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AND UPON RECORDING RETURN
TO:**

Doc#: 0418045072
Eugene "Gene" Moore Fee: \$30.50
Cook County Recorder of Deeds
Date: 06/28/2004 09:55 AM Pg: 1 of 4

U.S. Bank National Association
Attn: Closing Audit Department
9918 Hibert Street, 2nd Floor
San Diego, CA 92131
Loan No. 6517377710

MEMORANDUM OF LEASE

This Memorandum of Lease dated as of **June 4, 2004** is entered into between **Joseph Grieco** ("Landlord") and **BATTERIES NOT INCLUDED, INC.** ("Tenant").

Recitals

A. On or about **June 1, 2004** (date of lease), Landlord and Tenant entered into a lease agreement ("Lease"), pursuant to which Landlord leased to Tenant and Tenant leased from Landlord property more particularly described in attached **Exhibit "A"** and incorporated by reference ("Premises").

For good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

Section 1

Term.

Landlord leases to Tenant the Premises for a term of **25 years** commencing on **June 1, 2004** (date) and ending on **May 31, 2029** (date).

Section 2

Lease Terms.

This lease of the Premises to Tenant is on all of the terms and conditions of the Lease, which is incorporated in this Memorandum by reference.

Section 3

Assignment.

Tenant's rights and obligations under the Lease shall not be assigned without Landlord's prior written consent, and any assignment without this consent shall be void.

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Section 4

Successors and Assigns.

This Memorandum and the Lease shall bind and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject, however, to the provisions of the Lease on assignment.

Section 5

Governing Law.

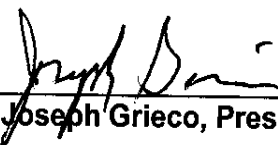
This Memorandum and the Lease are governed by Illinois State Law.

Executed as of the date first written above.

Landlord: Joseph Grieco

By: 
Joseph Grieco

Tenant: BATTERIES NOT INCLUDED, INC.

By: 
Joseph Grieco, President

By: 
Joseph Grieco, Secretary

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STATE OF ILLINOIS)
COUNTY OF COOK) ss.

On June 14, 2004, before me,
Joseph GRIECO, personally appeared

_____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Signature Angeline Imbrogno



STATE OF _____)
COUNTY OF _____) ss.

On _____, 20____, before me,
_____, personally appeared

_____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Signature _____

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EXHIBIT "A"

The land referred to in this Commitment is described as follows:

LOT 26 IN BLOCK 4 OF GEORGE M. HIGH'S SUBDIVISION OF THE EAST 1/2 OF BLOCK 15 OF SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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