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20131308

ADAMS COUNTY, NE
FILED
INST NO **20131308**
Date Mar 29, 2013 Time 03:32 PM

Jamie D. Johnson

REGISTER OF DEEDS
ELECTRONICALLY RECORDED

From: *First American Title Ins Co*

NUM Allen Second Sub
RD. COMP x BM 9:37 7/1/13
COMPARE v ah
CADAS COMP

Recording Requested by:
FIRST AMERICAN TITLE

When recorded mail to:

KRISTIN L. BROWN
FIRST AMERICAN TITLE INSURANCE COMPANY
2425 E. CAMELBACK RD #300
PHOENIX, AZ 85016

Escrow No. 593888

CAPTION HEADING: MEMORANDUM OF ASSIGNMENT OF LEASE

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THIS INSTRUMENT PREPARED BY:

Kutak Rock, LLP
1801 California Street, Suite 3100
Denver, CO 80202
Nathan P. Humphrey, Esq.

After recording, mail to:

Kristin L. Brown
First American Title Insurance Company
3425 E. Camelback Road, Suite 300
Phoenix, AZ 85016

MEMORANDUM OF ASSIGNMENT OF LEASE

THIS MEMORANDUM OF ASSIGNMENT OF LEASE (this "Memorandum") is made effective as of March 29, 2013 (the "Effective Date"), by and between **STORE INVESTMENT CORPORATION**, a Delaware corporation, with an address of 8501 E. Princess Drive, Suite 190, Scottsdale, AZ 85255 ("Assignor"), and the **GALE E. BROOKS TRUST** and the **SHERRY K. BROOKS TRUST**, both a trust with an address of 12815 Flint Street, Overland Park, Kansas 66213 (collectively, "Assignee").

1. Assignor, as lessor, and **RMH FRANCHISE CORPORATION**, a Kansas corporation, as lessee ("Lessee"), are parties to that certain Lease Agreement dated as of December 11, 2012 (together with all amendments thereto, the "Lease"), with respect to the lease of certain real property described on Exhibit A attached hereto (the "Property"). Initially capitalized terms not otherwise defined in this Memorandum shall have the meanings set forth in the Lease.

2. Pursuant to the Lease, the Property is leased to Lessee, and in connection therewith, a memorandum of lease evidencing the Lease was recorded on January 3, 2013 at Instrument No. 20130022 in the records of Adams County, State of Nebraska.

3. Pursuant to that certain Assignment and Assumption of Lease dated as of the date hereof (the "Assignment"), by and between Assignor and Assignee, Assignor has assigned all of its right, title and interest under the Lease to Assignee, and Assignee has agreed to be bound by all of the terms and conditions under the Lease from and after the date hereof.

4. Original copies of the Assignment are in the possession of the parties hereto. The Assignment contains other terms not set forth herein but which are incorporated by reference herein for all purposes. This Memorandum is executed for the purpose of placing parties dealing with the Property on notice of the existence of the Assignment and, where appropriate, its contents, and the parties hereto ratify and confirm all other terms of the Assignment as if fully set forth herein. Additional information concerning the terms of the Assignment can be obtained from the parties hereto at the addresses set forth above.

5. This Memorandum is intended for recording purposes only and does not modify, supersede, diminish, add to or change all or any of the terms of the Lease (except as modified by the Assignment) or the Assignment in any respect. In the event of any conflict between the

4850-8130-4339.2
STORE/Brooks
2303 Osborne Drive West, Hastings, NE 68901
File No. 7210/02-81.21

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provisions of this Memorandum and the provisions of the Assignment, the provisions of the Assignment shall control.

6. This Memorandum may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same document.

[Remainder of page intentionally left blank; signature page(s) to follow]


IN WITNESS WHEREOF, Assignor and Assignee have executed this Memorandum as of the Effective Date.

STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

ASSIGNOR:

Signed, sealed and delivered
in the presence of:

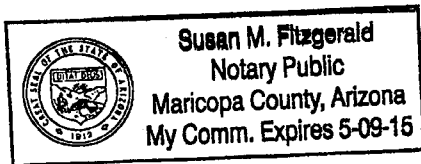
**STORE INVESTMENT CORPORATION, a
Delaware corporation**

By: 
Michael J. Zieg
Executive Vice President

Susan M. Fitzgerald
Printed Name: Susan M. Fitzgerald
Notary Public

5-9-15
My Commission Expires

[NOTARIAL SEAL]



IN WITNESS WHEREOF, Assignor and Assignee have executed this Memorandum as of the Effective Date.

STATE OF Kansas,
COUNTY OF Johnson ss:

Signed, sealed and delivered
in the presence of:

ASSIGNEE:

GALE E. BROOKS TRUST

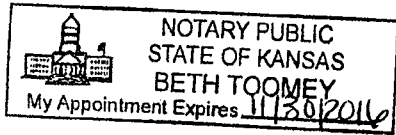
By: [Signature]

Name: GALE E. BROOKS

Title: Trustee

[Signature]
Printed Name: Beth Toomey
Notary Public

11/30/2016
My Commission Expires



[NOTARIAL SEAL]

5.f7

IN WITNESS WHEREOF, Assignor and Assignee have executed this Memorandum as of the Effective Date.

STATE OF Kansas)
COUNTY OF Johnson) ss:

Signed, sealed and delivered
in the presence of:

ASSIGNEE:

SHERRY K. BROOKS

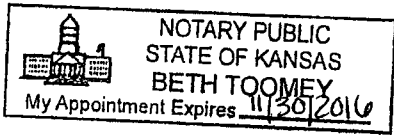
By: Sherry K. Brooks

Name: Sherry K. Brooks

Title: Trustee

Beth Toomey
Printed Name: Beth Toomey
Notary Public

11/30/2016
My Commission Expires



[NOTARIAL SEAL]

EXHIBIT A
PROPERTY

Lot Three (3) Block One (1), Allen Second Subdivision, in the City of Hastings, Adams County, Nebraska.

A-1

4850-8130-4339.2
STORE/Brooks
2303 Osborne Drive West, Hastings, NE 68901
File No. 7210/02-81.21

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