

LEASE AMENDMENT NO. 1

THIS AMENDMENT, made as of this 2<sup>nd</sup> day of Sept, 1997, by and between MEADOWBROOK MALL COMPANY, an Ohio limited partnership, having offices at 2445 Belmont Avenue, P. O. Box 2186, Youngstown, Ohio 44504-0186 (hereinafter referred to as "Landlord") and EATERIES, INC. dba "Garfield's Restaurant & Pub," having offices at 3240 W. Britton Road, Suite 202, Oklahoma City, Oklahoma 73120 (hereinafter referred to as "Tenant").

W I T N E S S E T H :

WHEREAS, there is a Lease in effect between the parties hereto dated November 26, 1996 for Unit No. 400, Meadowbrook Mall Shopping Center, located in the City of Bridgeport, County of Harrison, and State of West Virginia (hereinafter referred to as the "Lease"); and

WHEREAS, the parties hereto are desirous of amending certain sections of said Lease in the manner hereinafter provided.

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) paid by each of the parties hereto to the other, and in further consideration of the mutual covenants and promises herein contained, the sufficiency and receipt of which are hereby acknowledged by each of the parties hereto, it is agreed that said Lease be, and is hereby amended in the following respects:

1. The effective date of this Lease Amendment No. 1 shall be November 26, 1996.

2. The indented portion of Clause 1 of the Lease entitled "Demised Premises" is hereby deleted in its entirety and the following substituted therefor:

"A one-story room, without basement, having irregular dimensions and containing approximately Four Thousand Six Hundred Fifty-eight and 11/100 (4,658.11) square feet, located as shown outlined in red on Exhibit "C", attached hereto and made a part hereof, which is part of a shopping center known as MEADOWBROOK MALL SHOPPING CENTER (hereinafter referred to as "Shopping Center"). The Demised Premises are identified as:

UNIT NO. 400 - MEADOWBROOK MALL  
Bridgeport, WV "

3. Exhibit "C" attached to the Lease is hereby deleted in its entirety and a new Exhibit "C" attached to this Lease Amendment No. 1 substituted therefor.

All of the terms, covenants and conditions of said Lease, except as are herein specifically modified and amended, shall remain in full force and effect and are hereby adopted and reaffirmed by the parties hereto.

This agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Signed in the presence of:

Margaret C. Pearson  
Susan Hirsch

Marlene Duncan  
Michelle Dagnall

LANDLORD: MEADOWBROOK MALL COMPANY

BY [Signature]  
Anthony M. Cafaro, Authorized Agent

BY [Signature]  
Robert J. Ross, Authorized Agent

TENANT: EATERIES, INC.

BY [Signature] J.M. Burke V.P. Co.O.

BY [Signature] Vice President

STATE OF OHIO )  
 ) SS:  
COUNTY OF MAHONING )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, ANTHONY M. CAFARO and Ronald J. Ross, known to me to be the Authorized Agents, of MEADOWBROOK MALL COMPANY, the Partnership which executed the foregoing document, who acknowledged that they did sign the foregoing instrument for and on behalf of said Partnership, being thereunto duly authorized; that the same is their free act and deed as such Authorized Agents and the free act and deed of said Partnership.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at Youngstown, Ohio, this 20<sup>th</sup> day of September, 1997.

Susan T. Mirich  
Notary Public

**SUSAN T. MIRICH**  
Notary Public, State of Ohio  
My Commission Expires February 8, 1999

STATE OF Oklahoma )  
 ) SS:  
COUNTY OF Oklahoma )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, James M. Burke and Simon Perry, known to me to be the Vice President / CEO and Vice President / Dev, respectively, of EATERIES, INC., the Corporation which executed the foregoing instrument, who acknowledged that they did sign and seal the foregoing instrument for and on behalf of said Corporation, being thereunto duly authorized by its Board of Directors; that the same is their free act and deed as such officers and the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at Oklahoma City Oklahoma, this 3 day of September, 1997.

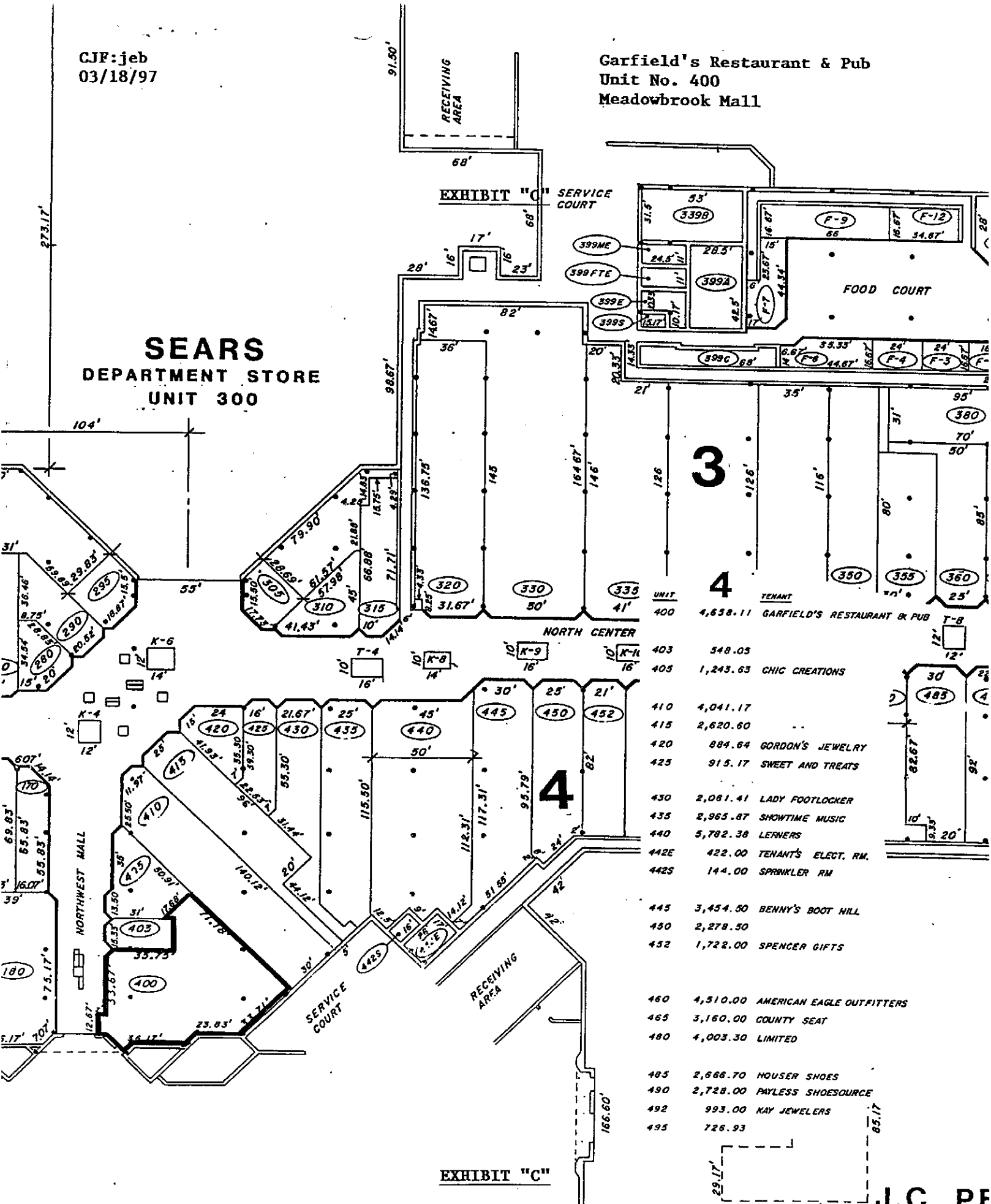
Sara J. Boykin  
Notary Public

*My Commission Expires*

CJF:jeb  
03/18/97

Garfield's Restaurant & Pub  
Unit No. 400  
Meadowbrook Mall

**SEARS**  
DEPARTMENT STORE  
UNIT 300



**3**

**4**

UNIT	TENANT	AMOUNT
400	GARFIELD'S RESTAURANT & PUB	4,638.11
403	CHIC CREATIONS	548.05
405	CHIC CREATIONS	1,243.63
410	GORDON'S JEWELRY	4,041.17
415	SWEET AND TREATS	2,620.60
420	SWEET AND TREATS	884.64
425	SWEET AND TREATS	915.17
430	LADY FOOTLOCKER	2,061.41
435	SHOWTIME MUSIC	2,965.87
440	LEARNERS	5,782.38
442E	TENANT'S ELECT. RM.	422.00
442S	SPRINKLER RM	144.00
445	BENNY'S BOOT HILL	3,454.50
450	BENNY'S BOOT HILL	2,278.50
452	SPENCER GIFTS	1,722.00
460	AMERICAN EAGLE OUTFITTERS	4,510.00
465	COUNTY SEAT	3,160.00
480	LIMITED	4,003.30
485	HOUSER SHOES	2,666.70
490	PAYLESS SHOESOURCE	2,728.00
492	KAY JEWELERS	993.00
495	KAY JEWELERS	726.93

EXHIBIT "C"

J.C. PE  
DEPARTMENT