

BK: 2016 PG: 482
Recorded: 2/26/2016 at 11:21:02.0 AM
Fee Amount: \$22.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

Prepared by and when recorded return to: Nathan Allen, 5820 Westown Parkway, West Des Moines, IA 50266
(515) 267-2870

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made as of February 26, 2016 (“Effective Date”), by and between HURD & DAUGHTER, LLC, an Iowa limited liability company, with mailing address of 2000 Fuller Rd., West Des Moines, IA 50265 (“Landlord”), and HY-VEE, INC., an Iowa corporation, with a mailing address of 5820 Westown Parkway, West Des Moines, IA 50266 (“Tenant”).

In consideration of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid by Tenant to Landlord and the mutual covenants contained in that certain Lease Agreement between the parties hereto dated on even date herewith (hereinafter called the “Lease”), Landlord has leased and does hereby lease to Tenant, and Tenant has leased and does hereby lease from Landlord, upon the terms and conditions set forth in said Lease, the real property more particularly described in Exhibit “A” attached hereto and made a part hereof (the “Demised Premises”).

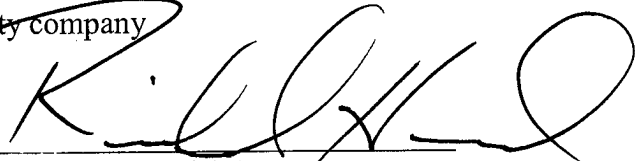
The term of the Lease is twenty (20) years commencing on the Effective Date and ending on February 25, 2036. Said Lease provides for seven (7) options to renew for additional five (5) year terms. Tenant has a right of first refusal to purchase the Demised Premises during the term of the Lease and any renewals or extensions thereof upon the terms and conditions set forth in the Lease.

[SIGNATURES ON FOLLOWING PAGES]

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

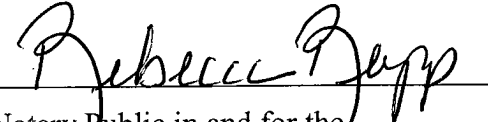
LANDLORD:

HURD & DAUGHTER, LLC, an Iowa limited liability company

By: 
Richard W. Hurd, Manager

STATE OF IOWA)
)ss
COUNTY OF POLK)


This instrument was acknowledged before me on this 23 day of Feb, 2016, by Richard W. Hurd, the Manager of Hurd & Daughter, LLC, an Iowa limited liability company.


Notary Public in and for the
State of Iowa



TENANT:

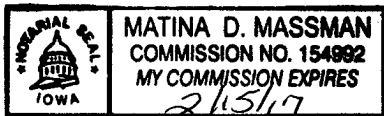
HY-VEE, INC.

By 
Jeffrey Markey, Sr. Vice President

By 
Nathan Allen, Assistant Secretary

STATE OF IOWA, COUNTY OF POLK, ss

On this 2nd day of February, 2016, before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared Jeffrey Markey and Nathan Allen, to me personally known, who being by me duly sworn did say that they are the Sr. Vice President, and Assistant Secretary, respectively, of Hy-Vee, Inc., an Iowa corporation, that the instrument to which this is attached was signed on behalf of said corporation by authority of its Board of Directors; and that the said Jeffrey Markey and Nathan Allen 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.



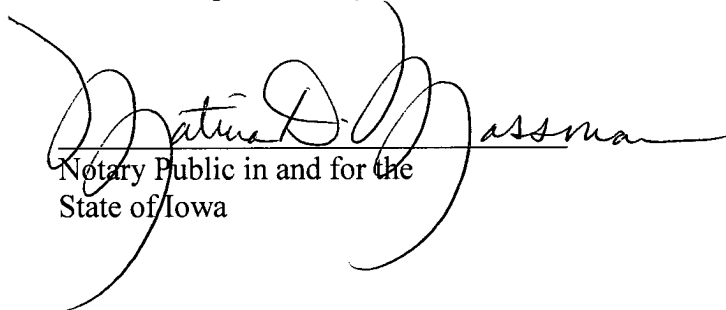

Notary Public in and for the
State of Iowa

EXHIBIT "A"
LEGAL DESCRIPTION OF DEMISED PREMISES

Lots One (1) and Two (2) of Gold Buffet Subdivision of the City of Winterset, Madison County, Iowa, including Parcel "A" located in said Lot One (1) as shown in Plat of Survey filed in Book 2, Page 199 on February 9, 1994 in the Office of the Recorder of Madison County, Iowa; EXCEPT the North 15 feet of said Lot Two (2); AND Parcel "E" located in the Northwest Fractional Quarter (1/4) of the Northwest Quarter (1/4) of Section Thirty-one (31), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., City of Winterset, Madison County, Iowa, as shown in Plat of Survey filed in Book 2, Page 343 on February 26, 1998 in the Office of the Recorder of Madison County, Iowa; AND Parcel "P" located in the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section Thirty-one (31), as shown in Plat of Survey filed in Book 2016, Page 359 on February 8, 2016.