



MISC 2003140448



JUL 23 2003 16:03 P 5

THOMAS R. ANDERSON, Sr. Real Estate Manager

SPACE ABOVE THIS LINE FOR  
RECORDER'S USE

# MEMORANDUM OF LEASE

This is a Memorandum of Lease by and between 168<sup>th</sup> and Dodge, L.P., a Nebraska limited partnership, hereinafter called LANDLORD (whether one or more and Cheeseburger-Nebraska, Limited Partnership, a Florida limited partnership, hereinafter called TENANT of 2202 N. West Shore Blvd. 5<sup>th</sup> Floor, Tampa, FL 33607 upon the following terms:

Date of Lease: July 10, 2003

Description of Premises: That portion of the Village Pointe Shopping Center Development (which Development is legally described on Exhibit A hereto) containing approximately 6,500 square feet which is shown on the Site Plan attached hereto as Exhibit B and described in the Lease, together with all easements in appurtenance thereto granted in the Lease.

Date of Commencement: The Initial Term of the Lease shall commence on the earlier of (a) one hundred-eighty (180) days after the Permit Period, as hereinafter defined; or (b) the date TENANT first opens for business to the general public (the "Commencement Date"), and shall end at the expiration of the tenth (10<sup>th</sup>) Lease Year, subject to TENANT's options to renew as set forth herein.

Term: Ten (10) Years.

Renewal Option(s): Four (4), Five (5) year renewal options.

Protected Area: As shown cross-hatched on the Site Plan (hereinafter called the "Protected Area"). LANDLORD is restricted from making certain changes to the Protected Area without TENANT's consent as further set forth in Section 1.4 of the Lease.

Restrictions: LANDLORD is prohibited from permitting or operating certain uses within the Development without TENANT's consent as further set forth in Section 1.4 of the Lease.

The purpose of this Memorandum of Lease is to give record notice of the Lease and of the rights created thereby, all of which are hereby confirmed.

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IN WITNESS WHEREOF the parties have executed this Memorandum of Lease as of the dates set forth in their respective acknowledgments.

WITNESS:

Donna Reach  
Name: Donna Reach

Rose Angelita  
Name: Rose Angelita

Amara Barker  
Name: Amara Barker

Amara L. Candiani  
Name: Amara L. Candiani

LANDLORD:

168TH AND DODGE, L.P., a Nebraska limited partnership  
By: RED DEVELOPMENT OF WEST DODGE  
LLC, a Missouri limited liability company,  
its General Partner  
By: E&R Holdings, LLC, an Arizona limited  
liability company, Manager

By: Michael L. Ewert  
Name: Michael L. Ewert  
Title: managing member

TENANT:

Cheeseburger-Nebraska, Limited  
Partnership,  
a Florida limited partnership

By: Cheeseburger in Paradise, LLC,  
a Delaware limited liability  
company, its sole General  
Partner

By: Carl W. Sahlsten  
Name: Carl W. Sahlsten  
Title: Vice President  
Date: 7/3/03

(Acknowledgment of LANDLORD)

THE STATE OF Arizona )  
COUNTY OF Maricopa )

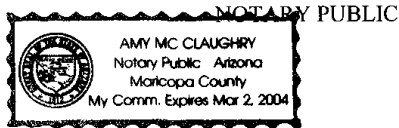
Personally appeared before me, a Notary Public in and for the above County and State, Michael L. Gant known personally by me and acknowledged by me to be on the date of execution, Authorized Signatory of R.E.D. OF WEST DODGE, LLC, a Missouri limited liability company, Manager of 168<sup>th</sup> and Dodge, L.P., a Nebraska limited partnership, and he executed the foregoing for and on behalf of said entity. Development

Witnessed by hand and this notarial seal, this 9<sup>th</sup> day of July 2003.

\*E+R Holding, LLC, an Arizona limited liability company, manager of

[Signature]

My Commission Expires:



[Acknowledgment of TENANT]

THE STATE OF FLORIDA )  
COUNTY OF HILLSBOROUGH )

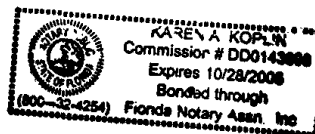
Personally appeared before me, a Notary Public in and for the above County and State, CAEC W. Sahsten known personally by me and acknowledged by me to be on the date of execution, Cheeseburger-Nebraska, Limited Partnership, a Florida limited partnership by Cheeseburger in Paradise, LLC, a Delaware limited liability company, its sole General Partner and he/she executed the foregoing for and on behalf of said corporation by authority of its Board of Directors.

Witnessed by hand and this notarial seal, this 3<sup>rd</sup> day of JULY 2003.

My Commission Expires:

10/28/06


[Signature]  
NOTARY PUBLIC



**EXHIBIT A**

**DEVELOPMENT LEGAL DESCRIPTION**

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Outlot A and Outlot B, in Village Pointe, a Subdivision in Douglas County, Nebraska.

 = THE PROTECTED AREA

SITE PLAN OF THE UICAGE POINT SHIPYARD CENTER

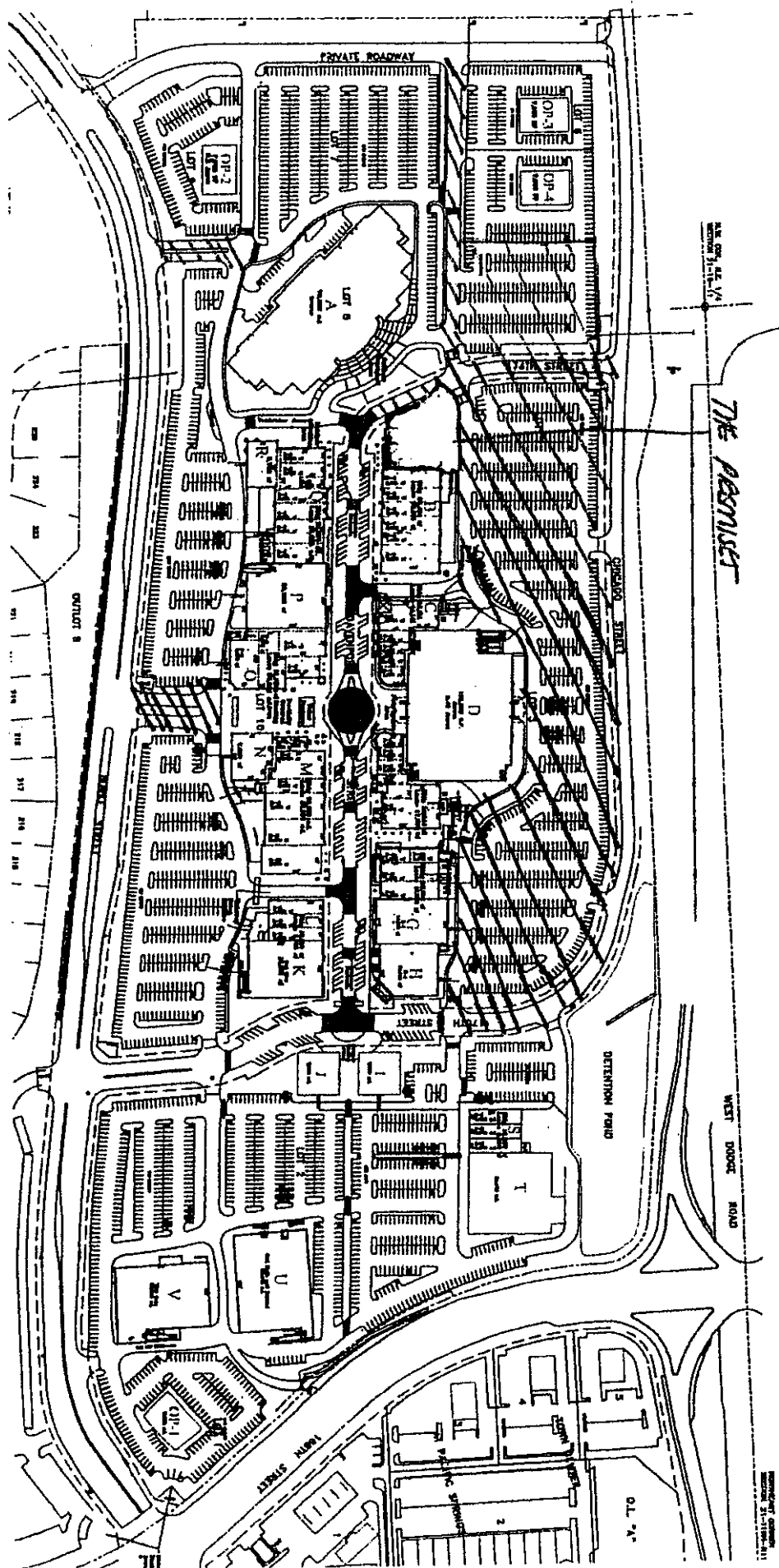


Exhibit B