

Please return a copy to:

Levy Craig Law Firm
Attn: Jeff Bauer
4520 Main Street, Suite 1600
Kansas City, Missouri 64111

AMENDMENT TO MEMORANDUM OF LEASE

This Amendment to Memorandum of Lease is made this 16th day of December, 2022 (the "Effective Date"), by and between **Westroads Investors, LLC**, a Nebraska limited liability company ("Landlord") and **Topgolf USA Omaha, LLC**, a Delaware limited liability company ("Tenant").

RECITALS

A. Landlord and Tenant entered into that certain Lease, dated on or about October 20, 2017, as amended by that certain First Amendment to Lease dated November 16, 2017, as amended by that certain Second Amendment to Lease dated July 31, 2018, as amended by that certain Third Amendment to Lease dated February 25, 2019, as amended by that certain Fourth Amendment to Lease dated June 1, 2020, and as amended by that certain Fifth Amendment to Lease dated December 16, 2022 (the "Fifth Amendment to Lease") (collectively, the "Lease"), whereby Landlord has leased to Tenant, and Tenant has leased from Landlord, that certain real property as more particularly described therein.

B. In connection with the Lease, Landlord and Tenant entered into that certain Memorandum of Lease dated April 2, 2019, recorded as Instrument No. 2020029075 in the Douglas County, Nebraska Register of Deeds.

C. Landlord caused the Center (as defined in the Lease) to be re-platted as set forth on that certain Putt'n Place Replat Two, recorded in the office of the Register of Deeds for Douglas County, Nebraska, on December 6, 2022, as Instrument No. 2022116652 (the "Re-Plat").

D. Pursuant to the Fifth Amendment to Lease, Landlord and Tenant have modified the Lease to redefine the boundary of the Leased Premises and the boundary of the Center consistent with the Re-Plat.

E. Landlord and Tenant desire to amend the Memorandum of Lease to reflect the modification to the legal description of the Leased Premises and the Center.

NOW, THEREFORE, Landlord and Tenant hereby state the following for recording purposes:

1. **Defined Terms.** All capitalized words and terms not defined herein shall have the definitions as set forth in the Memorandum of Lease.

2. **Legal Description and Site Plan of the Leased Premises.** Exhibit A to the Memorandum of Lease is hereby deleted in its entirety and replaced with **Exhibit A-1**, attached hereto. Exhibit C to the Memorandum of Lease is hereby deleted in its entirety and replaced with **Exhibit C-1**, attached hereto. From and after the date of the Fifth Amendment to Lease, the “Leased Premises,” as that term is defined in the Lease, shall mean and refer to that property legally described in **Exhibit A-1**, attached hereto.

3. **Legal Description of the Center.** Exhibit B to the Memorandum of Lease is hereby deleted in its entirety and replaced with **Exhibit B-1**, attached hereto. From and after the date of the Fifth Amendment to Lease, the “Center,” as that term is defined in the Lease, shall mean and refer to that property legally described in **Exhibit B-1**, attached hereto.

4. **Terms of Memorandum of Lease.** Except as otherwise provided in this Amendment, the terms of the Memorandum of Lease are not modified, altered or amended and remain in full force and effect.

5. **Miscellaneous.** This Amendment to Memorandum of Lease has been executed for recording purposes only. In the event of any conflicts between the provisions of this Amendment to Memorandum of Lease and the provisions of the Lease, as amended, the provisions of the Lease, as amended, shall prevail. This Amendment to Memorandum of Lease may be executed with counterpart signature pages or in one or more counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. This Amendment to Memorandum of Lease shall be governed by, and construed under, the laws of the State of Nebraska.

[Signature Pages to Follow]

IN WITNESS WHEREOF, Landlord and Tenant or their authorized representatives or officers have signed this Amendment to the Memorandum of Lease this ____ day of _____, 2022.

TENANT:

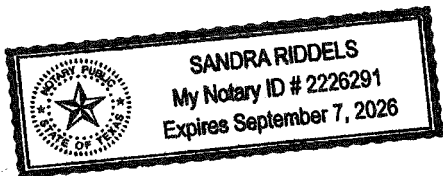
TOPGOLF USA OMAHA, LLC,
a Delaware limited liability company

By: W.D.A
William Davenport, Manager

State of Texas)
County of Dallas)

I, Sandra Riddels, a notary public in and for said County, in the aforesaid State, do hereby certify that William Davenport, Manager of Topgolf USA Omaha, LLC, a Delaware limited liability company and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument, pursuant to authority given to him by said entity, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 12th day of December, 2022.



Sandra Riddels
Notary Public

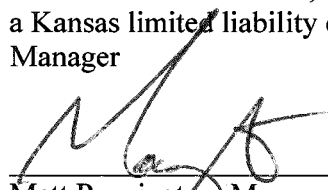
Commission Expires: 9-7-2026

LANDLORD:

WESTROADS INVESTORS, LLC,
a Nebraska limited liability company

By: DRAKE WESTROADS, LLC,
a Nebraska limited liability company
Its: Co-Manager

By: OMAHA INVESTORS, LLC,
a Kansas limited liability company
Its: Manager

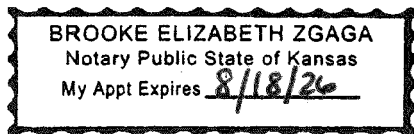


Matt Pennington, Manager
Date: 12/14/22

State of KS)
County of JOHNSON)

I, BROOKE ZGAGA, a notary public in and for said County, in the aforesaid State, do hereby certify that Matt Pennington, Co-Manager of Westroads Investors, LLC, a Nebraska limited liability company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument, pursuant to authority given to him by said entity, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 14 day of DECEMBER, 2022.





Notary Public

Commission Expires: AUGUST 18, 2026

By: WOODSONIA 730-908 N. 102nd, LLC,
a Nebraska limited liability company

Its: Co-Manager

By: DREW SNYDER REAL ESTATE, LLC,
a Kansas limited liability company

Its: Manager

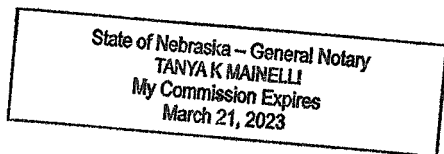
Drew Snyder
Drew Snyder, Manager

Date: 12-16-22

State of Nebraska)
County of Douglas)

I, Tanya K Mainelli, a notary public in and for said County, in the aforesaid State, do hereby certify that Drew Snyder, Co-Manager of Westroads Investors, LLC, a Nebraska limited liability company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument, pursuant to authority given to him by said entity, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 16 day of December, 2022.



Tanya K Mainelli
Notary Public

Commission Expires: March 21, 2023

EXHIBIT A-1

LEGAL DESCRIPTION OF THE LEASED PREMISES
(a portion of Lot 1 of the Plat Recorded in 2018)

PART OF LOT 1, PUTT'N PLACE, LOTS 1, 2, 3 AND OUTLOT "A", ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON MAY 13, 2018, AS INSTRUMENT NO. 2018033180 TOGETHER WITH PART OF LOTS 1 AND 2, PUTT'N PLACE REPLAT ONE, LOTS 1 AND 2, ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON SEPTEMBER 5, 2019, AS INSTRUMENT NO. 2019072237 TOGETHER WITH PART OF LOT 1, H & H WESTROADS, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON MAY 6, 2019, AS INSTRUMENT NO. 201902858, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF LOT 1, PUTT'N PLACE;

THENCE EAST (ASSUMED BEARING) 868.51 FEET ON THE NORTH LINE OF SAID LOT 1;

THENCE SOUTHEASTERLY ON A 231.50 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S07°56'56"E, CHORD DISTANCE 64.00 FEET, AN ARC DISTANCE OF 64.21 FEET;

THENCE SOUTH 277.61 FEET TO THE NORTH LINE OF LOT 1, PUTT'N PLACE REPLAT ONE;

THENCE WEST 65.81 FEET ON THE NORTH LINE OF SAID LOT 1;

THENCE SOUTHWESTERLY ON THE NORTH LINE OF SAID LOT 1 ON A 375.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S81°38'24"W, CHORD DISTANCE 109.04 FEET, AN ARC DISTANCE OF 109.43 FEET;

THENCE S73°16'48"W 52.44 FEET ON THE NORTH LINE OF SAID LOT 1;

THENCE SOUTH 203.00 FEET ON A LINE 278.00 FEET WEST OF AND PARALLEL WITH THE EAST LINES OF SAID LOTS 1 AND 2 OF PUTT'N PLACE REPLAT ONE;

THENCE WEST 132.00 FEET; THENCE SOUTH 30.00 FEET;

THENCE WEST 344.65 FEET;

THENCE NORTH 40.94 FEET TO THE SOUTH LINE OF SAID LOT 1, PUTT'N PLACE

THENCE WEST 73.15 FEET ON THE SOUTH LINE OF SAID LOT 1 TO THE SW CORNER THEREOF;

THENCE NORTHWESTERLY ON A 1025.92 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N19°18'30"W, CHORD DISTANCE 201.14 FEET, AN ARC DISTANCE OF 201.46 FEET;

THENCE N05°39'19"W 376.00 FEET ON THE WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

CONTAINING 10.155 ACRES

ALSO KNOWN AS (AFTER REPLAT IS RECORDED):

LOT 1, PUTT'N PLACE REPLAT TWO, LOTS 1, 2 AND 3, ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON DECEMBER 6, 2022, AS INSTRUMENT NO. 2022116652, BEING A REPLATTING OF LOT 1, PUTT'N PLACE, LOTS 1, 2, 3 AND OUTLOT "A", ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON MAY 13, 2018, AS INSTRUMENT NO. 2018033180, LOT 1 AND LOT 2, PUTT'N PLACE REPLAT ONE, LOTS 1 AND 2, ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON SEPTEMBER 5, 2019, AS INSTRUMENT NO. 2019072237, A PORTION OF LOT 1, H&H WESTROADS, LOTS 1 AND 2, ALL SUBDIVISIONS IN DOUGLAS COUNTY, NEBRASKA, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON MAY 6, 2019, AS INSTRUMENT NO. 201902858, EXCEPT THAT PART OF SAID THAT PART OF LOT 1, PUTT'N PLACE REPLAT TWO, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 1; THENCE S 02°44'15"E (ASSUMED BEARING) 237.36 FEET ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH 103.91 FEET ON THE EAST LINE OF SAID LOT 1 TO THE SE CORNER THEREOF; THENCE WEST 54.00 FEET ON THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 277.61 FEET ON A LINE 54.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 1; THENCE NORTHWESTERLY ON A 231.50 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N 07°56'56"W, CHORD DISTANCE 64.00 FEET, AN ARC DISTANCE OF 64.21 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE EAST 51.52 FEET ON THE NORTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

CONTAINING 10.155 ACRES

EXHIBIT B-1

LEGAL DESCRIPTION OF THE CENTER

(Lots 1 and 2 of the Re-Plat and Outlot "A" of the Plat Recorded in 2018)

LOTS 1 AND 2, PUTT'N PLACE REPLAT TWO, LOTS 1, 2 AND 3, ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON DECEMBER 6, 2022, AS INSTRUMENT NO. 2022116652, BEING A REPLATTING OF LOT 1, PUTT'N PLACE, LOTS 1, 2, 3 AND OUTLOT "A", ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON MAY 13, 2018, AS INSTRUMENT NO. 2018033180, LOT 1 AND LOT 2, PUTT'N PLACE REPLAT ONE, LOTS 1 AND 2, ALL SUBDIVISIONS IN DOUGLAS COUNTY, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON SEPTEMBER 5, 2019, AS INSTRUMENT NO. 2019072237, A PORTION OF LOT 1, H&H WESTROADS, LOTS 1 AND 2, ALL SUBDIVISIONS IN DOUGLAS COUNTY, NEBRASKA, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON MAY 6, 2019, AS INSTRUMENT NO. 201902858; AND

OUTLOT "A", PUTT'N PLACE, LOTS 1, 2, 3 AND OUTLOT "A", A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DOUGLAS COUNTY, NEBRASKA, ON MAY 13, 2018, AS INSTRUMENT NO. 2018033180.

CONTAINING 12.308 ACRES

EXHIBIT C-1

Site Plan

