



MISC 2012133625



DEC 31 2012 12:35 P 4

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FEE 20.50 FB 60-28098

BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP *[initials]*

DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
12/31/2012 12:35:45.07



2012133625

(The above space for use of Register of Deeds.)

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made as of December 31, 2012 by and between **GORDMAN 133RD & ARBOR, LLC** ("Landlord") and **PF OMAHA #1, LLC**, a New York limited liability company ("Tenant").

WHEREAS, Landlord is the fee simple owner of the real estate legally described as Lot 5, Old Orchard West, an addition to the City of Omaha, Douglas County, Nebraska (the "Real Estate"); and

WHEREAS, Landlord and Tenant entered into that certain Lease dated March 15, 2012 (the "Lease"), pursuant to which Landlord leases to Tenant the portion of the Real Estate depicted as "Planet Fitness" on Exhibit "A" attached hereto (the "Premises"); and

WHEREAS, Landlord and Tenant have agreed to place this Memorandum of Lease of record for purposes of putting all persons on notice of Tenant's rights in the Premises.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, Landlord and Tenant agree as follows:

1. 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. This Memorandum of Lease is a short form of the actual Lease for notice purposes only and is not a complete summary of the Lease. In the event of a conflict between the terms of the Lease and this Memorandum of Lease, the Lease shall prevail. Reference is made to the Lease for a complete description of all matters referenced in this Memorandum of Lease.

2. This Memorandum of Lease shall be governed and construed in accordance with the laws of the State of Nebraska. Initially capitalized terms not otherwise defined herein shall have their respective meanings set forth in the Lease.

-No further text on this page-

Jackie Pueppte  
1500 Woodmen Tower  
1700 Farham St.  
Omaha, NE 68102

26 2865

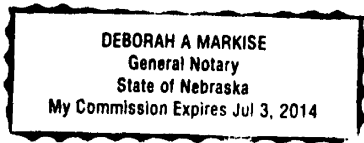
IN WITNESS WHEREOF, parties have executed this instrument as of the date first stated above.

LANDLORD:  
GORDMAN 133RD & ARBOR, LLC

By: [Signature]  
Name: Jerome P. Gorman  
Its: President


STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of December, 2012, by Jerome P. Gorman, the President of Gorman 133rd and Arbor, LLC, a Nebraska limited liability company, on behalf of the company.




Deborah A Markise  
Notary Public

**TENANT:**  
**PF OMAHA #1, LLC**, a New York limited liability company

By:   
Edward A. Alberts, Sole Member

STATE OF NEW YORK     )  
                                  ) ss.  
COUNTY OF Oswego    )

The foregoing instrument was acknowledged before me this 17 day of ~~October~~ <sup>December</sup>, 2012, by Edward A. Alberts, the sole member of PF Omaha #1, LLC, a New York limited liability company, on behalf of the company.

  
Notary Public

EDWARD A. MERVINE  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN OSWEGO CO NO 4966098  
My Commission Expires On April 30, 2014

EXHIBIT A  
DEPICTION OF PREMISES

