



Document 2012 3981

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Recorded: 12/28/2012 at 8:43:49.0 AM

Fee Amount: \$22.00

Revenue Tax:

LISA SMITH RECORDER

Madison County, Iowa

INDX ✓

ANNO

SCAN

CHEK

Prepared by and when recorded return to: Joel D. Huston, 6400 Westown Parkway, West Des Moines, IA 50266
(515) 457-6222

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made as of December 27, 2012 ("Effective Date"), by and between KGWINT LLC, with principal office and place of business at 401 2nd Street, Coralville, IA 52241 ("Landlord"), and KUM & GO, L.C., an Iowa limited liability company, with a mailing address of 6400 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 "Premises").

The term of the Lease is twenty (20) years commencing on the Effective Date and ending on the twentieth (20th) anniversary thereof. Said Lease provides for options to renew for four (4) five (5) year terms. Tenant shall not allow any mechanic's lien or similar type of lien to be filed against the Premises. Tenant has the first right of refusal to purchase the 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 Next Page]

IN WITNESS WHEREOF, Landlord and Tenant have executed and sealed this Memorandum of Lease to be effective as of the date first above written.

"LANDLORD"

KGWINT LLC, an Iowa limited liability company

By: _____

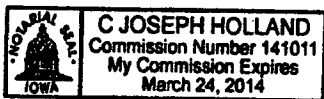
Name: _____

As Its: _____

STATE OF Iowa, COUNTY OF Johnson

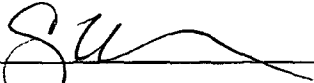
This instrument was acknowledged before me on December 24, 2012, by Randy R Ward as Manager of KG WINT LLC, an Iowa limited liability company.

Notary Public in and for said State



"TENANT"

KUM & GO, L.C., an Iowa limited liability company

By: 

Name: Charles W. Campbell

As Its: General Counsel + Secretary

STATE OF IOWA, COUNTY OF DALLAS

This instrument was acknowledged before me on December 21, 2012, by Charles W. Campbell as General Counsel + Secretary of Kum & Go, L.C., an Iowa limited liability company.



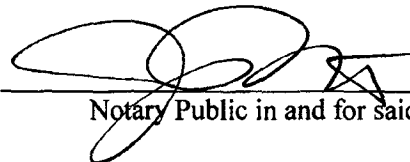

Notary Public in and for said State

EXHIBIT "A"

Legal Description

Lots 1, 2, 3 and 4 and the North 50' Lot 5 and Lots 6, 7 and 8, Block 12, in the Original Town of Winterset, Madison County, Iowa, together with the East West alley located in said Block 12 abutting said Lots.