

37-620

REGISTER OF DEEDS 325

AGREEMENT made and entered into this 8th day of December, 1966, by and between E. JOHN BRANDEIS TRUST, a trust organized under the laws of the State of Nebraska, ALAN BAER and J. D. DIESING, Trustees, with offices at 16th and Douglas Streets, Omaha, Nebraska, hereinafter called the "Landlord", and J. C. PENNEY COMPANY, INC., a Delaware corporation with offices at No. 1301 Avenue of the Americas, New York, N. Y. 10019, hereinafter called the "Tenant",

WITNESSETH: That

WHEREAS, by indenture of lease dated May 3, 1965, a memorandum of which was recorded in the Office of the Register of Deeds in Sarpy County, Nebraska on October 11, 1965, in Book 35 of Misc. Records at Page 696, Landlord demised and leased unto Tenant certain premises at Southroads Shopping Center, U. S. Highway 73-75, between Brewster Roads and Childs Road, Sarpy County, Nebraska, more particularly described in said lease, for a term commencing as of the date Tenant opens for business therein and continuing thereafter to and including the date twenty (20) years from the first day of the first month immediately following such commencement date, unless sooner terminated or extended as provided therein.

WHEREAS, Tenant opened for business in the demised premises on October 12, 1966.

NOW, THEREFORE, the parties hereto agree as follows:

1. The term of said lease commenced on October 12, 1966, and shall continue until October 31, 1986, unless sooner terminated or extended as provided therein.
2. The first "lease year" shall be considered to commence on November 1, 1966, and to expire on October 31, 1967, and all subsequent lease years shall begin and terminate on the same dates in subsequent years.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed the day and year first above written.

E. JOHN BRANDEIS TRUST

By Alan Baer  
Alan Baer (Trustee)

By J. D. Diesing  
J. D. Diesing (Trustee)

J. C. PENNEY COMPANY, INC.  
By V. J. ...  
Vice President

ATTEST:  
By Elizabeth M. Smith  
Assistant Secretary

2908

37-609

STATE OF  
COUNTY OF

} ss.:

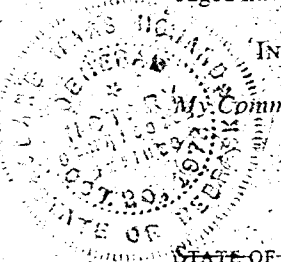
On this the 14<sup>th</sup> day of DECEMBER, 1966, before me, a Notary Public duly authorized in and for the said County in the State aforesaid to take acknowledgments, personally appeared Alan Baer and J. D. Diesing, as Trustees of the E. John Brandeis Trust known to me to be the person(s) who subscribed to the foregoing instrument and acknowledged having executed the same as a free and voluntary act for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

20 1972

*[Signature]*  
Notary Public



STATE OF  
COUNTY OF

} ss.:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, a Notary Public duly authorized in and for the said County in the State aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ residing at \_\_\_\_\_ to me known and known to me to be \_\_\_\_\_ President of \_\_\_\_\_, one of the corporations described in the foregoing instrument, and acknowledged that as such officer, being authorized so to do, he executed the foregoing instrument on behalf of said corporation by subscribing the name of such corporation by himself as such officer and caused the corporate seal of said corporation to be affixed thereto, as his free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

*[Signature]*  
Notary Public

STATE OF NEW YORK  
COUNTY OF NEW YORK

} ss.:

On this the 19th day of December, 1966, before me, a Notary Public duly authorized in and for the said County in the State aforesaid to take acknowledgments, personally appeared Oakley S. Evans residing at Darien, Connecticut to me known and known to me to be a Vice-President of J. C. PENNEY COMPANY, INC., one of the corporations described in the foregoing instrument, and acknowledged that as such officer, being authorized so to do, he executed the foregoing instrument on behalf of said corporation by subscribing the name of said corporation by himself as such officer and caused the corporate seal of said corporation to be affixed thereto, as his free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

*[Signature]*  
Notary Public

PETER J. LANE  
Notary Public State of New York  
No. 31-7419185  
Qualified in New York County  
Commission Expires March 20, 1972