

Pottawattamie County, IA 2011-000206
Recorder John Sciortino
Book-Page: 2011-000206
File Time: 01/06/2011 @ 10:13:20 AM
Rec-\$20.00 Aud-\$0.00 RMA-\$1.00 ECM-\$3.00
Current Transfer Tax Paid: \$0.00



R Fee 20.00

A Fee _____

T Tax **COMPARED**

PARCEL #: 7544-36-202-010

SPACE ABOVE FOR RECORDER'S USE

LEGAL DESCRIPTION, page 4

Prepared by, and
after recording return to:

USCOC of Greater Iowa, LLC
c/o Md7, LLC
Attn: Title Office
3721 Valley Centre Drive, Third Floor
San Diego, CA 92130
Phone Number: 858-799-7850
Cell Site Name/Number: Council Bluffs DT/840399
State: Iowa
County: Pottawattamie

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made and entered into as of the 3 day of November, 2010, by and between **405 West Broadway Limited Liability Company**, an Iowa limited liability company, whose address is 514 Walker Street, Woodbine, IA 51579, hereinafter referred to as ("**Landlord**"), and **USCOC of Greater Iowa, LLC**, a Delaware limited liability company, as successor in interest to USCOC of Greater Iowa, Inc., a Pennsylvania corporation, doing business as U.S. Cellular, whose address is Attention: Real Estate, 8410 West Bryn Mawr Avenue, Suite 700, Chicago, Illinois, 60631, hereinafter referred to as ("**Tenant**").

WITNESSETH:

WHEREAS, by the terms of a certain Facilities Space Lease, entered into as of the date in subsection (1) below, as amended by First Amendment to Facilities Space Lease, dated the 3 day of November, 2010 (collectively, the "**Lease**"), the Landlord leased to the Tenant certain property, being more particularly bounded and described as set forth in Exhibit "A" attached hereto and made a part hereof (the "**Premises**"); and

WHEREAS, the Landlord and the Tenant desire to execute this Memorandum of Lease to evidence said Lease and certain of the terms therein for the purpose of placing the same in the real estate records for Pottawattamie County, State of Iowa.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Landlord does hereby lease the Premises to the Tenant upon the terms and conditions of the Lease which is incorporated herein by specific reference, and do agree as follows:

RETURN ENVELOPE

S_0840399
COUNCIL BLUFFS DT

Md7 Capital Three LLC
10590 W Ocean Air Drive
Suite 300
San Diego Ca 92130

IA-MOL

1. On May 23, 2004, the Landlord and Tenant entered into the Lease of the Premises.
2. The term of the Lease commenced on August 1, 2004, and had an original expiration date of August 31, 2009, subject to Tenant's renewal options under the Lease, including the current renewal option, which has been exercised as of the date of this Memorandum.
3. The amounts of rental due and the terms, conditions and rights and remedies of the parties hereto are specifically set forth in the Lease.
4. The Lease contains renewal options to extend the lease for up to six (6) additional five (5) year terms which may be exercised upon the terms and conditions more particularly set forth in the Lease.

IN WITNESS WHEREOF, the Landlord and Tenant hereto have caused this Memorandum of Lease to be executed by their duly authorized officers as of the day and year first above written.

LANDLORD:

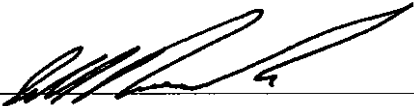
405 West Broadway Limited Liability Company,
an Iowa limited liability company

By: NuStyle Investment Company

By: Tammy Barrett
Tammy Barrett, President

TENANT:

USCOC of Greater Iowa, LLC,
a Delaware limited liability company

By: 

Print Name: Jeff Hoersch

Title: Vice President

STATE OF Iowa)
COUNTY OF Harrison)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that **Tammy Barrett**, known to me to be the same person whose name is subscribed to the foregoing Memorandum of Lease, appeared before me this day in person and acknowledged that she signed the said Memorandum of Lease as her free and voluntary act for the uses and purposes therein stated.

Given under my hand and seal this 26 day of October, 2010.

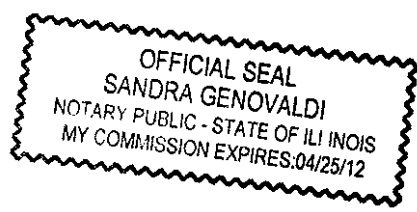


Carrie Murdock
Notary Public
My commission expires 4-6-2012

STATE OF ILLINOIS)
COUNTY OF COOK)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that **JEFF HOERSCH**, Vice President, known to me to be the same person whose name is subscribed to the foregoing Memorandum of Lease, appeared before me this day in person and acknowledged that, pursuant to his authority, he signed the said Memorandum of Lease as his free and voluntary act on behalf of the named Tenant limited liability company, for the uses and purposes therein stated.

Given under my hand and seal this 3 day of November, 2010.



Sandra Genovaldi
Notary Public
My commission expires 4/25/12

Exhibit A

Legal Description of Premises

Street Address: 405 West Broadway, Council Bluffs, IA 51503

Parcel #: 7544-36-202-010

Legal Description:

That certain communications facility site (and easement) located on a portion of the real property described as follows:

Rooftop Space. A 16 foot by 24 foot rooftop space located on the rooftop of the building along with line runs to antennas located at three locations on the rooftop, 405 West Broadway, in Council Bluffs, County of Pottawattamie, State of Iowa (the "Building"), for the placement of Tenant's equipment building. Space sufficient for the placing and affixing of up to twelve (12) antennas.

Being Kellar-Bennett Subdivision O P 176 Lots 1 and 2 and the West 4 inches of 4th Street Adjacent thereto, according to the records of Pottawattamie County, Iowa.