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2000 052378 **MEMORANDUM OF LEASE**

2000 JUN 25 AM 11: 21

THIS MEMORANDUM OF LEASE is entered into on this 22 day of JUNE, between **CROSSINGS AT HOBART-I LLC** (Successor in interest to Jubilee Limited Partnership) (hereinafter called "Landlord") and **DON PABLO'S OPERATING CORP., f/k/a DF&R Restaurants, Inc.** (hereinafter called "Tenant").

WITNESSETH:

WHEREAS, Landlord and Tenant entered into a certain lease agreement dated as of the 14th day of February 1995 (the "Lease"),

NOW, THEREFORE, for and in consideration of the mutual promises, terms and conditions as set forth in the Lease and other good and valuable consideration, Landlord and Tenant agree as follows:

1. Landlord hereby demises to Tenant and Tenant hereby leases from Landlord, for the term hereinafter provided, and any extensions thereof, certain real property consisting of approximately 17,000 square feet, located at 2831 East 80<sup>th</sup> Avenue in the City of Hobart, State of Indiana, and described on "**Exhibit A**", attached hereto and made a part of this lease as though fully set forth herein (hereinafter called the "Leased Premises").

2. The original term of the Lease commenced on September 1, 1995 and ends fifteen (15) years thereafter on August 31, 2010.

3. Tenant has the right to extend the term of the Lease for three (3) additional terms of five (5) years each.

4. The addresses of the parties are as follows:

Landlord: Crossings at Hobart-I LLC  
1800 Moler Road  
Columbus, OH 43207  
Attn: Vice President-Real Estate

Tenant: Don Pablo's Operating Corp.  
Hancock at Washington  
Madison, Georgia 30650  
ATTN: Chief Financial Officer

5. It is agreed that Tenant has no authority whatsoever to bind Landlord's title to any lien claimant, and nothing contained in this Lease shall be deemed or construed as constituting the consent or request of Landlord to any person for the performance of any labor or the furnishing of any materials for any improvements or alterations to the Leased Premises.

Love, Thornton, Arnold & Thomason

416 East Washington St.

P.O. Box 10045 - Federal Station

Columbus, South Carolina 29603

DF57

1609  
21

4452

6. From and after the expiration of the Lease, without the execution of any further instruments on the part of either party hereto, this Memorandum and the rights granted hereunder shall become void and of no further force and effect.

7. Reference is made to the Lease for the full particulars thereof. The sole purpose of the Memorandum is to give notice of the Lease and its terms to the same extent as it the Lease were fully set forth herein. This Memorandum shall not modify in any manner the terms, conditions or intent of the Lease and the parties hereto. To the extent of any conflict between the terms of this Memorandum and the terms of the Lease, the terms of the Lease shall govern and control.

IN WITNESS WHEREOF, the parties hereof have caused this Memorandum of Lease to be executed as of the day and date first above written.

Cynthia L. McPherson

Mindy McCombs

Landlord:

CROSSINGS AT HOBART-I LLC,  
an Ohio limited partnership

By: Schottenstein <sup>Management</sup> Company  
Its: Agent

By: Edward K. Arnot  
Its: Pres, COO

STATE OF OHIO )  
                          )  
COUNTY OF FRANKLIN )

Before me, CYNTHIA L. McPHERSON, appeared EDWARD K. ARNOT,  
PRESIDENT & C.O.O. of Schottenstein Company, agent for Crossings at Hobart-I LLC,  
an Ohio limited partnership on this 22<sup>nd</sup> day of June 2000, and acknowledged the execution  
of the foregoing document.

Management

Cynthia L. McPherson  
Notary Public

Commission expiration: 1-28-03



CYNTHIA L. McPHERSON  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES JAN. 28, 2003

Jill M. Hatt  
Michelle Hatt

Tenant:

DON PABLO'S OPERATING CORP.,  
an Ohio corporation

By: [Signature]  
Its: Sr. Vice President

STATE OF GEORGIA )  
COUNTY OF MORGAN )

Before me, Darlene Alexander, appeared Lansing S. Patterson,  
of Don Pablo's Operating Corp., an Ohio corporation, on this 30  
day of June 2000, and acknowledged the execution of the foregoing document.

This document is the property of  
the Lake County Recorder!

Darlene Alexander  
Notary Public

Commission expiration:



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NOT OFFICIAL!**

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the Lake County Recorder!**

**STOP**

