

WHEN RECORDED MAIL TO:

Karen C. Bremer  
c/o Outback Steakhouse  
2202 N. West Shore Blvd., 5<sup>th</sup> Floor  
Tampa, Florida 33607

ENT 125326:2001 PG 1 of 8  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2001 Dec 03 9:08 am FEE 46.00 BY SS  
RECORDED FOR FIRST AMERICAN TITLE CO

SPACE ABOVE THIS LINE FOR  
RECORDER'S USE

MEMORANDUM OF LEASE

This is a Memorandum of Lease by and between University Mall Shopping Center, a Utah general partnership, hereinafter called ("LANDLORD") of 2733 East Parleys Way, Suite 300, Salt Lake City, Utah, and Carrabba's/Arizona-I, limited partnership, a Florida Limited Partnership, hereinafter called ("TENANT") of 2202 N. West Shore Blvd., 5<sup>th</sup> Floor, Tampa, Florida 33607, upon the following terms:

Date of Lease: September 9, 2001.

Description of Premises: That portion of the University Mall Shopping Center (which shopping center is legally described on Exhibit "A") which is shown on the Site Plan attached hereto as Exhibit "B", together with all easements in appurtenance thereto granted in the Lease.

Date of Commencement: The earlier of (a) 180 days after the later of (i) the Tender Date or (ii) TENANT'S Permits and Approvals or (b) opening to the general public.

Term: Ten (10) Years.

Renewal Option(s): four (4) renewal options for five (5) years each.

Restrictive Covenants: LESSOR acknowledges that the availability of adequate parking is critical to the success of LESSEE's business, and further that certain uses create extraordinary demands for the parking capacity at the Shopping Center. LESSOR covenants and agrees that it will not operate or permit any other lessee in any portion of the Protected Area (as shown on Exhibit "L") to operate: (i) a table service restaurant, (ii) any food service facility in excess of 3,500 square feet, or (iii) any facility utilizing an on-premises alcoholic beverage license. In addition, LESSOR shall not operate or permit the operation of a movie theater, auditorium or other place of public assembly, school or other place of instruction, bowling alley, pool hall, skating rink, video store, children's entertainment complex or facility, game room or arcade, adult entertainment facility (including, but not limited to an adult bookstore, video store, nude or semi-nude entertainment facility), health club, gym, martial arts, aerobics or fitness studio, book store in excess of 10,000 square feet, telemarketing or similar operation, off-track betting, gaming or bingo establishment or any other use that (without variance) under applicable code requires more than four (4) parking spaces per 1,000 square feet in the Protected Area or permit the construction of any additional building in any portion of the Protected Area or any expansion of the Shopping Center within the Protected Area. LESSOR agrees and represents to LESSEE that all lessees of the Shopping Center shall be bound by the terms of this Section.

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.

E-12417A20

IN WITNESS WHEREOF the parties have executed this Memorandum of Lease as of the dates set forth in their respective acknowledgments.

LANDLORD:

UNIVERSITY MALL SHOPPING CENTER,  
a Utah general partnership

By: Woodbury Management Company, L.C.,  
a Utah limited liability company,

Its: Managing Member

By: *Randa H Woodbury*

Name: *D. Randa H Woodbury*

Title: *Manager*

*W. Richards Woodbury*  
*Manager*

TENANT:

CARRABBA'S/ARIZONA-I, LIMITED  
PARTNERSHIP,  
a Florida limited partnership

By: Carrabba's Italian Grill, Inc., a Florida  
corporation

Its: General Partner

By: *Carl W. Sahlsen*

Name: *Carl W. Sahlsen*

Title: *Vice President*

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

WITNESSES:

*Wacey DeBore*

*Joan A. Lawler*

THE STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE )

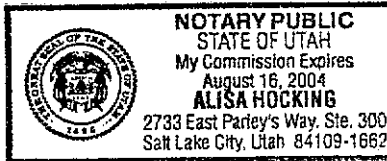
Personally appeared before me, a Notary Public in and for the above County and State,  
W. Richards Woodbury & Randall O. Woodbury known personally by me and acknowledged by me to be on the date of  
execution, Managers of University Mall and  
he/she executed the foregoing for and on behalf of said Corporation by authority of its Board of Directors.

Witnessed by hand and this notarial seal, this 8<sup>th</sup> day of November 2001.

Alisa Hocking  
NOTARY PUBLIC

My Commission Expires:

8/16/04



(Acknowledgment of TENANT)

THE STATE OF FLORIDA )  
 )  
COUNTY OF HILLSBOROUGH )

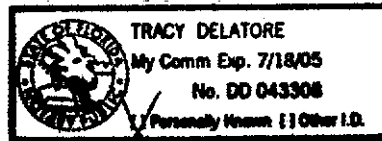
Personally appeared before me, a Notary Public in and for the above County and State,  
Carl W. Sahlsten known personally by me and acknowledged by me to be on the date of  
execution, Vice President of Conrad's Steak House, Inc. a Fla. Corp. and he/she executed the  
foregoing for and on behalf of said Corporation

Witnessed by hand and this notarial seal, this 13<sup>th</sup> day of November 2001.

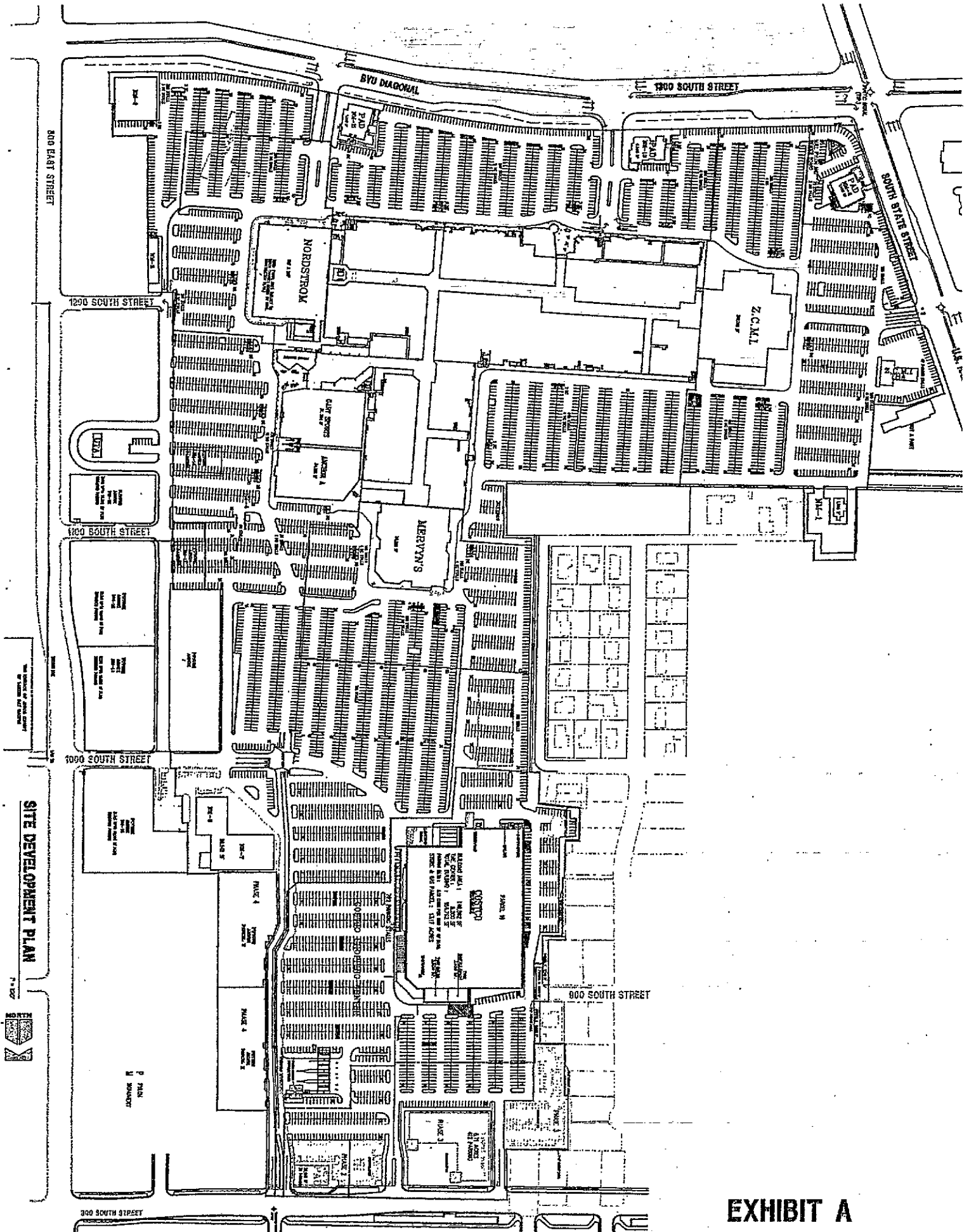
Tracy Delatore  
NOTARY PUBLIC

My Commission Expires:

7/18/05



*Handwritten initials*



SITE DEVELOPMENT PLAN

EXHIBIT A

SD-1

UNIVERSITY MALL  
 PROPOSED MASTER SITE PLAN  
 OREM, UTAH

**WOODBURY**  
 CORPORATION

LYNN S. WOODBURY AND ASSOCIATES, ARCHITECTS  
 2732 EAST PARLEYS WAY, SUITE 300  
 SALT LAKE CITY, UTAH 84103  
 (801) 485-7770

PLEASE INITIAL  
 CS [Signature]

Law

**EXHIBIT "B"**

**Legal Descriptions**

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PLEASE  
INITIAL  
CS *[initials]*

EXHIBIT "B "

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PROPERTY DESCRIPTION  
UNIVERSITY MALL  
PAD C NM-11  
CARRABBA'S

BEGINNING AT A POINT WHICH IS 833.985 FEET ALONG THE SECTION LINE  
BEARING NORTH 89°18'00" WEST AND 490.838 FEET SOUTH FROM THE SOUTHEAST  
CORNER OF SECTION 23 T.6 S., R.2 E., S.L.B. & M.

THENCE SOUTH	04°02'00" WEST,	122.884 FEET;
THENCE NORTH	78°32'00" WEST,	11.999 FEET;
THENCE NORTH	78°00'00" WEST,	79.290 FEET;
THENCE NORTH	78°11'00" WEST,	58.522 FEET;
THENCE NORTH	04°02'00" EAST,	102.416 FEET;
THENCE SOUTH	85°58'00" EAST,	148.417 FEET;

TO THE POINT OF BEGINNING.

AREA = .384 ACRE



Tax ID# 18-57-0096

Part of 57-043-0007

EXHIBIT "B "

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**University Mall Shopping Center  
LEGAL DESCRIPTION**

The following described property in Orem City, State of Utah, to-wit:

All of lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, UNIVERSITY MALL SUBDIVISION, PLAT A, (being part of the Southeast and Southwest Quarters of Section 23 and the Northeast Quarter of Section 26, Township 6 South, Range 2 East, Salt Lake Base and Meridian) as recorded at the office of Utah County Recorder on March 1, 2001 as entry number 19427. Containing approximately 77.418 acres (3,372,328 square feet)

SUBJECT TO and TOGETHER WITH Easements for utilities, rights-of-way and parking as set forth in documents of record

For informational purposes, the following are the descriptions of the Department Store parcels:

ZCMI Parcel: All of Lot 3 of said Subdivision containing approximately 12.745 acres. (555,177 square feet).

NORDSTROM Parcel: All of Lot 8 of said Subdivision containing approximately 7.243 acres (311,153 square feet).

MERVYN'S Parcel: All of Lot 13 of said Subdivision containing approximately 6.331 acres (275,783 square feet).

DEVELOPER Parcels include all of the above excepting said Lots 3, 8 and 13.

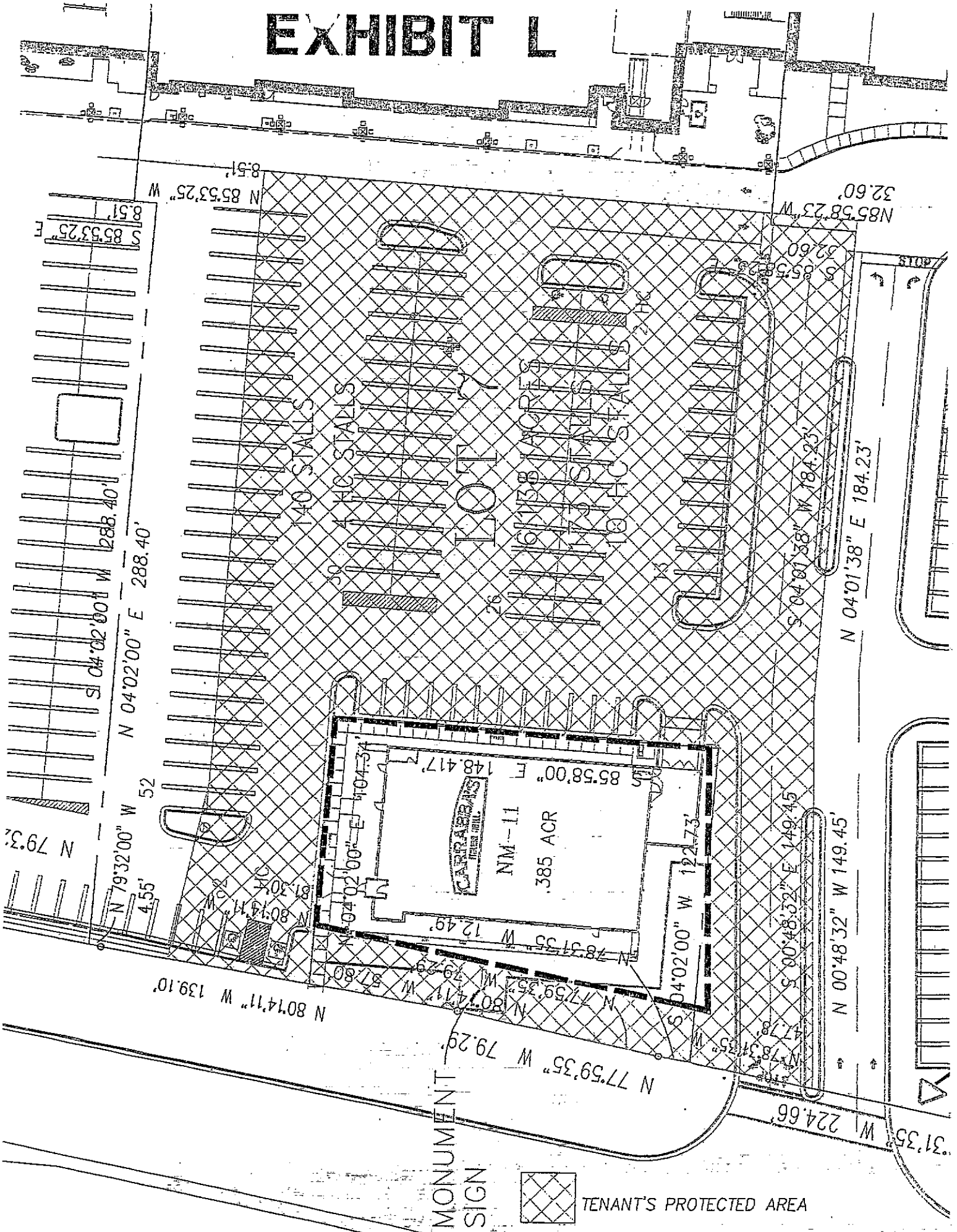
In addition, because of existence of certain Cross-easements, the following is a description of the COSTCO SHOPPING CENTER containing approximately 22.730 acres (990,125 square feet):

All of Lots 16, 17, 18, 19 and 1, of said UNIVERSITY MALL SUBDIVISION, PLAT A, as heretofore described; subject to and together with Easements for utilities, rights-of-way and parking.

The COSTCO DEPARTMENT STORE Parcel is described as: All of Lot 17, of said Subdivision containing approximately 13.201 acres (575,052 square feet).

DEVELOPER Parcels include all of Lots 1, 16, 18 and 19 of said Subdivision.

# EXHIBIT L



PLEASE INITIAL  
*CS*