



MISC 2006137535



DEC 05 2006 10:20 P 6

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE

12/5/2006 10:20:18.31



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MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made as of this ____ day of July, 2006, by and between **GORDMAN 133RD & ARBOR, LLC**, a Nebraska limited liability company ("Landlord"), and **DAVE & BUSTER'S, INC.**, a Missouri corporation ("Tenant").

RECITALS - site 2

1. Landlord and Tenant are parties to a certain Lease dated as of December 16, 2004, as amended by that certain (i) Lease Amendment Agreement dated March 18, 2005, and (ii) Lease Amendment Agreement dated July 14, 2005 (together, the "Lease").

2. The parties have entered into this Memorandum of Lease for the purpose of recording this Memorandum among the Land Records of Douglas County, Omaha, Nebraska.

NOW, THEREFORE, Landlord and Tenant, in consideration of the mutual promises contained in the Lease and herein, the parties agree and acknowledge that the Lease contains, inter alia, the following provisions:

1. Name and Address of Lessor:

Gordman 133rd & Arbor LLC
444 Regency Parkway Drive, Suite 202
Omaha, NE 68114

2. Name and Address of Tenant:

Dave & Buster's, Inc.
2481 Mañana Drive
Dallas, Texas 78220
Attention: Legal Department

3. Description of the Lease: Lease between Landlord and Tenant dated December 16, 2004, as amended by that certain (i) Lease Amendment Agreement dated March 18, 2005, and (ii) Lease Amendment Agreement dated July 14, 2005.

4. Description of the Demised Premises: The Demised Premises is that portion of the Land described in Exhibit A attached hereto shown on the plan attached as Exhibit B hereto, each said Exhibit being incorporated herein by reference and made a part hereof.

5. Term of Lease:

- (a) Date of Commencement of the Term: June 29, 2005.
- (b) Termination Date of initial Term: June 28, 2020.

After Recording, Mail to: Chicago Title Ins. Co,
171 N. Clark St., 04SP Chicago, IL. 60601
Attn: Leroy R. Berry

6. Renewal Options: Three (3) renewal terms of five (5) years each. The maximum date to which the Lease may be renewed is June 28, 2035.

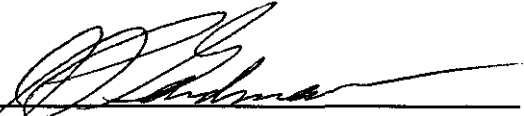
7. Exclusive Use. Tenant has certain rights granted under the Lease to and for exclusive uses.

8. Other Terms. All other terms and conditions are as provided in the Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Lease the day and year first above written.

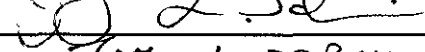
LANDLORD:

GORDMAN 133RD & ARBOR, LLC,
a Nebraska limited liability company

By: 
Name: Jerome P. Gordman
Title: President

TENANT:

DAVE & BUSTER'S, INC.
a Missouri corporation

By: 
Name: J. L. TOBIN
Title: SR. VICE PRESIDENT

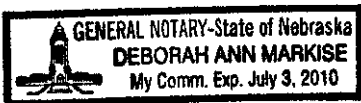
STATE OF Nebraska)

) SS:

COUNTY OF Douglas)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Jerome P. Gordman, whose name as President of **GORDMAN 133RD & ARBOR, LLC**, a Nebraska limited liability company, is signed to the foregoing instrument, who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 20th day of July, 2006.



Deborah Ann Markise (SEAL)
Notary Public
State of Nebraska
My Commission Expires: 7-3-10

STATE OF Texas)
COUNTY OF Dallas) SS.

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Jay L. Tobin, whose name is Senior Vice President of **DAVE & BUSTER'S, INC.**, a Missouri corporation, is signed to the foregoing instrument, who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 11th day of August, 2006.



Sherrri M. Smith (SEAL)
Notary Public
State of Texas
My Commission Expires:

EXHIBIT A

Legal Description

OLD ORCHARD WEST LOT 5 BLOCK 0 IRREG

EXHIBIT B

Site Plan

[to be attached]