

Gordon Commercial Real Estate Services
RESTAURANT OPPORTUNITY FOR SALE
NON-DISCLOSURE AGREEMENT

The undersigned Prospective Buyer acknowledges and affirms that **Gordon Commercial Real Estate Services** ("Broker") has been the first to have referred and shown me the Restaurant Opportunity for Sale, on Shattuck Avenue in Berkeley, to be disclosed once this agreement is signed, and further acknowledges that should I, or any designee of mine, enter into an agreement to purchase the Restaurant Opportunity, the Broker is the procuring cause for such action.

The undersigned agrees:

1. To keep all information, either oral or written, furnished by the broker concerning this transaction confidential for a period of one (1) year;
2. To be kept confidential includes the provision of not disclosing to a third party or parties the fact that the Restaurant Opportunity referenced in this NDA is available for sale;
3. To employ the information provided by the broker only for the purpose of considering the sale listed above;
4. Not to employ the information provided in a manner in which the broker would not be considered to be the procuring cause of the anticipated transaction;
5. Not to circumvent broker in any manner while in the pursuit of this sale; and
6. To return immediately, if requested, all information and other materials provided to me, or my associates, by the broker. (The information to be returned will include all originals, copies and notes concerning the subject Business).

The agreement is for the benefit of the Broker, Owner, and any other organization involved in the prospective sale.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

This agreement shall be governed and construed under the laws of the State of California and the venue shall be Alameda County, or other county at broker discretion.

This agreement is legally binding with signatures received by email and FAX transmission.

The Broker makes no representation to the accuracy of the information provided or any other information supplied, and is not responsible for any errors or omissions.

The undersigned hereby confirms receipt of a copy of this document.

IMPORTANT: The Signer hereby agrees, that in visiting the Property referred by the BROKER to the Prospective Buyer, either with or without a BROKER Representative, under no circumstances will have any conversation with any employee, or third party, that includes remarks indicating that the Restaurant Opportunity is available for Sale.

-----Fields marked with * are required. Form must be signed to be valid. -----

Name * _____

Street Address * _____

City * _____ Zip Code * _____ State * _____

Email * _____

Phone* _____

-----Return Completed NDA to Lori Rosenthal-----

Email to: lori@gordoncommercial.com or fax to: 510-704-1830