70.9- 28621651

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

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INST. NO. 045302 CHG (F)
POLK COUNTY, IOWA 20.00
FILED FOR RECORD 20.00

AT FEBSHOOMS OF AM.
TIMOTHY J. BRIEN, Recorder
By Deputy

MEMORANDOM OF LEASE

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

## WITHESSETH

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 Damised Premises, to wit:

Space, as more particularly identified in the Lease, on the eleventh (11th) through mineteenth (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 FURNING A PART OF THE CITY OF DES MOINES, LOWA, COMMONIX KNOWN AS THE EQUITABLE BUILDING.

TO HAVE AND TO HOLD the Demised Primises for the term commercing 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 perticularly 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.

LANDIORD:

FIRST CAPITAL INCOME GROWIH FUND-SERIES XII, an Illinois Limited Partnership

By: First Capital Properties Corporation, a Florida corporation, a general partner

By: On

TENANT:

ATTEST:

By: Jone & Dampel

EQUITABLE LIFE INSURANCE COMPANY

OF, IOWA, an Iowa Corporation

Its:

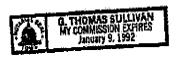
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STATE OF TILINOIS
COUNTY OF COOK ) SS.
Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT
Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT
legist President of Frank Capital Orangelie
, a corporation of the State of
to be the Secretary of said Corporation, whose names are
- OMARALITEM LIFERING WILLIER LIFER TO A CONTROL OF THE PROPERTY OF THE PROPER
Severally acknowledged that as such President and Secretary, they signed and delivered the said Instrument of writing as President and
Instrument of writing as President and Secretary of said corporation and caused the corporate seal of
said corporation to be thereinto 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.
A.D. 19 19.
Notary Public
My Commission expires:

800KG059race334

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 Lewrence 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.



NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE