

MEMORANDUM OF LEASE

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THIS INDENTURE made and entered into this 30th day of November, 1978, by and between THE HICKMAN COMPANY, INC., a Georgia Corporation

as LESSOR,

LESSOR'S heirs, executors, administrators, legal representatives, successors and assigns, and WAFFLE HOUSE, INC., a Georgia corporation as Lessee, Lessee's successors and assigns, WITNESSETH.

That LESSOR, in consideration of the rents reserved and of the terms, covenants, and agreements on the part of LESSEE and LESSOR, does hereby demise and lease unto LESSEE, and LESSEE does hereby take and hire from LESSOR, the following described improved real property (the Demised Premises), to-wit:

DONNIE S. TANKERSLEY P.M.C. FILED APR 6 1979 AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

(See Attached Legal Description)

For True Consideration See Affidavit Book 40 Page 826

SOUTH CAROLINA TAX COMMISSION DOCUMENTARY STAMP TAX APR-679 130.00 PB. 11219

TO HAVE AND TO HOLD the Demised Premises for a term of 20 1/2 years with an option to extend or renew for 4 successive and separate five year term(s), the initial term commencing on the 1st day of December, 1978, and ending on the 30th day of November, 1993, unless the above-mentioned option(s) to extend or renew is/are exercised, upon the rents, terms, covenants and conditions contained in that certain Lease Agreement between LESSOR and LESSEE hereto of even date herewith covering the Demised Premises.

The terms and conditions of the said Lease Agreement between LESSOR and LESSEE hereto, insofar as they are not inconsistent herewith, are hereby made a part of this instrument as fully as if they were set forth herein.

IN WITNESS WHEREOF, THE HICKMAN COMPANY, INC. as LESSOR, and WAFFLE HOUSE, INC., as LESSEE, have set their hands and seals hereunto and have caused this instrument to be executed and their corporate seals to be affixed hereunto by duly authorized officials thereof, the day and year first above written.

GCTO 2-AP-679 758

Signed, sealed and delivered in the presence of:

Lianna Post

Nancy G. Shilow

Notary Public Notary Public, Georgia State at Large My Commission Expires May 25, 1981

LESSOR: THE HICKMAN CO., INC.

By: Robert D. Healer (SEAL) Title: PRESIDENT

Attest: Sherry Johnson Title: Secretary

Signed, sealed and delivered in the presence of:

Lianna Post

Nancy G. Shilow

Notary Public Notary Public, Georgia State at Large My Commission Expires May 25, 1981

LESSEE:

WAFFLE HOUSE, INC. (SEAL)

By: J. Michael Upton Vice President

Attest: J. Michael McCaskey Secretary

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