



MISC 2015034975



MAY 08 2015 08:17 P 5

Fee amount: 34.00
FB: 22-20980
COMP: SB

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
05/08/2015 08:17:47.00



2015034975

(The above space for use of Register of Deeds.)

WHEN RECORDED TO BE RETURNED TO:

Baird Holm LLP
1500 Woodmen Tower
Omaha, NE 68102
Attn: Jesse D. Sitz

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made as of this 5th day of May, 2015, by and between FLATIRON HOTEL, LLC, a Nebraska limited liability company ("**Lessor**"), having an address of: c/o Dicon Corporation, 11506 Nicholas St., Suite 200, Omaha, NE 68154; and FLATIRON HOTEL MASTER TENANT, LLC, a Nebraska limited liability company (the "**Lessee**"), having a mailing address of: c/o Dicon Corporation, 11506 Nicholas St., Suite 200, Omaha, NE 68154.

WHEREAS, by that certain Lease dated as of May 5th, 2015 ("**Lease**"), Lessor leased to Lessee certain space upon the land and improvements located at 1722 St. Mary's Avenue, commonly known as the Flatiron Building, in the City of Omaha, County of Douglas, State of Nebraska and legally described on Exhibit A attached hereto and incorporated herein by this reference (the "Premises"); and

WHEREAS, by this Memorandum, the parties hereto desire to provide notice of such Lease and of certain provisions contained therein.

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NOW, THEREFORE, Lessor and Lessee hereby give notice as follows:

1. Demise. For and in consideration of the rents reserved and the covenants and conditions more particularly set forth in the Lease, Lessor has leased to Lessee and Lessee has leased from Lessor, and Lessor hereby leases to Lessee and Lessee hereby leases from Lessor, the Premises, together with the right to use all improvements, rights and appurtenances thereto, upon and subject to all of the terms, covenants, conditions and agreements contained in the Lease.

2. Term. The initial term of the Lease shall be for the period commencing on May 5th, 2015, and ending on the day immediately preceding the twenty second (22nd) anniversary of the Completion Date (as defined in the Lease), unless extended or sooner terminated as provided in the Lease.

3. Binding Effect. The covenants, agreements and conditions set forth herein and contained in the Lease shall run with the land and shall be binding upon and inure to the parties hereto and to their respective heirs, successors and assigns.

4. Memorandum Of Lease. In addition to the terms specifically referenced herein, the Lease contains numerous other terms, conditions, and covenants, and notice is hereby given that reference should be made to the Lease directly with respect to the details of such terms, conditions, and covenants. This Memorandum is executed in short form for the convenience of the parties and for the purpose of recording the same, and this Memorandum shall not have the effect of in any way modifying, supplementing, or breaching the Lease or any of its provisions as the same are now or may hereafter be in force and effect. In the event of any inconsistencies between this Memorandum and the Lease, the provisions of the Lease shall prevail.

5. Counterparts. This Memorandum may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.


(Signature page is next.)

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date first written above.

LESSOR:

FLATIRON HOTEL, LLC, a Nebraska limited liability company

By: Flatiron Hotel Managing Member, LLC, a Nebraska limited liability company, its managing member


By 

Royce A. Maynard
Its: Manger

LESSEE:

FLATIRON HOTEL MASTER TENANT, LLC, a Nebraska limited liability company

By: Flatiron Hotel Managing Member, LLC, a Nebraska limited liability company, its managing member

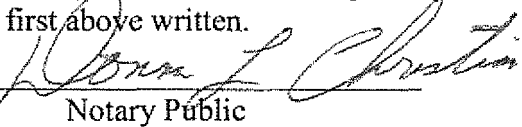
By 

Royce A. Maynard
Its: Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 4th day of MAY, 2015, before me appeared Royce A. Maynard, to me personally known, who, by me being duly sworn did say that he is the Manager of Flatiron Hotel Managing Member, LLC, which is the Managing Member of Flatiron Hotel Master Tenant, LLC, a Nebraska limited liability company, and said Manager acknowledged that he executed the same on behalf of said limited liability company and said Manager acknowledged said instrument to be the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid on the day and year first above written.



Notary Public

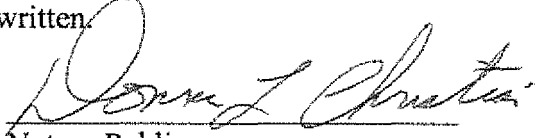


My Commission Expires: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 4th day of MAY, 2015, before me appeared Royce A. Maynard, to me personally known, who, by me being duly sworn did say that he is the Manager of Flatiron Hotel Managing Member, LLC, which is the Manager of Flatiron Hotel, LLC, a Nebraska limited liability company, and said Manager acknowledged that he executed the same on behalf of said limited liability company and said Manager acknowledged said instrument to be the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid on the day and year first above written.



Notary Public



My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 8, in Block 1, in E. KOUNTZE ADD., an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska, together with a triangular parcel immediately North of the above described property described as follows:

Beginning at the Northwest corner of said Lot 8; thence Southeasterly, along the North line of said Lot 8, 188.40 feet, to the North line of St. Mary's Avenue; thence in a Northeasterly direction, along the North line of St. Mary's Avenue, produced, 16.00 feet; thence on a curve to the left, whose radius is 7.5 feet, with an external angle of 155°, a distance of 20.30 feet; thence West, 198.60 feet, to the Point of Beginning.

Commonly known as: 1722 St. Mary's Avenue, Omaha, Nebraska.