

MISC 2003140630

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
BOULDER COUNTY, NE

JUL 24 2003 09:40 P 4

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**MEMORANDUM OF LEASE & OPTION TO PURCHASE**

THIS MEMORANDUM OF LEASE ("Memorandum") is made as of June 20, 2003, by and between 168<sup>th</sup> AND DODGE, L.P., a Nebraska limited partnership ("Landlord") and CENTER ASSOCIATES, LLC, a Nebraska limited liability company ("Tenant"). Pursuant to that certain Lease by and between Landlord and Tenant dated even date herewith (the "Lease"), Landlord has leased to Tenant that certain real property (the "Property") described in Schedule 1 attached hereto and incorporated herein by reference:

All the terms, conditions, covenants and agreements in the Lease are incorporated into this Memorandum with the same force and effect as if they were fully recited herein. The term of the Lease is fifteen (15) years from and after the Lease Commencement Date (as defined in the Lease) unless sooner terminated or extended as provided in the Lease. Tenant has four (4) options to extend the term of the Lease for periods of ten (10) years each.

Pursuant to the Lease, Landlord has granted Tenant an option to purchase the Property. Such option to purchase expires by its own terms on September 30, 2004, unless Tenant exercises such option to purchase by written notice to Landlord prior to such date in accordance with the requirements of the Lease.

In the event of any inconsistency between the terms of this Memorandum and the terms of the Lease, the Lease shall control.

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the date first set forth above.

"TENANT"

CENTER ASSOCIATES, LLC, a Nebraska  
limited liability company

By: 

Name: David Livingston  
Title: Assistant Manager

\\Mpowp-law-ntsr\documents\WMM\Center Associates\168th & Dodge Theatre  
Complex. 05-07-2003\Documents\final Memo of Lease from R Katz 06-20-03.doc  
6/20/2003

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FILED 2003 JUN 20 10:00 AM  
BY: [Signature] TITLE: Assistant Manager  
DEL. SCAN. PV.

213324

-41-

"LANDLORD"

168<sup>th</sup> AND DODGE, L.P. a Nebraska  
limited partnership

By: RED DEVELOPMENT OF WEST  
DODGE, LLC, a Missouri limited liability  
company, its General Partner

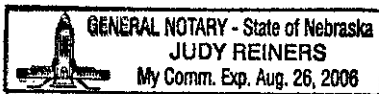
By: E&R Holdings, LLC, an Arizona  
limited liability company, Manager

By: Michael L. Ebert  
Michael L. Ebert, Manager

[illegible]

On June 20, 2007, before me, Fredy D. Perez, a Notary Public in and for said state, personally appeared David Livingston, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



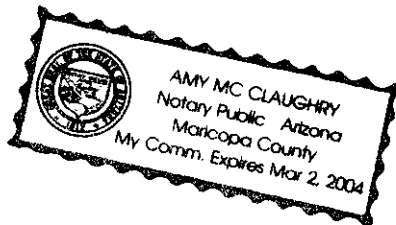
Notary Public in and for said State

STATE OF Arizona,  
COUNTY OF Maricopa ss.

On July 10, 2003, before me, Amy McLaughlin, a Notary Public in and for said state, personally appeared Michael L. Ebert, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public in and for said State



## SCHEDULE 1

Lot 8, Village Pointe, a subdivision in Douglas County, Nebraska.