

**AGREEMENT TO TERMINATE LEASE**

THIS AGREEMENT TO TERMINATE LEASE ("Agreement") is made and entered into as of the 9<sup>th</sup> day of June, 1993, by and between PHILLIP G. RUFFIN, a/k/a PHIL G. RUFFIN, a/k/a PHIL RUFFIN ("Ruffin") and THE TOWN AND COUNTRY FOOD MARKETS, INC., a Kansas corporation ("T&C").

**RECITALS**

1. Ruffin is the owner of certain real properties located in Kansas, Missouri, Nebraska and Oklahoma. Ruffin owns forty-three (43) freestanding buildings located on some of these properties, which buildings are leased to T&C for operation as convenience stores. Ruffin owns fifteen (15) additional properties, a portion of each of which is leased to T&C for the operation of convenience stores, and which also include either additional real property leased to third parties, other than T&C, or are part of a larger tract of real property. Those portions of each additional property that are not leased to T&C are referred to as "Excluded Properties." The fifty-eight (58) real properties and buildings leased to T&C are specifically described in Exhibit "A" attached hereto. The Excluded Properties may also be partially described on Exhibit "A" hereto.

2. The properties referred to in paragraphs 1 above are leased by Ruffin to T&C under various leases with varying commencement and termination dates.

3. The parties desire to cancel and terminate said leases upon the terms and conditions herein provided.

NOW, THEREFORE, in consideration for the mutual covenants of the respective parties hereto, it is agreed:

1. T&C surrenders possession, to Ruffin, of the premises described in Exhibit A

attached hereto.

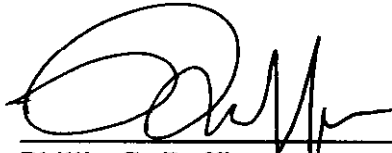
2. Ruffin accepts the surrender thereof as of the date of the execution of this Agreement, and the said leases shall be and the same are hereby cancelled and terminated.

3. T&C hereby releases Ruffin from any and all claims that T&C may have against Ruffin for any manner or anything arising out of the said leases and T&C's use and occupancy thereunder.


4. Ruffin hereby releases T&C from any and all future obligations that T&C may have had under said leases.

5. T&C agrees to surrender the premises to Ruffin at 6:59 a.m. on the 9th day of June, 1993.

IT WITNESS WHEREOF the parties have executed this Agreement on the day and year set forth above.

  
\_\_\_\_\_  
Phillip G. Ruffin  
a/k/a Phil G. Ruffin  
a/k/a Phil Ruffin

THE TOWN AND COUNTRY FOOD MARKETS, INC.,  
a Kansas corporation

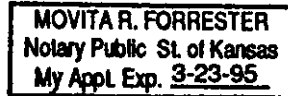
  
By \_\_\_\_\_  
Phillip G. Ruffin, President

STATE OF KANSAS            )  
                                       ) ss:  
 COUNTY OF SEDGWICK )

BEFORE ME, a Notary Public in and for said County and State, personally appeared Phillip G. Ruffin, individually and as President of The Town and Country Food Markets, Inc., a Kansas corporation, who respectively acknowledged execution of the foregoing Agreement to Terminate Lease for his own behalf and for and on behalf of The Town and Country Food Markets, Inc., and who, having been duly sworn, states that the representations therein contained are true.

WITNESS my hand and notarial seal this 9th day of June, 1993.

Movita R. Forrester  
 Notary Public



My Commission Expires:  
March 23, 1995

**EXHIBIT A**

**LEGAL DESCRIPTION**

The following is the legal description for that certain real estate situated in the City of Omaha, County of Douglas, State of Nebraska, to-wit:

Lots 5 and 6, in Block 4, in WEST LAWN PARK ADDITION, an Addition to the City of Omaha, as surveyed, platted, and recorded, in Douglas County, Nebraska.

55-42700

Known and numbered as 6221 Center Street, Omaha, Nebraska, 68107.

EXHIBIT A

LEGAL DESCRIPTION

The following is the legal description for that certain real estate situated in the City of Omaha, County of Douglas, State of Nebraska, to-wit:

04-81000

Lot 10, in Block 93, in SOUTH OMAHA, now a part of the City of Omaha, as surveyed, platted, and recorded, in Douglas County, Nebraska.

Known and numbered as 4215 S. 24th Street,  
Omaha, Nebraska 68107.

TOWN & COUNTRY: #1873/53

EXHIBIT A

LEGAL DESCRIPTION

The following is the legal description for that certain real estate situated in the City of Omaha, County of Douglas, State of Omaha, to-wit:

10-30940

That part of Lots 1, 2, 3, 4 and 5, in Block 14, in POPPLETON PARK ADDITION, an Addition to the City of Omaha, in Douglas County, Nebraska, described as follows: Beginning at the point of intersection of the Southerly R. O. W. line of California Street and the East R. O. W. line of the Omaha Beltline Railway; thence Easterly on the Southerly R. O. W. line of California Street on the following described courses; thence S  $89^{\circ} 01' 20''$  E (assumed bearing), 36.75 feet; thence S  $00^{\circ} 58' 40''$  W, 1.00 foot; thence S  $74^{\circ} 59' 37''$  E, 36.59 feet; thence S  $61^{\circ} 01' 01''$  E, 27.58 feet; thence S  $86^{\circ} 47' 36''$  E, 24.55 feet to a point on the West line of the Derby Refining Company property as recorded in Deed Book 1627 Page 316 in the Douglas County Register of Deeds; thence S  $01^{\circ} 47' 20''$  W on the West line of said Derby Refining Company property, 171.09 feet; thence N  $89^{\circ} 29' 00''$  W, 115.37 feet to a point on the East R. O. W. line of said Omaha Railway, 195.80 feet to the point of beginning.

Known and numbered as 530 N. Saddle Creek Road, Omaha, Nebraska 68131.

EXHIBIT A

LEGAL DESCRIPTION

The following is the legal description for that certain real estate situated in the City of Omaha, County of Douglas, State of Nebraska, to-wit:

23-05660

The East 190 feet of Sublot 1 of Lots 5 and 6, and the East 54 feet of the North 10 feet of Sublot 8 of Lot 6, and the East 14 feet of Sublot 10 of Lot 6, in CAPITOL ADDITION, an Addition to the City of Omaha, as surveyed, platted, and recorded, in Douglas County, Nebraska.

Known and numbered as 2431 Farnam Street, Omaha, Nebraska 68131.

## EXHIBIT A

LEGAL DESCRIPTION

The following is the legal description for that certain real estate situated in the City of Omaha, County of Douglas, State of Nebraska, to-wit:

35-15-12 01-60000 NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> 8

A tract of land located in the Southwest Quarter of Section 35, Township 15 North, Range 12 East of the 6th P.M., in Douglas County, Nebraska, more particularly described as follows: Commencing at the West Quarter corner of said Section 35-15-12; thence South 00°05' West (assumed bearing) along the West line of the Southwest Quarter of said Section 35 a distance of 48 feet; thence South 81°08' East a distance of 97.5 feet; thence South 11°59' East a distance of 112.4 feet along the Northeasterly right-of-way line of Interstate Highway No. 80 interchange to a point of curvature of a 3.1661° curve; thence along said 3.1661° curve (with the Northerly tangent bearing of South 08°52' West) to the left for a distance of 271.25 feet to a point of tangency; thence South 89°43' East, perpendicular to the tangent line of said 3.1661° curve a distance of 37.00 feet to a point; thence North 00°17'00" East a distance of 81.87 feet to the point of beginning; thence continuing North 00°17'00" East a distance of 106.70 feet; thence South 81°11'15" East a distance of 119.18 feet; thence North 60°33'45" East a distance of 56.25 feet; thence North 08°48'45" East a distance of 42.00 feet to a point on the Southerly bank of the Big Papillion Creek, thence South 52°21'10" East along said Southerly bank of the Big Papillion Creek a distance of 46.64 feet; thence South 00°14'42" West a distance of 130.00 feet; thence North 89°45'18" West a distance of 210.10 feet to the point of beginning;

EXCEPT,

A tract of land located in part of the Southwest One-Quarter of Section 35, Township 15 North, Range 12 East of the 6th P.M., in Douglas County, Nebraska, described as follows: Commencing at the West One-Quarter corner of said Section 35; thence South 02°08'42" East (assumed bearing) along the West line of said Southwest One-Quarter and along the centerline of 84th Street 255.14 feet; thence North 87°51'18" East 135.85 feet; thence South 83°30'20" East 119.18 feet; thence North 58°13'02" East 23.16 feet to the point of beginning; thence continuing North 58°13'02" East 33.09 feet; thence North 06°23'37" East 41.99 feet to the Southerly bank of the Big Papillion Creek; thence South 54°34'21" East along said Southerly bank 46.43 feet; thence South 02°04'07" East 107.39 feet to a point on the proposed Southwesterly right-of-way line of said Big Papillion Creek; thence along said proposed Southwesterly right-of-way line on the following two described courses; (1) North 45°58'32" West 51.34 feet; (2) thence North 43°39'09" West 54.46 feet to the point of beginning.

Known and numbered as 3507 S. 84th Street,  
Omaha, Nebraska 68124.

TOWN & COUNTRY: #1892/74



## EXHIBIT A

LEGAL DESCRIPTION

The following is the legal description for that certain real estate situated in the City of Omaha, County of Douglas, State of Nebraska, to-wit:

20-38400

Lot 1, in Block 2, in THORNBURG PLACE, EXCEPT the North five feet of the West five feet deeded to the City of Omaha, an addition to the City of Omaha, as surveyed, platted, and recorded, in Douglas County, Nebraska.

Known and numbered as 4103 Leavenworth Street, Omaha, Nebraska 68105.

RECEIVED  
JUN 21 2 06 PM '93  
GEORGE J. BUGLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

UM 16682 1079 ~~48447~~  
CASH BK R FB  
TYPE MISC PG 394-402 COMP C/O SCAN KV  
FEE 5130 OF MISC LEGL PG 402 MC    FV