lease is in effect or Tenant is operating on the Premises as a McDonalds restaurant, Landlord covenants and agrees that Lots 1, 5, 6, 8 and 11 as legally described on Exhibit B attached (the "**Restricted Property**"), shall not be leased, used or occupied as a restaurant whose primary business is the sale of hamburgers. For purposes of this Amended CNTC, the term "restaurant" shall be defined as any quick service establishment with a drive-thru service whose primary business consists of the sale of hamburgers. The term "primary business" for the purposes of this Amended CNTC shall be defined as a business that specializes solely or predominantly in the sale of the following products (the "Prohibited Sandwiches"): hamburgers or any other type of beef products served in sandwich form. For purposes of this Amended CNTC, a business will be deemed to specialize solely or predominantly in the sale of the Prohibited Sandwiches if the total number of Prohibited Sandwiches listed on the menu of such business exceeds the total number of the sandwiches listed on the menu that are not Prohibited Sandwiches.

Additionally, and not by way of example, for so long as this Lease is in effect or Tenant is operating on the Premises, the following restaurants operating under the listed trade names or operating under any successor trade names are prohibited within the Restricted Property: Big Boy, Hot & Now, Rally's, Burger Chef, Checkers, Round Table, Burger King, Fuddrucker's, Roy Rogers, Carl's Jr., Hardee's, White Castle, Carrow's, In and Out Burgers, Winstead's, Taco Bell, Jack in the Box, Wendy's and Zipp's.

It is mutually agreed that the covenant set forth above shall run with the land and inure to the benefit of Tenant and are binding upon Landlord's successors and assigns. If Tenant shall purchase the Premises pursuant to any option to purchase or right of first refusal to purchase in

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this Lease, the covenant set forth above shall remain in effect for a period of twenty (20) years from the date of closing under such option or right.

Landlord has executed this Amended and Restated Covenant Not to Compete on this 13th day of JULY, 2018

LANDLORD:

LA VISTA CITY CENTRE, LLC

By: [Signature]
Its: MANAGING MEMBER

ATTEST: Christopher Erickson

By: [Signature]
Its: _____

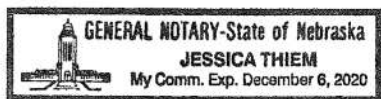
AFFIDAVIT OF OWNERSHIP BY LANDLORD

Christopher Erickson being first duly sworn on oath deposes and states that he/she/they is/are the Landlord or Landlord's duly authorized officers and that the Landlord has title to all of the property described on Exhibit B attached.

IN WITNESS WHEREOF, the Affiant has set his/her/their hand(s) this 13 day of July, 2018.

AFFIANT(S)

Subscribed and sworn to before me this 13 day of July, 2018.



Jessica Thiem
Notary Public

My commission expires December 6, 2020

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EXHIBIT A

Legal Description of Premises

Lot Two (2), La Vista City Centre, an addition to the City of La Vista, in Sarpy County, Nebraska as shown in Plat recorded December 2, 2016 as Instrument No. 2016-31243.

EXHIBIT B

Legal Description of the Restricted Property

Lot One (1), Lot Five (5), Lot Six (6), Lot Eight (8) and Lot Eleven (11), La Vista City Centre, an addition to the City of La Vista, in Sarpy County, Nebraska as shown in Plat recorded December 2, 2016 as Instrument No. 2016-31243.