

TRIARC COMPANIES INC
 Form 5
 February 11, 2003
 SEC Form 5

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| <p>FORM 5</p> <p>[] Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).</p> <p>[] Form 3 Holdings Reported [] Form 4 Transactions Reported</p> | <p>UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549</p> <p>STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP</p> <p>Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940</p> | <p>OMB APPROVAL</p> <hr/> <p>OMB Number: 3235-0362 Expires: January 31, 2005 Estimated average burden hours per response. 0.5</p> |
| <p>1. Name and Address of Reporting Person* Levato, Joseph A.</p> <hr/> <p>(Last) (First) (Middle) Triarc Companies, Inc. 280 Park Avenue</p> <hr/> <p>(Street) New York, NY 10017</p> <hr/> <p>(City) (State) (Zip) USA</p> | <p>2. Issuer Name and Ticker or Trading Symbol Triarc Companies, Inc. (TRY)</p> | <p>6. Relationship of Reporting Person(s) to Issuer (Check all applicable)</p> <p><input checked="" type="checkbox"/> Director _____ <input type="checkbox"/> 10% Owner _____ <input type="checkbox"/> Officer _____ Other _____</p> <p>Officer/Other Description _____</p> <p>7. Individual or Joint/Group Filing (Check Applicable Line)</p> <p><input checked="" type="checkbox"/> Individual Filing <input type="checkbox"/> Joint/Group Filing</p> |
| <p>3. I.R.S. Identification Number of Reporting Person, if an entity (voluntary)</p> | <p>4. Statement for Month/Day/Year December 29, 2002</p> | <p>5. If Amendment, Date of Original (Month/Day/Year)</p> |

Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

| 1. Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | 3. Transaction Code (Instr. 8) | 4. Securities Acquired (A) or Disposed (D) Of (Instr. 3, 4, and 5) | 5. Amount of Securities Beneficially Owned at End of Issuer's Fiscal Year (Instr. 3 and 4) | 6. Ownership Form: Direct(D) or Indirect (I) (Instr. 4) | 7. Nature of Indirect Beneficial Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|--|--|---|---|
| | | | | Amount A/D Price | | | |

If the form is filed by more than one reporting person, see instruction 4(b)(v). Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number. (over) SEC 2270 (7-02)

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Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of Derivative Security (Instr. 3) | 2. Conversion or Exercise Price of | 3. Transaction Date | 3A. Deemed Execution Date, if any | 4. Transaction Code | 5. Number of Derivative Securities | 6. Date Exercisable(DE) and Expiration Date(ED) | 7. Title and Amount of Underlying Securities | 8. Price of Derivative Security | 9. Number of Derivative Securities Beneficially | 10. Ownership Form of | 11. Nature of Indirect Beneficial Ownership |
|--|------------------------------------|---------------------|-----------------------------------|---------------------|------------------------------------|---|--|---------------------------------|---|-----------------------|---|
| | | | | | | | | | | | |

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| | Derivative Security | (Month/Day/Year) | (Month/Day/Year) | | Acquired (A) or Disposed (D) Of (Instr. 3,4 and 5) | (Month/Day/Year) <hr/> (DE) (ED) | (Instr. 3 and 4) | (Instr.5) | Owned at End of Year (Instr.4) | Derivative Security: Direct (D) or Indirect (I) (Instr.4) | (Instr.4) |
|---|---------------------|------------------|------------------|---|---|---------------------------------------|-----------------------------|-----------|--------------------------------|---|-----------|
| ESOP-right to buy w/ tandem tax withholding rights | \$27.17 | 06/04/2002 | | A | (A) 4000 | (1) 06/04/2012 | Class A Common Stock - 4000 | | 4000 | D | |
| | | | | | | | | | | | |

Explanation of Responses :

** Intentional misstatements or omissions of facts constitute Federal Criminal Violations.
See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
/s/ Joseph A. Levato
 ** Signature of Reporting Person
 Date

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure.

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FOOTNOTE Descriptions for Triarc Companies, Inc. (TRY)

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Joseph A. Levato
Triarc Companies, Inc.
280 Park Avenue
New York, NY 10017

Explanation of responses:

(1) The option vests in two equal installments on June 4, 2003 and June 4, 2004.

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