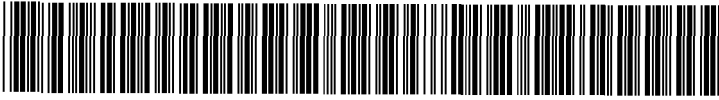


MISC 2013087768



AUG 27 2013 11:13 P 4

Fee amount: 28.00
FB: 43-03460
COMP: CC

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
08/27/2013 11:13:48.00



2013087768

RECORD AND WHEN
RECORDED RETURN TO:

Ms. Kristin Brown
First American Title Insurance Company
2425 E. Camelback Road, Suite 300
Phoenix, Arizona 85016
NCS-605921 NE03

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

MEMORANDUM OF ASSIGNMENT AND ASSUMPTION OF LEASE DOCUMENTS

THIS MEMORANDUM OF ASSIGNMENT AND ASSUMPTION OF LEASE DOCUMENTS ("*Memorandum*") is effective as of July 31, 2013 (the "*Effective Date*"), between GE CAPITAL FRANCHISE FINANCE CORPORATION, a Delaware corporation, whose address is 450 South Orange Avenue, Suite 1100, Orlando, Florida 32801-3336 ("*Assignor*"), and ARC CAFEUSA001, LLC, a Delaware limited liability company, whose address is 106 York Road, Jenkintown, PA 19046 ("*Assignee*").

A. Assignor is the landlord under the Lease dated December 28, 2006 (together with any guaranty(ies) thereof, and any amendments, supplements or assignments thereto, the "*Lease*"), between Assignor, as landlord, and Eat Out Now, Inc., a Nebraska corporation (the "*Tenant*"), as evidenced by that certain Memorandum of Lease recorded on January 9, 2007, in Instrument No. 2007003345, Official Records, Douglas County, Nebraska (as amended and assigned, the "*Memorandum*"), whereby Assignor leased to Tenant the real property and improvements more particularly described in the Memorandum.

B. Assignor and Assignee have entered into an Assignment and Assumption of Lease Documents ("*Agreement*"), of even date herewith, and hereby incorporate the terms and conditions of the Agreement as if set forth in full herein, and record this Memorandum to serve as constructive notice of the terms and conditions of the Agreement, with the intent that such Agreement be binding on all successors or assigns of Assignor and Assignee.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Assignor and Assignee have executed this Memorandum as of the Effective Date.

ASSIGNOR:

GE CAPITAL FRANCHISE FINANCE CORPORATION, a Delaware corporation

By: *Carolyn Craft Martin*
Printed Name: Carolyn Craft Martin
Its Vice President

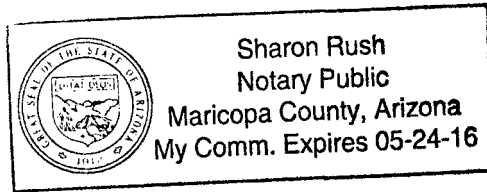
STATE OF ARIZONA)
) SS.
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me on June 19, 2013 by Carolyn Craft Martin, Vice President of GE Capital Franchise Finance Corporation, a Delaware corporation, on behalf of the corporation.

Sharon Rush
Notary Public

My Commission Expires:

May 24, 2016




ASSIGNEE:

ARC CAFEUSA001, LLC, a Delaware limited liability company

By: American Realty Capital Operating Partnership IV, L.P., a Delaware limited partnership

Its: Sole Member

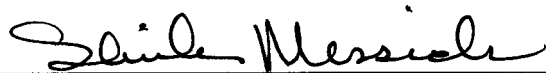
By: 

Printed Name: O. Akomea Poku-Kankam

Its: Authorized Signatory

STATE OF NORTH CAROLINA)
) SS.
COUNTY OF MECKLENBURG)

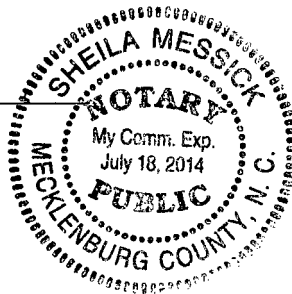
The foregoing instrument was acknowledged before me on 7-25, 2013 by O. Akomea Poku-Kankam, the Authorized Signatory of American Realty Capital Partnership IV, L.P., a Delaware limited partnership, the Sole Member of ARC CAFEUSA001, LLC, a Delaware limited liability company, on behalf of the company.



Notary Public

My Commission Expires:

7.18.14



Legal Description

Real property in the City of Omaha, County of Douglas, State of Nebraska, described as follows:

The North 122 feet of Lot 5 and the South 10 feet of Lot 5, and all of Lot 6, except the South 17 feet thereof, in Block 14, Bensonvale Acres, an Addition to the City of Omaha, in Douglas County, Nebraska.