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INST. NO. **045302** CHG
POLK COUNTY, IOWA
FILED FOR RECORD 20.00

F/C 88-106 2/20/89 2/22/89

AT FEB 22 1989 1:30 P.M.
TIMOTHY J. BRIEN, Recorder
By T. Ormull Deputy

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE, is made on February 21, 1989, by and between the Landlord, FIRST CAPITAL INCOME AND GROWTH FUND - SERIES XII, an Illinois limited partnership, and the Tenant, EQUITABLE LIFE INSURANCE COMPANY OF IOWA, an Iowa Corporation.

WITNESSETH

that the Landlord, in consideration of the rents reserved and of the terms, covenants, conditions and agreements set forth in that certain Lease (the "Lease") of even date herewith by and between Landlord and Tenant, Landlord does hereby demise and lease unto the Tenant, and the Tenant does hereby take and hire from the Landlord the following described property, hereinafter termed the Demised Premises, to wit:

Space, as more particularly identified in the Lease, on the eleventh (11th) through nineteenth (19th) floors and in the basement level of the office building located at 604 Locust Street in the City of Des Moines, Iowa, which building is more particularly described as:

THAT PORTION OF RENTABLE AREA OF LOTS 7 AND 8 IN BLOCK 12 IN FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, COMMONLY KNOWN AS THE EQUITABLE BUILDING.

TO HAVE AND TO HOLD the Demised Premises for the term commencing February 23, 1989 and ending on February 28, 1999, unless sooner terminated as provided in the Lease, or as may be extended for an additional term of five (5) years as provided and pursuant to the terms of the Lease.

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The recording of this Memorandum of Lease shall serve as notice to the public of the rights and obligations of the parties hereto as those are more particularly described and contained in a Lease of even date, and in no way affects, modifies or amends any provision of the Lease, which shall in all respects be controlling.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

LANDLORD: FIRST CAPITAL INCOME GROWTH FUND-SERIES XII, an Illinois Limited Partnership
By: First Capital Properties Corporation, a Florida corporation, a general partner
By: Donald D. Smith
Its: Authorized Signatory

TENANT: EQUITABLE LIFE INSURANCE COMPANY OF IOWA, an Iowa Corporation
By: [Signature]
Its: [Signature]

ATTEST:
By: James R. Sampel
Its: Secy

STATE OF ILLINOIS

COUNTY OF COOK

} SS.

I, Wm. Lee Hildebrand, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Ronald J. Suberwitz, personally known to me to be the agent President of Forest Capital Properties Corporation, a corporation of the State of Illinois, and A. L. Loran, personally known to me to be the Secretary of said Corporation, whose names are subscribed to the within instrument, appeared before me this day in person and severally acknowledged that as such agent President and Secretary, they signed and delivered the said Instrument of writing as agent President and Secretary of said corporation and caused the corporate seal of said corporation to be thereunto affixed, as their free and voluntary act and as the free and voluntary act and deed of said Corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 22nd day of February, A.D. 1989.

Wm. Lee Hildebrand
Notary Public

My Commission expires:
Dec. 19, 1989

STATE OF IOWA)
):ss
COUNTY OF POLK)

On this 23rd day of February, 1989, before, me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Lawrence Vining Durland, Jr. and J. R. Sampel, to me personally known, who, being by me duly sworn, did say that they are the Senior Vice President/Chief Financial Officer and Secretary respectively, of said corporation executing the within and foregoing instrument to which this is attached, that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said Lawrence Vining Durland, Jr. and J. R. Sampel as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



G. Thomas Sullivan

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

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