



MISC 2010120439



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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
12/17/2010 11:26:17.00



2010120439

SHORT FORM LEASE

NT-Com. 10052400

40000

Upon recording, return to:

David Burch, Esq.
Paul, Hastings, Janofsky & Walker LLP
600 Peachtree Street, N.E. - Suite 2400
Atlanta, GA 30308

SHORT FORM LEASE

THIS SHORT FORM LEASE is made and entered into as of the ^{14th} day of November, 2009 by and between **FARMERS AND MERCHANTS BANK AND TRUST OF WATERTOWN, SOUTH DAKOTA, AS TRUSTEE OF THE MORTON A. IVES TRUST**, having an address of 35 First Avenue N.E., P.O. Box 877, Watertown, South Dakota 57201-0877, Attn: Richard J. Neill, Vice President/Trust Officer ("Landlord") and **AMERICAN BLUE RIBBON HOLDINGS, LLC**, a Delaware limited liability company, having an address of c/o Fidelity Newport Holdings, LLC, 4050 Calle Real, Suite 210, Santa Barbara, California 93110 (as successor in interest to VICORP Restaurants, Inc., "Tenant");

WHEREAS, Landlord and Tenant entered into that certain Lease Agreement dated as of May 1, 1993, as amended by that certain First Amendment to Lease Agreement, dated as of October 7, 2008 (the "Lease"), for certain real property and improvements located in Douglas County, Nebraska and more particularly described on Exhibit "A", which exhibit is attached hereto and incorporated herein (the "Premises"); and

WHEREAS, Landlord and Tenant desire to record this Short Form Lease as a notification as to the existence of the Lease.

NOW THEREFORE, Landlord and Tenant place the following basic terms of the Lease of record with the Clerk of the Official Public Records of Douglas County, Nebraska.

1. **TERMS AND PREMISES.** For the term commencing on May 1, 1993 and terminating on April 30, 2013, subject to Tenant's renewal rights as set forth in the Lease, and upon the provisions set forth in the Lease, all of which are specifically made a part hereof as fully and completely as if set out in full herein, Landlord leases to Tenant and Tenant leases from Landlord the Premises. The Lease provides for the following renewal options (subject to the satisfaction of certain terms and conditions as set forth in the Lease): two (2) renewal terms of five (5) years.

2. PURPOSE OF SHORT FORM LEASE. This Short Form Lease is prepared for the purposes of recording a notification as to the existence of the Lease but in no way modifies the express and particular provisions of the Lease.

[EXECUTION ON FOLLOWING PAGE]

TENANT:

AMERICAN BLUE RIBBON
HOLDINGS, LLC, a Delaware limited
liability company

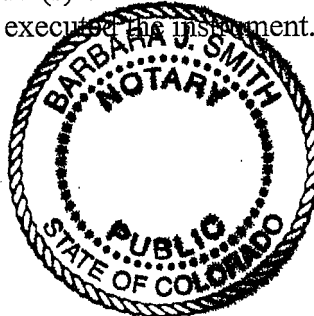
By: *Anita Adams*
Name: Anita Adams
Title: Authorized Person

STATE OF Colorado)
) ss.
COUNTY OF Denver)

On Nov 12th, 2009, before me, the undersigned, Notary Public in and for said State and County, personally appeared Anita Adams, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Barbara J. Smith
Notary Public



My Commission Expires 03/30/2012

[END OF SIGNATURES]

Exhibit A

Legal Description

Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), EXCEPT that part thereof taken for street purposes previously taken, and all of the West 30 feet of Lots Three (3) and Thirty-six (36), together with vacated alley lying between West 30 feet of Lots Three (3) and Thirty-six (36), and between Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Thirty-three (33), Thirty-four (34) and Thirty-five (35), all in Block Four (4), Briggs Place, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.