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Prepared by:
Burger King Corporation
Jill Anderson-Blanco, Esq.
5505 Blue Lagoon Drive
Miami, FL 33126

2010 017762

LAKE COUNTY
RECORDER
2010 MAR 29 AM 9:39

MICHELLE
RECORDER

WAIVER AND RELEASE OF PRE-EMPTIVE RIGHT TO PURCHASE

1020100386em

THIS WAIVER OF PRE-EMPTIVE RIGHT TO PURCHASE (the "Waiver") is executed this 4th day of March, 2010, by **BURGER KING CORPORATION**, a Florida corporation ("BKC") in connection with the sale of the property described in the attached Exhibit "A" (the "Property").

WHEREAS, BKC reserved a pre-emptive right to purchase in that certain Special Warranty Deed dated as of March 6, 2003 and recorded on March 18, 2003 as Document No. 200328194, in the Official Records of Lake County, Indiana (the "Deed").

WHEREAS, GLR, L.L.C., an Indiana limited liability company sold the Property to LINCOLN HIGHWAY, L.L.C., a Indiana limited liability company, in that certain Warranty Deed dated as of December 8, 2005 and recorded January 6, 2006 as Document No. 2006 001368 in the Official Records of Lake County, Indiana.

WHEREAS, BKC has agreed to waive and release the Pre-Emptive Right to Purchase.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, BKC hereby waives and releases the Pre-Emptive Right to Purchase recorded as Document No. 200328194, in the Official Records of Lake County, Indiana. BKC's failure to exercise the pre-emptive right on one or more occasions shall not affect BKC's right to exercise it on any subsequent occasions.

IN WITNESS WHEREOF, BKC has caused this Waiver to be executed by its duly authorized representative.

BURGER KING CORPORATION,
a Florida corporation

By: Amy R. Knights
Name: AMY R. KNIGHTS
Title: Vice President

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Andrea A. Plasencia

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CT
Rm
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STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing Waiver of Right of First Refusal was acknowledged before me this 4th day of March, 2010, by AMY R. KNIGHTS as VICE PRESIDENT of Burger King Corporation, a Florida corporation, on behalf of the corporation.

Marlene T. Friel
Notary Public
My Commission Expires: 3-16-2013



EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SOUTH ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE RUNNING NORTH ALONG SAID EAST LINE OF SAID SECTION 29 A DISTANCE OF 262.36 FEET; THENCE WEST A DISTANCE OF 450 FEET; THENCE SOUTH A DISTANCE OF 262.36 FEET; THENCE EAST A DISTANCE OF 450 FEET TO THE POINT OF BEGINNING, IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA.

AND

A TRACT OF LAND IN THE SOUTH ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING 262.36 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE RUNNING NORTH ALONG SAID EAST LINE OF SECTION 29 A DISTANCE OF 30 FEET; THENCE WEST A DISTANCE OF 450 FEET; THENCE SOUTH A DISTANCE OF 30 FEET; THENCE EAST A DISTANCE OF 450 FEET TO THE POINT OF BEGINNING, IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA.

