

After recording, return to:

Jamba Juice Company  
1700 17<sup>th</sup> Street  
San Francisco, CA 94103-5136  
ATTN: Lease Administration



200610170064  
Skagit County Auditor

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**CHICAGO TITLE CO.**

<b>Document Title</b> Memorandum of Lease	<b>ACCOMMODATION RECORDING</b>
<b>Grantor</b> GULL BURLINGTON CROSSING LLC	Chicago Title Company has placed this document for recording as a customer courtesy and accepts no liability for its accuracy or validity
<b>Grantee</b> JAMBA JUICE COMPANY	
<b>Legal Description</b> Lots B and C, SCSP # 65-78 at Recorder's #885815 Additional legal is on Exhibit A of document. – SKAGIT COUNTY	
<b>Reference Number(s)</b> N/A	
<b>Assessor's Property Tax Parcel/Account Number</b> 23976; 23982	

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

Jamba Juice Company  
1700 17th Street

San Francisco, CA 94103-5136

Attn: Lease Administration

(space above this line for Recorder's use only)

**MEMORANDUM OF LEASE**

This Memorandum of Lease (this "Memorandum") is dated as of the 31 day of July, 2006, by and between GULL BURLINGTON CROSSING LLC, a Washington limited liability company ("Landlord"), and JAMBA JUICE COMPANY, a California corporation ("Tenant"), with reference to the following facts:

Concurrently with the date hereof, Landlord and Tenant entered into that certain Lease (the "Lease") for that certain premises (the "Premises") consisting of certain premises within an existing or to be constructed building containing or to contain approximately one thousand four hundred sixty-eight (1,468) square feet of "Floor Area" (as defined in the Lease), approximately within the area shown on the site plan attached hereto as Exhibit A incorporated herein by this reference. The Premises is located in the City of Burlington, County of Skagit, and State of Washington as legally described on Exhibit B attached hereto and incorporated herein by this reference ("Landlord's Parcel"). Landlord's Parcel is located in the shopping center commonly known as "Burlington Crossing".

NOW, THEREFORE, for and in consideration of the foregoing, Landlord and Tenant hereby agree as follows:

1. Agreement to Lease. Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the Premises together with the right to the use of the "Common Areas" (as defined in the Lease) pursuant to the Lease, at the rental and upon all of the terms and conditions set forth in the Lease, which Lease is incorporated herein by this reference. In the event of any inconsistency between the terms and conditions of this Memorandum and the terms and conditions of the Lease, the terms and conditions of the Lease shall govern and control.

2. Term. Subject to the terms and conditions contained in the Lease, the Premises is leased for an initial term which is to expire on the expiration of one hundred twenty (120) months following the "Commencement Date" (as defined in the Lease), together with options to extend the term of the Lease for two (2) separate, consecutive five (5) year periods.

3. Covenants Running with the Land. The covenants of Landlord set forth in the Lease shall run with the land of Landlord's Parcel in accordance with the provisions of applicable law.

[Signatures Appear on Following Page] SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

OCT 17 2006

Amount Paid \$  
By Skagit Co. Treasurer  
Deputy



200610170064  
Skagit County Auditor

IN WITNESS WHEREOF, each of the parties hereto has executed this instrument as of the date first above written.

**LANDLORD:**

GULL BURLINGTON CROSSING LLC,

a Washington limited liability company

By: Gull Industries, Inc.,  
a Washington corporation, its manager

By: [Signature]

Print Name: William T. Vivian

Its: Vice President

**TENANT:**

JAMBA JUICE COMPANY,

a California corporation

By: [Signature]

Print Name: JOHN GREEN

Its: CEO



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STATE OF WASHINGTON

ss.

COUNTY OF KING

I certify that I know or have satisfactory evidence that William T. Vivian is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Vice President of Gull Industries, Inc., a Washington corporation, the manager of GULL BURLINGTON CROSSING LLC, a Washington limited liability company, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 31 day of July, 2006.

*Janine Michele Wilson*

(Signature of Notary)

*Janine Michele Wilson*

(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington, residing at Kent

My appointment expires 9/01/09



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Skagit County Auditor

STATE OF CALIFORNIA

ss.

COUNTY OF SAN FRANCISCO

I certify that I know or have satisfactory evidence that DONALD BREEN is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the CFO of JANSA JUICE a corporation, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 20<sup>th</sup> day of July, 2006.

[Signature]  
(Signature of Notary)



(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of CALIFORNIA,  
residing at SAN FRANCISCO

My appointment expires MAY 13, 2009



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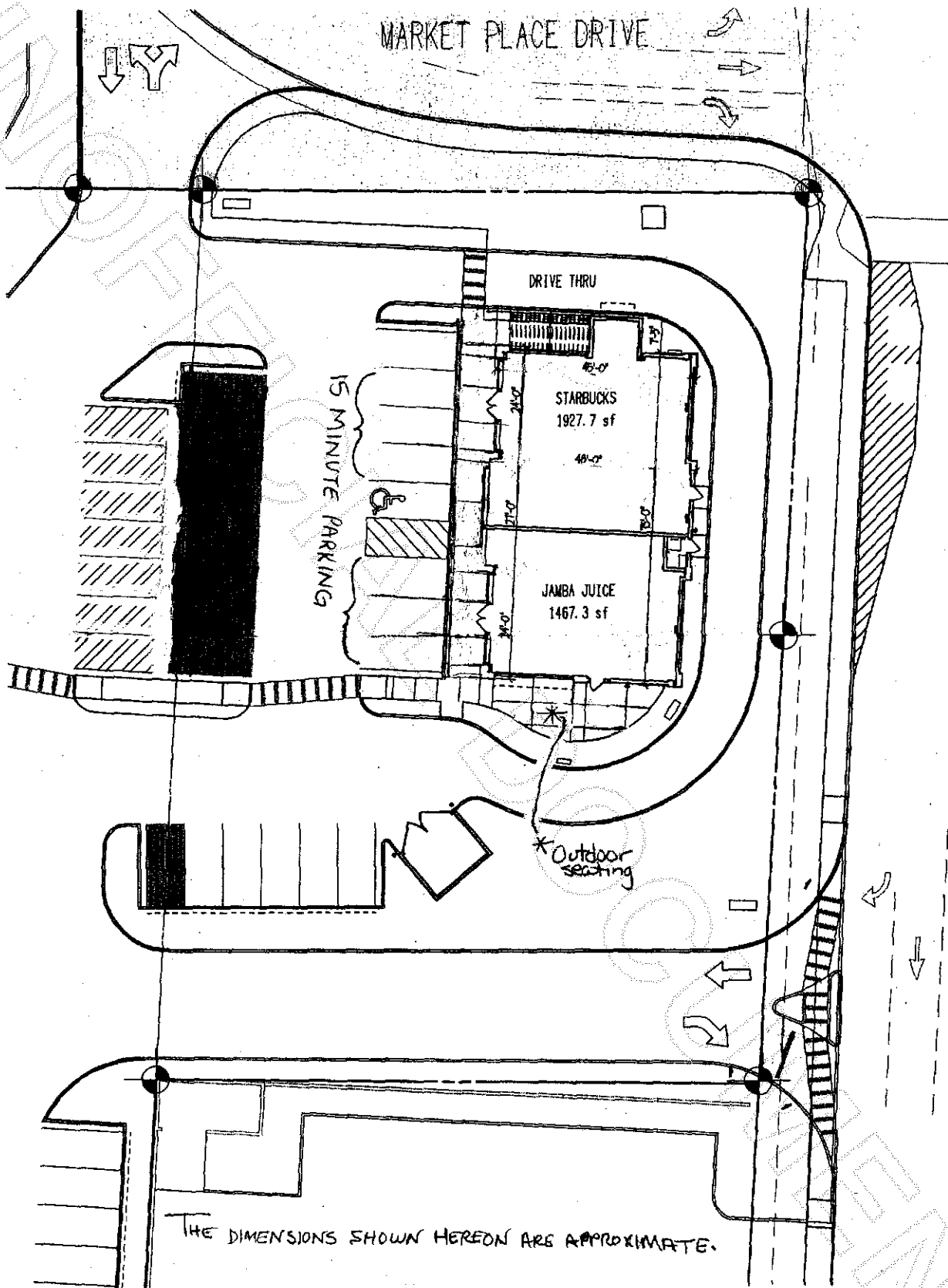
**EXHIBIT A TO MEMORANDUM OF LEASE**

DEPICTION OF PREMISES ON SITE PLAN

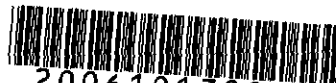
UNOFFICIAL DOCUMENT



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**Site Plan**



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**EXHIBIT B TO MEMORANDUM OF LEASE**

**LEGAL DESCRIPTION OF LANDLORD'S PARCEL**

LOTS "B" AND "C" OF SKAGIT COUNTY SHORT PLAT NO. 65-78, APPROVED AUGUST 17, 1978 AND RECORDED AUGUST 18, 1978 IN VOLUME 2 OF SHORT PLATS, PAGE 251 UNDER AUDITOR'S FILE NO. 885815; BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 34 NORTH RANGE 4 EAST, W.M.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON



200610170064

Skagit County Auditor

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