

UPON RECORDATION RETURN TO:
Kum & Go, L.C.
Attn: Nate Allen
6400 Westown Parkway
West Des Moines, IA 50266

File No. 0004 Fee 22.00
Recorded this 2nd day of Jan 20 07
at 8:06 o'clock A.M. Book 197 Page 240
Rosalyn N. Nelson
Recorder, Poweshiek County, Iowa

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made as of December 22, 2006 ("Effective Date"), by and between **DIVERDE REALTY, INC.**, a California corporation with a mailing address of 27363 North 129th Drive, Peoria, AZ 85383 ("Landlord"), and **KUM & GO, L.C.**, an Iowa limited liability company, with a mailing address of 6400 Westown Parkway, West Des Moines, IA 50266 ("Tenant").

In consideration of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid by Tenant to Landlord and the mutual covenants contained in that certain Lease Agreement between the parties hereto dated on even date herewith (hereinafter called the "Lease"), Landlord has leased and does hereby lease to Tenant, and Tenant has leased and does hereby lease from Landlord, upon the terms and conditions set forth in said Lease, the real property more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Premises").

The term of the Lease is twenty (20) years commencing on the Effective Date and ending on December 31 2026. Said Lease provides for options to renew for four (4) five (5) year terms. Tenant shall not allow any mechanic's lien or similar type of lien to be filed against the Premises. Tenant has the first right of refusal to purchase the Premises and an option to purchase the Premises during the term of the Lease and any renewals or extensions thereof upon the terms and conditions set forth in the Lease.

[Signatures on Next Page]

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County, _____ 240

ORIGINAL

IN WITNESS WHEREOF, Landlord and Tenant have executed and sealed this Memorandum of Lease to be effective as of the date first above written.

"LANDLORD"

DIVERDE REALTY, INC., a California corporation

By: *Frank L. Diverde*
Name: FRANK L. DIVERDE
As Its: PRES

STATE OF Iowa
COUNTY OF POIK

This instrument was acknowledged before me on December 11, 2006 by Frank Diverde as President of DiVerde Realty, Inc., a California corporation.



Nicole DePhillips
Notary Public
2/9/2009
My Commission Expires

0000000/000001/871371.3; _____ # _____
County, _____

"TENANT"

KUM & GO, L.C., an Iowa limited liability company

By: James J Brandt
Name: JAMES J. BRANDT
As Its: Vice President

STATE OF IOWA
COUNTY OF Polk

This instrument was acknowledged before me on December 11, 2008 by James Brandt as Vice President of Kum & Go, L.C., an Iowa limited liability company.

Nicole DePhillips
Notary Public

2/9/2009
My Commission Expires



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County, _____

EXHIBIT "A"

Legal Description

Lots 1 and 2, Lang Creek Crossing Plat 1, an Official Plat in the City of Grinnell, Poweshiek County, Iowa, according to the Plat thereof appearing of record in Subdivision Plat Book G, Page 74.

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