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Doc#: 0922319055 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 08/11/2009 02:46 PM Pg: 1 of 5

WHEN RECORDED MAIL TO:

Brownstein Hyatt Farber Schreck, LLP
410 17th Street, 22nd Floor
Denver, Colorado 80202
Attn: Gregory Vallin

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MEMORANDUM OF LEASE

This is a Memorandum of Lease by and between **Metro Commons, LLC**, an Illinois limited liability company, hereinafter called **LANDLORD** and **ZRC Operations Company, Inc.**, a Colorado corporation hereinafter called **TENANT** upon the following terms:

1. Date of Lease: January 1, 2009.
2. Description of Leased Premises: See Exhibit "A" attached hereto.
3. Rent Commencement Date: The Rent Commencement Date is April 27, 2009. Notwithstanding the foregoing, Tenant's payment of the Rent commenced on May 9, 2009 pursuant to Section 9(a) of the Lease.
4. Lease Expiration Date: April 30, 2019.
5. Extension Options: Tenant shall have the option of extending the Term for two (2) additional periods of five (5) years.
6. Tenant Exclusive: Subject to the Existing Tenant Exclusives identified on Exhibit H of the Lease, Tenant may use the Leased Premises for (i) the operation of a fast, casual Mexican restaurant accompanied by the sale of alcoholic beverages ("Tenant's Use"); or (ii) any lawful purpose permitted by Tenant's liquor license, if Tenant at its sole discretion procures such a license, provided that Tenant's primary use of the Leased Premises shall always remain a restaurant. Landlord acknowledges that Tenant's Use shall include, but not be limited to the preparation and sale of Mexican and Mexican-style food and wraps and the sale of alcoholic beverages, if Tenant in its discretion procures such a license. Landlord agrees that during the Term and any Extension, Tenant shall have the exclusive right to sell fast, casual Mexican and Mexican-style food and wraps, for on and off-premises consumption at the Shopping Center; provided, however, that the foregoing exclusive shall not preclude Landlord from leasing space in the Shopping Center to a full service sit down Mexican restaurant with table service. However, Landlord shall not lease any space which is contiguous to the Leased Premises to a full-

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service sit down restaurant. Landlord acknowledges that odors and smoke are emitted during the operation of Tenant's Use and shall not be deemed noxious or offensive.

The purpose of this Memorandum of Lease is to give record notice of the lease and of the rights created thereby, all of which are hereby confirmed.

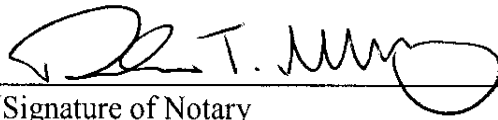
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STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

On this 15th day of June, 2009, before me personally appeared Peder T. Kruger to me known to be the person who signed as Vice President of ZRC Operations Company, Inc., the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned; and on oath stated that he was duly elected, qualified and acting as said officer of the corporation and that he was authorized to execute said instrument on behalf of said corporation, and that the seal affixed, if any, is the corporate seal of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



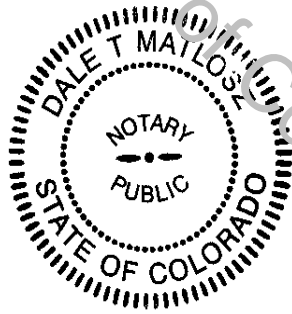
(Signature of Notary)

Dale T. Matlosz

(Print or stamp name of Notary)

NOTARY PUBLIC

My Commission Expires: 7/19/2011



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Exhibit A

Legal Description

Lots 2 through 10 in Metro Commons, being a subdivision of part of the Southeast $\frac{1}{4}$ of Section 17, Township 39 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

Also known by street address as: 50 N. Manheim Road, Hillside, IL 60162

PIN numbers:

Lot 2: 15-17-402-026-0000

Lot 3: 15-17-404-043-0000

Lot 4: 15-17-404-044-0000

Lot 5: 15-17-404-045-0000

Lot 6: 15-17-404-046-0000

Lot 7: 15-17-404-047-0000

Lot 8: 15-17-405-002-0000

Lot 9: 15-17-405-003-0000

Lot 10: 15-17-405-004-0000

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