

2007-007550

Klamath County, Oregon



04/27/2007 08:51:19 AM

Fee: \$51.00

Pacific Telecom Services  
1001 SE Water, Ave., Suite 430  
Portland, OR 97214

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("Memorandum") dated ~~March~~ <sup>April</sup> 11, 2007, evidences that a Site Agreement (the "Agreement") dated ~~January~~ <sup>April</sup> 11, 2007 (the "Effective Date"), was made and entered into between David D. Wilson and Judith A. Wilson, as Tenants in Common ("Owner") and Washington Oregon Wireless Properties, LLC, a Delaware limited liability company ("Sprint/Nextel" or "Tenant").

The Agreement provides in part that Sprint/Nextel has the right to enter upon certain real property owned by Owner and located at 10714 Springfield Road, City of Klamath Falls, County of Klamath Falls, State of Oregon, as further described in the Agreement (the "Site") for the purpose of performing investigations and tests and, upon finding the Site appropriate, to lease the Site for the purpose of installing, operating and maintaining a communications facility and other improvements. The Site is further described in Exhibit A attached hereto.

The term of Sprint/Nextel's lease and tenancy under the Agreement is 5 years commencing on the earlier to occur of start of construction of the Facilities (as defined in the Agreement) or eighteen (18) months following the Effective Date, whichever first occurs ("Term Commencement Date"), and is subject to 5 renewal terms of 5 years each that may be exercised by Tenant.

The parties have executed this Memorandum as of the day and year first above written.

OWNER:

David D. Wilson and Judith A. Wilson,  
as Tenants in Common

By: David D. Wilson

Name: David D. Wilson

Title: Owner

Date: 03-27-07

By: Judith A. Wilson

Name: Judith A. Wilson

Title: Owners

Date: 03-27-07

TENANT:

Washington Oregon Wireless Properties, LLC  
a Delaware limited liability company

By: Alan Cagle

Name: Alan Cagle

Title: Site Development Manager

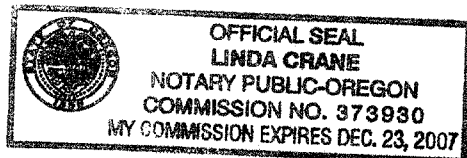
Date: 4/11/07

ACKNOWLEDGMENTS

STATE OF Oregon )  
COUNTY OF Klamath )

On this 27 day of March, 2007, before me the undersigned Notary Public, personally appeared David D. Wilson, to me known to be the identical person who executed in the name of the maker thereof to the within and foregoing instrument and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed, in the capacity and for the uses and purposes set forth therein.

Given under my hand and seal the day and year first written above.

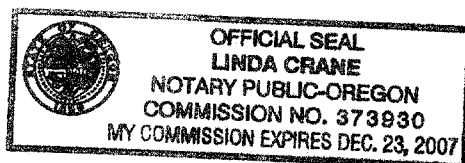


Linda Crane  
Notary Public in  
And for the State of Oregon  
Commission expires: 12-23-07

STATE OF Oregon )  
COUNTY OF Klamath )

On this 27 day of March, 2007, before me the undersigned Notary Public, personally appeared Judith A. Wilson, to me known to be the identical person who executed in the name of the maker thereof to the within and foregoing instrument and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed, in the capacity and for the uses and purposes set forth therein.

Given under my hand and seal the day and year first written above.

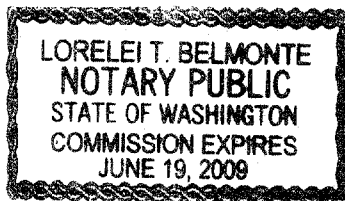


Linda Crane  
Notary Public in  
And for the State of Oregon  
Commission expires: 12-23-07

STATE OF Washington )  
COUNTY OF King )

On this 11th day of April, 2007, before me the undersigned Notary Public, personally appeared Alan Cagle, to me known to be the identical person who executed in the name of the maker thereof to the within and foregoing instrument and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed, in the capacity and for the uses and purposes set forth therein.

Given under my hand and seal the day and year first written above.



Lorelei T. Belmonte  
Notary Public in  
And for the State of Washington  
Commission expires: 6-19-09

**EXHIBIT A**

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**DESCRIPTION OF LAND**

to the Memorandum of Agreement dated <sup>April 11</sup>~~January~~, 2007, by and between David D. Wilson and Judith A. Wilson, as Tenants in Common, as Licensor, and Washington Oregon Wireless Properties, LLC, a Delaware limited liability company, as Licensee.

The Land is described and/or depicted as follows (metes and bounds description):

**Insert Legal Description:**

**Tax Lot #1300**

(Tower Location)

The SW1/4 of Section 34, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, SAVING AND EXCEPTING the Westerly 467 feet thereof, and EXCEPTING THEREFROM the following described 3 parcels:

**PARCEL 1**

Beginning at a point on the South line of said Section 34, said point lying South 89° 13' 52" East a distance of 467.00 feet from the Southwest corner thereof, said point also lying on the centerline of the existing County Road; thence North 0° 40' 15" East a distance of 2646.67 feet, to a point on the North line of said SW1/4; thence South 89° 17' 31" East along the North line thereof, a distance of 999.50 feet; thence South 0° 40' 36" West, a distance of 1044.81 feet; thence South 89° 18' 43" East, a distance of 510.50 feet; thence South 0° 40' 05" West, a distance of 1603.65 feet, to a point on the South line of said Section 34 and the centerline of said County road; thence North 89° 13' 52" West, along said line a distance of 1510.00 feet to the point of beginning.

**PARCEL 2**

Commencing at the section corner common to Sections 33 and 34 of Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and Sections 3 and 4 of Township 40 South, Range 9 East of the Willamette Meridian, and running thence North 89° 54' 05" East along the South line of said Section 34, 1977.00 feet to a point; thence North 0° 05' 25" West 30.00 feet to the true point of beginning, said true point of beginning being on the Northerly right of way line of Midland Road; from said true point of beginning being on the Northerly right of way line of Midland Road; from said true point of beginning thence North 0° 05' 25" West 1400.00 feet to a point; thence South 37° 36' 30" East 542.20 feet to a point; thence South 0° 04' 55" East 970.00 feet to a point on the Northerly right-of-way line of said Midland Road; thence South 89° 54' 05" West along said right-of-way line, 330.00 feet to the true point of beginning.

**PARCEL 3**

That portion of the SE1/4 SW/4 of Section 34, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point on the South line of said Section 34, said point being South 89° 13' 52" East 2307 feet from the SW corner of said Section 34; thence North 0° 05' 25" West 30.00 feet to the True Point of Beginning, said true point of beginning being on the Northerly right of way line of Midland Road and being the SE corner of Parcel 2 described above; thence North 00° 00' 30" West 1172.14 feet to a point; thence South 63° 34' East 83.60 feet to a point; thence South 75° 19' West to the East line of said SE1/4 SW1/4; thence South along said East line to the North right of way line of Midland Road; thence West 350 feet, more or less, along said North right of way line of Midland Road to the True Point of Beginning.

**EXHIBIT A**

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**Tax Lot #1100**

The West 1/2 of the SE1/4 of Section 34, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM the following described parcels:

*PARCEL 1:* Beginning on the West right-of-way of Spring Lake Road at a point which is West 30 feet and North 0° 7' 48" East, 1365.67 feet from the Southeast corner of the SW1/4 SE1/4 of said Section 34; thence North 0° 7' 48" East along said right-of-way, 387.56 feet; thence North 89° 52' 12" West, 40.26 feet to the centerline of USBR-C4 (E-5) canal; thence South 17° 37' 44" West along said centerline 260.00 feet; thence along said centerline on a 37° curve right, 96.98 feet and a 19° 25' curve right, 113.99 feet to a point of tangency; thence along said centerline South 75° 38' 44" West, 52.01 feet; thence South 89° 52' 12" East, 326.32 feet to the point of beginning.

*PARCEL 2:* Beginning at a 5/8" x 30" iron pin marking the Southeast corner of the SW1/4 SE1/4 of said Section 34; thence North 00° 07' 48" East along the East line of the W1/2 SE1/4 of said Section 34, said line being the centerline of the County Road, a distance of 259.67 feet to the True Point of Beginning of this description; thence continuing North 00° 07' 48" East along the East line of the W1/2 SE1/4 of said Section 34 and the centerline of the County Road a distance of 1126.00 feet; thence North 89° 52' 12" West at right angles to said line a distance of 30.00 feet to a 5/8" x 30" iron pin on the Westerly right of way line of said County Road; thence continuing North 89° 51' 12" West a distance of 218.32 feet to a 5/8" x 30" iron pin; thence continuing North 89° 52' 12" West a distance of 108.00 feet to the centerline of the USBR C-4 canal; thence Southerly and Westerly along the centerline of said irrigation canal to a point that is North 89° 26' 49" East a distance of 992.02 feet from the true point of beginning of this description; thence South 89° 26' 49" East a distance of 62.00 feet to the Northwest corner of that tract of land described in Deed Volume 299, page 209, Deed Records of Klamath County, Oregon; thence continuing South 89° 26' 49" East along the North line of said tract of land a distance of 900.02 feet to the Northeast corner thereof, said point being on the Westerly right-of-way line of the County Road; thence continuing South 89° 26' 49" East a distance of 30.00 feet to the true point of beginning.

*PARCEL 3:* Beginning at a 5/8" x 30" iron pin marking the Southeast corner of the SW1/4 SE1/4 of said Section 34; thence North 00° 07' 48" East along the East line of W1/2 SE1/4 of said Section 34, said line being the centerline of the County Road, a distance of 259.67 feet to a point; thence North 89° 52' 12" West a distance of 30.00 feet to a 5/8" x 30" iron pin on the Westerly right of way line of said County Road to the True Point of Beginning; thence North 00° 07' 48" East along the West line of the County Road a distance of 240 feet; thence North 89° 51' 12" West a distance of 800.5 feet, more or less to the centerline of the USBR C-4 Canal, thence Southerly and Westerly along the centerline of said irrigation canal to a point that is North 89° 26' 49" West a distance of 962.02 feet from the true point of beginning of this description; thence South 89° 26' 49" East a distance of 62.00 feet to the Northwest corner of that tract of land described in Deed Volume 299, page 209, Deed Records of Klamath County, Oregon; thence continuing South 89° 26' 49" East along the North line of said tract of land a distance of 900.02 feet to the true point of beginning.

*PARCEL 4:* Beginning at the Southwest corner of the SE1/4 of SE1/4 of Section 34, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; and running thence West 30 feet to a point; thence North 30 feet to the True Point of Beginning; thence West 900 feet; thence North a distance of 240 feet; thence Easterly 900 feet, more or less, to a point 230 feet North of the point of beginning; thence South 230 feet to said true point of beginning.

**EXHIBIT A**

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**Tax Lot # 1101**

A parcel of land located in the NW1/4 SE1/4, Section 34, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning on the West right-of-way line of Spring Lake Road at a point which is West 30 feet and North 0° 7' 46" East, 1365.67 feet from the Southeast corner of the SW1/4 SE1/4 of said Section 34; thence North 0° 7' 48" East along said right-of-way, 387.56 feet; thence North 89° 52' 12" West 40.26 feet to the center line of USBR C-4 (E-5) canal; thence South 17° 37' 44" West along said centerline, 260.00 feet; thence along said centerline on a 37° curve right, 96.98 feet and 19° 25' curve right, 113.99 feet to a point of tangency; thence along said centerline South 75° 38' 44" West, 52.01 feet; thence South 89° 52' 12" East, 326.32 feet to the point of beginning.

**Tax Lot #1200**

That portion of the W1/2 SE1/4 of Section 34, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point on the South line of said Section 34 which is South 89° 13' 52" East 2307 feet from the Southwest corner of said Section 34; thence North 0° 05' 25" West 30.00 feet to a point on the Northerly right of way line of Midland Road; thence North 0° 00' 30" West 1172.14 feet to a point; thence South 63° 34' East 83.60 feet to a point; thence South 75° 19' East to the East line of the SW1/4 SE1/4 of said Section 34 and the True Point of Beginning; thence continuing South 75° 19' East 75.00 feet to a point; thence North 22° 25' East 721.00 feet; thence North 11° 49' West 458.40 feet to a point; thence North 20° 42' West 494.30 feet to the North line of the SE1/4 of said Section 34; thence South 89° 51' 20" West along said North line of said SE1/4 to the Northwest corner of the NW1/4 SE1/4 of said Section 34; thence South along the West line of the NW1/4 SE1/4 and the West line of the SW1/4 SE1/4 of said Section 34, 1560 feet, more or less, to the True Point of Beginning.

**Tax Lot #2000**

A tract of land situated in the W1/2 SE1/4 of Section 34, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West right-of-way line of Spring Lake Road which bears West 30 feet and North 0° 07' 48" East a distance of 449.67 feet from the iron pin marking the Southeast corner of the SW1/2 SE1/4 of said Section 34; thence continuing North 0° 07' 48" East along said right-of-way line a distance of 886.0 feet to a 5/8 inch iron pin; thence North 89° 52' 12" West a distance of 218.32 feet to a 5/8 inch iron pin; thence continuing North 89° 52' 12" West a distance of 108.00 feet to the centerline of the USBR C-4 Canal; thence Southwesterly along said canal centerline to a point which bears North 89° 52' 12" West a distance of 800.5 feet from the point of beginning of this description; thence South 89° 52' 12" East a distance of 800.5 feet to the point of beginning.

## EXHIBIT A

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### **COMMUNICATIONS LEASE PREMISE**

Beginning at a point from which the CW 1/4 Corner of Section 34, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon bears North 72°48'06" West 672.67 feet; thence North 55°38'29" East 50.00 feet to a point; thence South 34°21'31" East 50.00 feet to a point; thence South 55°38'29" West 50.00 feet to a point; thence North 34°21'31" West 50.00 feet to the Point of Beginning, containing 2500 square feet more or less.

### **17' ACCESS & UTILITY EASEMENT**

Beginning at a point from which the CW 1/4 Corner of Section 34, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon bears North 64°13'09" West 2967.26 feet; thence North 82°15'26" West 128.40 feet to a point; thence North 54°17'19" West 28.68 feet to a point; thence North 44°17'10" West 71.65 feet to a point; thence South 67°01'11" West 19.91 feet to a point; thence South 67°30'51" West 56.17 feet to a point; thence South 65°11'16" West 51.91 feet to a point; thence South 73°29'46" West 67.53 feet to a point; thence South 72°45'45" West 94.18 feet to a point; thence South 48°14'22" West 26.15 feet to a point; thence South 40°12'48" West 27.62 feet to a point; thence South 34°19'21" West 58.72 feet to a point; thence South 10°04'16" West 57.71 feet to a point; thence South 03°29'32" West 56.16 feet to a point; thence South 03°27'23" West 70.61 feet to a point; thence South 01°10'24" West 73.02 feet to a point; thence South 37°22'02" West 27.48 feet to a point; thence North 85°38'29" West 84.86 feet to a point; thence North 79°55'14" West 64.82 feet to a point; thence North 85°55'19" West 51.47 feet to a point; thence North 86°23'41" West 63.58 feet to a point; thence North 70°31'31" West 115.70 feet to a point; thence North 83°46'03" West 47.83 feet to a point; thence South 85°52'45" West 29.46 feet to a point; thence South 71°59'36" West 64.32 feet to a point; thence South 81°22'53" West 39.22 feet to a point; thence North 74°06'37" West 34.05 feet to a point; thence North 70°15'08" West 28.39 feet to a point; thence North 69°39'51" West 93.35 feet to a point; thence North 73°29'55" West 78.87 feet to a point; thence North 76°30'29" West 63.43 feet to a point; thence North 74°58'44" West 79.87 feet to a point; thence North 74°18'29" West 68.80 feet to a point; thence North 72°24'18" West 64.32 feet to a point; thence North 70°49'11" West 44.93 feet to a point; thence North 61°12'02" West 47.47 feet to a point; thence North 38°59'13" West 73.19 feet to a point; thence North 38°16'25" West 82.12 feet to a point; thence North 39°29'37" West 66.64 feet to a point; thence North 39°03'33" West 76.08 feet to a point; thence North 38°20'09" West 94.15 feet to a point; thence North 37°50'01" West 61.30 feet to a point; thence North 32°49'55" West 51.92 feet to a point; thence North 33°45'13" West 84.86 feet to a point; thence North 30°05'23" West 45.45 feet to a point; thence North 28°42'38" West 62.37 feet to a point; thence North 28°27'02" West 65.15 feet to a point; thence North 27°17'44" West 36.71 feet to a point; thence North 34°03'32" West 30.67 feet to a point; thence North 41°31'30" West 118.67 feet to a point; thence North 43°04'45" West 42.00 feet to a point; thence North 36°21'35" West 60.91 feet to a point; thence North 38°51'22" West 53.79 feet to a point; thence North 41°18'13" West 57.52 feet to a point; thence North 31°18'03" West 55.84 feet to a point; thence North 21°32'21" West 76.41 feet to a point; thence North 06°16'08" West 81.63 feet to a point; thence North 06°11'51" West 70.96 feet to a point; thence North 16°00'41" East 56.87 feet to a point; thence North 26°09'28" East 46.07 feet to a point; thence North 33°03'48" East 37.26 feet to a point; thence North 49°40'46" East 23.85 feet to a point; thence South 76°25'35" East 92.78 feet to a point; thence South 70°47'22" East 35.29 feet to a point; thence South 73°44'27" East 167.44 feet to a point; thence South 74°33'00" East 81.09 feet to the Point of Terminus at the West corner of a Communications Lease Premise.