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CLERK OF DEEDS
LUCAS COUNTY, OH

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DEL	<u>45</u>	SCAN	<u>12</u> FV <u>OO</u>

Temp. 12.4.01

(#41)

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE (the "Memorandum") is dated as of the 30 day of ~~December~~ December 2002, and is by and between **E. ROBERT NEWMAN, TRUSTEE** and **MURRAY H. NEWMAN, TRUSTEE**,* having an address at 10050 Regency Circle, Suite 212, Omaha, NE 68114, ("Landlord") and **BURGER KING CORPORATION**, a Florida corporation, whose mailing address is 5505 Blue Lagoon Drive, P.O. Box 020783, Miami, Florida, 33102-0783 ("Tenant").

*and as an individual

Pursuant to that certain unrecorded Land and Building Lease dated as of December 30, 2002 (the "Lease"), between Landlord and Tenant, Landlord has leased, to Tenant, and Tenant has leased, from Landlord, the following described property, lying and being in the City of Omaha, County of Douglas, State of Nebraska, being more legally described on EXHIBIT "A", annexed hereto and made a part hereof.

The purpose of this Memorandum is for giving of record notice of the Lease.

The Lease is now in effect for a term commencing as stated in the Lease and expiring twenty (20) years thereafter, unless sooner terminated in accordance with the provisions thereof, with respect to termination by default, or for other causes; that the Lease itself contains the contract of leasing and otherwise between the parties, including the amount of rent, times when said rent shall be paid, and other provisions and covenants as regulate and govern the relationship between the parties; and all persons are hereby put on notice of the existence of the Lease and are referred to the Lease itself for its terms and conditions.

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#41

T-0249396

IN WITNESS WHEREOF, Lessor and Lessee have executed this Memorandum of Lease under seal as of the date first above written.

WITNESSES:

E. Robert Newman
E. Robert Newman, ~~Trustee~~

Murray H. Newman
Murray H. Newman, Trustee

Murray H. Newman LANDLORD
Murray H. Newman

26th IN WITNESS WHEREOF, Tenant has caused the Lease to be executed and sealed this day of December, 2002.

WITNESSES:

BURGER KING CORPORATION

Orna Gutberg
Linda W. Puller

By: Tony Moralejo
Tony Moralejo,
Associate General Counsel

Attest: Ilene Kobert
Ilene Kobert
Assistant Secretary

TENANT
(CORPORATE SEAL)

**CORPORATE SEAL
REGISTER OF DEEDS**

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

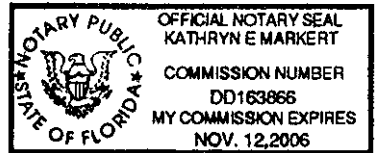
BEFORE ME, the undersigned authority, personally appeared Tony Moralejo and Ilene Kobert to me well known and known to me to be the individuals described in and who executed the foregoing instrument as Associate General Counsel and Assistant Secretary of **BURGER KING CORPORATION**, a Florida corporation, and severally acknowledged to and before me that they executed such instrument as such Associate General Counsel and Assistant Secretary respectively of said corporation, and that said instrument is the free act and deed of said corporation.

WITNESS my hand and official seal this 26th day of December, 2002.



**NOTARIAL SEAL
REGISTER OF DEEDS**

Kathryn E. Markert
Notary Public
My Commission Expires: 11/12/06



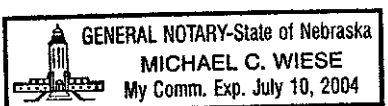
STATE OF Nebraska
COUNTY OF Douglas

BEFORE ME, the undersigned authority, personally appeared E. **ROBERT NEWMAN**, ~~Trustee~~ and **MURRAY H. NEWMAN**, ~~Trustee~~; to me well known and known to me to be the individuals described in and who executed the foregoing, and that said instrument is the free act and deed of said corporation.

*and as an individual

WITNESS my hand and official seal this 27th day of December, 2002.

(SEAL)



[Signature]
Notary Public
My Commission Expires: 7/10/04

EXHIBIT "A"

A tract of land consisting of part of Lots 14, 15, 16 and 25 and all of Lots 23 and 24, and the vacated alley abutting said Lots, all in Block 4, Briggs Place Addition, an addition located in the NW 1/4 of Section 20, Township 15 North, Range 13 East of the 6th P. M., in the City of Omaha, Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of said Lot 23, Block 4, Briggs Place Addition; thence N 00°00'00" E (assumed bearing) along the East right-of-way line of the Omaha Beltline Railway, a distance of 220.00 feet; thence S 89°16'00" E, a distance of 152.20; thence S 00°00'00" E, a distance of 220.00 feet to a point on the Northerly right-of-way line of Dodge Street; thence N 89°16'00" W, along said Northerly right-of-way line of Dodge Street, a distance of 152.20 feet to the point of beginning.

Said tract contains an area of 0.768 acres, more or less.