

07-2448431
COMPUTER
RECORDED
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When recorded
return to:

Kutak Rock
1650 Farnam Street
Omaha, NE 68102
Attn: David A. Weill, Esq.

REC \$ 20.00
AUD \$ _____
R.M.F. \$ 1.00

#440005 2725
FILED NO. _____

BOOK 43 PAGE 46

95 APR 24 PM 2: 23

MICHELLE UPSLER
RECORDER
MADISON COUNTY, IOWA

NOTICE OF LEASE

THIS NOTICE OF LEASE, made by and between **ADVANCE GROCERY SYSTEMS, INC.**, a Nebraska corporation, having offices at c/o Kutak Rock, The Omaha Building, 1650 Farnam Street, Omaha, Nebraska, 68102-2186, hereinafter called "LESSOR", and **UPPER MIDWEST PIZZA HUT, INC.**, a Delaware corporation, having offices at 9111 East Douglas, P.O. Box 428, Wichita, Kansas, 67201, hereinafter called "LESSEE".

WITNESSETH THAT:

For and in consideration of the sum of Ten Dollars (\$10.00) and of other valuable considerations paid by LESSEE to LESSOR, the receipt and sufficiency of which are hereby acknowledged by LESSOR, LESSOR hereby demises to LESSEE, and LESSEE hereby leases from LESSOR, upon and subject to covenants and agreements set forth in a certain Lease Agreement between LESSOR and LESSEE dated the ____ day of October, 1994, the premises described in Exhibit "A" attached hereto and more commonly known as Highway 169 & 92 (a/k/a RR #2, BBB), Winterset, Iowa.

Together with all easements, rights, privileges, and appurtenances belonging to the leased premises or in anywise appertaining to or in any manner connected therewith, including common rights of ingress, egress, and parking over the adjacent property.

And to have and to hold the same for a term of fifteen (15) years commencing on October ____, 1994.

And for said consideration, LESSOR has granted and hereby does grant unto LESSEE the right and option to extend said term for two (2) additional periods of five (5) years each, all in the manner and upon the covenants and agreements as set forth in the said Lease Agreement.

Lessor may not (directly or indirectly) lease any other improvements located on the larger tract to tenants who will operate a restaurant or delivery business engaged in the sale of pizza, pasta, or other Italian-style food products.

The terms, covenants, and conditions of this Lease are hereby referred to and made a part hereof as if herein set forth in full. This short form of Lease for recording is a form of the Lease for the purpose of constructive notice. In the event of conflict between the provisions of this short form of Lease for recording and the long form of this Lease, the terms and provisions of the long form of this Lease shall prevail.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals effective the 26 day of October, 1994.

ATTEST:

Nancy Mandolfo
Nancy Mandolfo, Secretary

ADVANCE GROCERY SYSTEMS, INC.

By Joseph A. Mandolfo
Joseph A. Mandolfo, President

"LESSOR"

ATTEST:

Brian H. Cole
Brian H. Cole, Secretary

UPPER MIDWEST PIZZA HUT, INC.

By Teresa J. Roll
Teresa J. Roll, President

"LESSEE"

JWW/B25-12

STATE OF _____)
COUNTY OF _____) ss.:

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On _____, 1994, before me, the undersigned, a Notary Public in and for said state and county, personally appeared _____

known to me to be the person whose name is subscribed to the within instrument and who acknowledged that he executed the same.

WITNESS my hand and official seal the day and year first above written.

My Appointment Expires: _____, Notary Public

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss.:

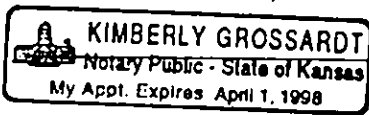
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On October 26, 1994, before me, the undersigned, a Notary Public in and for said state and county, personally appeared Joseph A. Mandolfo, known to me to be the President, and Nancy Mandolfo, known to me to be the Secretary, of the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal the day and year first above written.

My Appointment Expires:

Kimberly Grossardt
Kimberly Grossardt, Notary Public



STATE OF KANSAS)
COUNTY OF SEDGWICK) ss.:

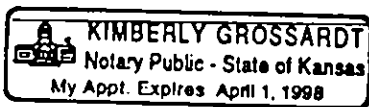
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On Oct 26, 1994, before me, the undersigned, a Notary Public in and for said state and county, personally appeared Teresa J. Roll, known to me to be the President, and Brian H. Cole, known to me to be the Secretary, of the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal the day and year first above written.

My Appointment Expires:

Kimberly Grossardt
Kimberly Grossardt, Notary Public



#440005

OK

EXHIBIT A

Lot Seven (7) of Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa

01/115725.1
Winterset, IA