



BK 1494 PG 258-262

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

2003 FEB 18 PM 3: 32



MISC 2003 05572

RECEIVED

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
THOMAS A. TAK, ESQ.
MARSHALLS OF MA., INC.
770 COCHITUATE ROAD
FRAMINGHAM, MA 01701

AMENDMENT TO MEMORANDUM OF LEASE

THIS AMENDMENT TO MEMORANDUM OF LEASE, made and entered into as of this 31st day of January, 2003, by and between MONTCLAIR INVESTMENT II CO., a Nebraska general partnership (the "Landlord"), and MARSHALLS OF MA, INC., a Massachusetts corporation (the "Tenant"), provides:

WHEREAS, Landlord and Tenant entered into a certain Memorandum of Lease, dated as of June 14, 2002 (the "Memorandum of Lease"), to evidence the Lease dated June 14, 2002, wherein Landlord leased to Tenant certain premises (the "Premises"), located within a shopping center known as the Montclair Shopping Center (the "Shopping Center") located at the south-east corner of the intersection of 132nd Street and West Center Road in Omaha, Nebraska, which Memorandum of Lease was recorded with the Register of Deeds for Douglas County, Nebraska on June 19, 2002 at Book 1445, Page 709; and

more particularly described on Exhibit A attached hereto,

WHEREAS, Landlord and Tenant desire to amend the Memorandum of Lease as hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree that the Memorandum of Lease is hereby amended as follows:

1. Section 4 of the Memorandum of Lease is hereby deleted in its entirety and the following provision shall be substituted in lieu thereof: "The Commencement Date of the Lease is October 10, 2002."
2. Except as hereinabove set forth, all other terms and conditions of the Memorandum of Lease shall remain in full force and effect.

SIGNATURES APPEAR ON NEXT PAGE

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IN WITNESS WHEREOF, the parties hereto have executed this Memorandum pursuant to due authorization.

WITNESSES AS TO BOTH:

Marillyn Natson

MONTCLAIR INVESTMENT II CO.,
a Nebraska general partnership
By: The Silverman Children's Trust,
General Partner

By: Theodore M. Seldin
Name: Theodore M. Seldin
Title: Trustee

WITNESSES AS TO BOTH:

Kim Keras

Karen McAnera

MARSHALLS OF MA., INC.,
A Massachusetts corporation

By: Jay H. Meltzer
Jay H. Meltzer, Secretary/Clerk

By: Mary B. Reynolds
Mary B. Reynolds, Treasurer

LANDLORD'S ACKNOWLEDGMENT

STATE OF Nebraska)
) SS.
CITY/COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 31st day of January, 2003 by Theodore M. Seldin as trustee and Partner of Montclair Investment II Co. of Silverman Children's Trust, on behalf of the partnership.



Cindy M. Weese
Notary Public
My Commission Expires: 9-5-05

TENANT'S ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS)
) SS.
COUNTY OF MIDDLESEX)

The foregoing instrument was acknowledged before me this 21st day of January 2002 by Jay H. Meltzer and Mary B. Reynolds, Secretary/Clerk and Treasurer, respectively, of MARSHALLS OF MA., INC., on behalf of the corporation.

Erica J. Zilembo
Notary Public
My Commission Expires:

ERICA J. ZILEMBO
Notary Public
My Commission Expires
October 18, 2007



EXHIBIT A

MONTCLAIR CENTER Legal Description

LOT 1, BLOCK 1, in WESTWOOD HEIGHTS 15th Addition, an Addition to the City of Omaha, Douglas County, Nebraska, except that part described in Plat and Dedication filed July 10, 1969 in Book 478 at Page 265 of the Miscellaneous Records of Douglas County, Nebraska, together with those parts of vacated 132nd Street frontage road and vacated West Center Road frontage road adjacent to said Lot 1, all **except** those parcels described as follows:

Commencing at the Southeast corner of said Lot 1, Block 1, said point being on the Northerly right of way line of Augusta Avenue; thence Northwesterly along the Northerly right of way line of said Augusta Avenue on a curve to the left (having a radius of 530.00 feet) for an arc distance of 160.34 feet; thence South 89°54'16" West on the Northerly right of way line of said Augusta Avenue for 675.54 feet; thence continuing on said Northerly right of way line of Augusta Avenue along a curve to the left (having a radius of 240.00 feet) for an arc distance of 107.98 feet to the True Point of Beginning; thence North 30°57'06" West for 46.77 feet; thence North 89°59'16" West for 166.18 feet to the East right of way line of the frontage road; thence South 00°00'44" West along said East right of way line for 15.30 feet; thence continuing on said East right of way line along a curve to the left (having a radius of 83.50 feet and long chord bearing South 16°48'55" East for 48.34 feet) an arc distance of 49.05 feet; thence continuing on said East right of way line along a curve to the right (having a radius of 116.50 feet and long chord bearing South 20°31'04" East for 52.91 feet) an arc distance of 53.37 feet; thence continuing on said East right of way line South 32°31'47" East for 20.09 feet to the Northerly right of way line of Augusta Avenue; thence Easterly on said Northerly right of way line along a curve to the left (having a radius of 190.00 feet and a long chord bearing North 61°45'39" East for 98.73 feet) an arc distance of 99.88 feet; thence continuing on said Northerly right of way line along a curve to the right (having a radius of 240.00 feet and long chord bearing North 55°24'50" East for 72.71 feet) an arc distance of 72.99 feet to the True Point of Beginning;

and **except**;

Commencing at the Southeast corner of said Lot 1, Block 1, said point being on the Northerly right-of-way line of Augusta Avenue; thence Northwesterly on the Northerly right-of-way line of Augusta Avenue on a curve to the left (radius being 530.00 feet), 160.34 feet to a point of tangency; thence South 89°54'16" West on the Northerly right-of-way line of said Augusta Avenue, 675.54 feet to a point of curve; thence Southwesterly on the Northerly right-of-way line of said Augusta Avenue on a curve to the left (radius being 240.00 feet), 107.98 feet; thence North 30°57'06" West, 46.77 feet to the True Point of Beginning; thence continuing North 30°57'06" West, 4.64 feet; thence North 89°59'16" West, 163.76 feet to the East right-of-way line of the frontage road; thence South 00°00'44" West along said East right-of-way line for 3.98 feet; thence South 89°59'16" East for 166.18 feet to the Point of Beginning.

and further **except**;

Commencing at the Southeast corner of said Lot 1, Block 1, said point being on the Northerly right of way line of Augusta Avenue; thence Northwesterly on the Northerly right of way line of said Augusta Avenue on a curve to the left (radius being 530.00 feet), 160.34 feet to a point of tangency; thence South 89°54'16" West on the Northerly right of way line of said Augusta

Avenue, 675.54 feet to a point of curve; thence Southwesterly on the Northerly right of way line of said Augusta Avenue on a curve to the left (radius being 240.00 feet), 107.98 feet; thence North 30°57'06" West, 54.36 feet to the point of beginning; thence continuing North 30°57'06" West, 82.05 feet; thence North 89°59'16" West, 120.00 feet; thence South 0°0'44" West, 70.36 feet; thence South 89°59'16" East, 162.22 feet to the point of beginning.

and further **except**;

Commencing at the Southeast corner of said Lot 1, Block 1, said point being on the Northerly R.O.W. line of Augusta Avenue; thence Northwesterly along said Northerly R.O.W. line of Augusta Avenue on a curve to the left (having a radius of 530.00 feet) for an arc distance of 160.34 feet; thence S 89°54'16" W on the Northerly R.O.W. line of said Augusta Avenue for 675.54 feet; thence continuing on said Northerly R.O.W. line of Augusta Avenue along a curve to the left (having a radius of 240.00 feet) for an arc distance of 107.98 feet; thence N 30°57'06" W for 51.41 feet to the true point of beginning; thence N 30°57'06" W for 2.95 feet; thence N 89°59'16" W for 162.22 feet to the East R.O.W. line of the frontage road; thence S 0°00'44" W along said East R.O.W. line for 2.25 feet; thence S 89°59'16" E for 163.76 feet to the true point of beginning.

All together with non-exclusive easement rights granted by that certain Reciprocal Easement Agreement dated September 10, 1997, filed September 18, 1997 in Book 1222 at Page 575 of the Miscellaneous Records of Douglas County, Nebraska.