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 Fee Amt: \$17.00 Page 1 of 3
 Polk County Iowa
 TIMOTHY J. BRIEN RECORDER
 File# 2006-00071362
 BK **11491** PG **764-766**

Type of Document: Amendment to Memorandum of Lease

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PREPARED BY: Michael J. Green, 4500 Westown Parkway, Suite 277, West Des Moines, IA
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TAXPAYER INFORMATION:

Grantor(s):	Grantee(s):
Better Foods, Inc. and Casson's Market, Inc., Landlord	K.C. Holdings VI, L.L.C., Tenant

Legal Description:

Lots 5 and 6 in Block C, in Commissioner's Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Book and Page Reference Numbers: Book 11006, Page 690-692

**MEMORANDUM
OF
AMENDMENT TO LEASE**

THIS MEMORANDUM OF AMENDMENT TO LEASE is made and entered into between **Better Foods, Inc.**, an Iowa corporation and **Casson's Market, Inc.**, an Iowa corporation ("**Landlords**") and **K.C. Holdings VI, L.L.C.**, an Iowa limited liability company ("**Tenant**").

WITNESSETH

WHEREAS, the parties hereto caused a Memorandum of Lease dated April 6, 2005 to be filed of record on April 6, 2005 at Book 11006, Page 690-692 relating to the following described real property, to-wit:

Lots 5 and 6 in Block C, in Commissioner's Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, the parties to said Memorandum of Lease are desirous of amending said Lease to include all of the rights of the **Landlord** to the following described real property:

The vacated area below grade of all the West 1.75 feet of the North/South alley right-of-way lying East of and adjoining Lots 5 and 6, Block C, Commissioner's Addition, an Official Plat and lying East of and adjoining the North 1.25 feet of the East/West alley right-of-way in said Block C, and the North 1.25 feet of the East/West alley right-of-way lying South of and adjoining said Lot 5, and the East 5.0 feet of the 6th Avenue right-of-way lying West of and adjoining said Lots 5 and 6, and lying West of and adjoining the North 1.25 feet of the East/West alley right-of-way in said Block C, all now included in and forming a part of the City of Des Moines, Polk County, Iowa ("**Additional Property**").

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other consideration received, the above-referenced Memorandum of Lease is amended so as to include the **Additional Property** referenced above to the extent of the rights received by the **Landlord** from the City of Des Moines.

In all other regards, the Memorandum of Lease as recorded remains unchanged.

Dated on this 17 day of January, 2006.

LANDLORDS:
BETTER FOODS, INC. and
CASSON'S MARKET, INC.

TENANT:
K.C. HOLDINGS VI, L.L.C.,
By: K.C. HOLDINGS, INC.
Member/Manager

By: Joseph A. Bisignano
Joseph A. Bisignano, Treasurer

By: Greg Judas
Greg Judas, President

STATE OF IOWA)
) ss.
COUNTY OF POLK)

On this 17th day of January, 2006, before me, a Notary Public in and for said State and county, personally appeared Joseph A. Bisignano, to me personally known, who being by me duly sworn or affirmed did say that that person Treasurer (official title) of Better Foods, Inc. and Casson's Market, Inc. that said instrument was signed on behalf of the said corporation by authority of its Board of Directors and the said Joseph A. Bisignano acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.



Russell D. Lundy
Notary Public in and for the State of Iowa

STATE OF IOWA)
)ss:
COUNTY OF POLK)

On this 17 day of January, 2006, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Greg Judas, to me personally known, who being by me duly sworn, did say that he is the President of K.C. Holdings, Inc., which is Member/Manager of K.C. Holdings VI, L.L.C., an Iowa limited liability company, executing the within and foregoing instrument; that no seal has been procured by said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors as member of said limited liability company; and that the said President as such officer acknowledged the execution of said instrument to be the voluntary act and deed of K.C. Holdings, Inc. and K.C. Holdings VI, L.L.C., by it and by him voluntarily executed.



Karen R. Pearce
Notary Public in and for the State of Iowa

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