

2009-009010

Klamath County, Oregon



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07/01/2009 09:15:16 AM

Fee: \$51.00

Return to:

Rich Busch
Busch Law Firm PLLC
5400 Carillon Point
5000 Building, 4th Floor
Kirkland, WA 98033

MEMORANDUM OF LEASE

Grantor: Train Mountain Foundation
Grantee: New Cingular Wireless PCS, LLC, a Delaware limited liability company
True Consideration Paid: Does not apply.
Address for Tax Mailings: Does not apply.
Site Number: KF30 Site Name: Steiger Butte
State: Oregon County: Klamath

This Memorandum of Lease is entered into on this 15th day of June, 2009, by and between Train Mountain Foundation, having a mailing address of 36941 S Chiloquin Road, Chiloquin, OR 97624 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 (hereinafter referred to as "**Tenant**").

1. Landlord and Tenant entered into a certain Option and Lease Agreement ("**Agreement**") on the 15th day of June, 2009, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing are set forth in the Agreement.
2. The initial lease term will be five (5) years ("**Initial Term**") commencing on the effective date of written notification by Tenant to Landlord of Tenant's exercise of the Option, with four (4) successive five (5) year options to renew.
3. The portion of the land being leased to Tenant (the "**Premises**") is described in **Exhibit 1** annexed hereto.
4. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year first above written.

"LANDLORD"

Train Mountain Foundation,

By: Sharon E. Breen
Print Name: Sharon E. Breen
Its: Trustee
Date: May 29, 2009

"TENANT"

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager

By: Debra J. Will
Its: Project Manager
Date: 6-15-09

Prepared by:

Josh Hawes

Ryka Communications

10015 Lake City Way NE, Suite 435

Seattle, WA 98125

LANDLORD ACKNOWLEDGMENT

INDIVIDUAL CAPACITY

STATE OF OREGON)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 20__ by _____.

DATED: _____.

Notary Seal	_____
	(Signature of Notary)

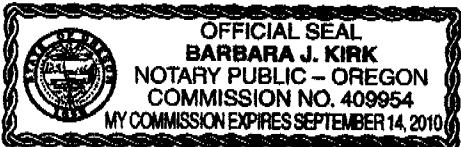
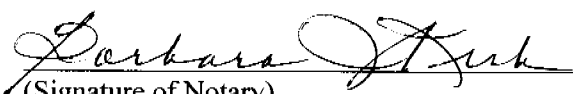
	(Legibly Print or Stamp Name of Notary) Notary Public in and for the State of Washington My appointment expires: _____

REPRESENTATIVE CAPACITY

STATE OF OREGON)
) SS.
COUNTY OF Deschutes)

This instrument was acknowledged before me on May 29, 2009 by
SHARON E. BREEN as representative of Tran
Mountain Foundation.

DATED: May 29, 2009.

	
	(Signature of Notary)
	<u>BARBARA J. KIRK</u>
	(Legibly Print or Stamp Name of Notary) Notary Public in and for the State of Washington My appointment expires: <u>9-14-2010</u>

TENANT ACKNOWLEDGEMENT

STATE OF Oregon)
COUNTY OF Clatsop) SS.

I certify that I know or have satisfactory evidence that Roy Wiley is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Project Manager of New Cingular Wireless PCS, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: June 15, 2009

Notary Seal



Patricia J. Hunter
(Signature of Notary)

(Legibly Print or Stamp Name of Notary)
Notary Public in and for the State of Oregon
My appointment expires: 6-25-2010

EXHIBIT 1

DESCRIPTION OF PREMISES

Page 1 of 3

to the Memorandum of Lease dated June 15 2009, by and between Train Mountain Foundation, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

Landlord owns certain property with an address of Top of Steiger Butte (South of the Chiloquin Hwy / SR422 and West of Chiloquin), Klamath Falls, OR 97624 hereinafter identified as the "Property" Described as follows:

The S1/2 N1/2 SE1/4 and the S1/2 SE1/4 of Section 29, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Tenant leases a portion of the Property identified as the "Premises." The Premises are described and/or depicted as follows:

42° 35' 22.76" North (NAD 83/91)
121° 53' 59.95" West (NAD 83/91)

EXHIBIT 1

DESCRIPTION OF PREMISES

Page 2 of 3

(Access Route to the Site)

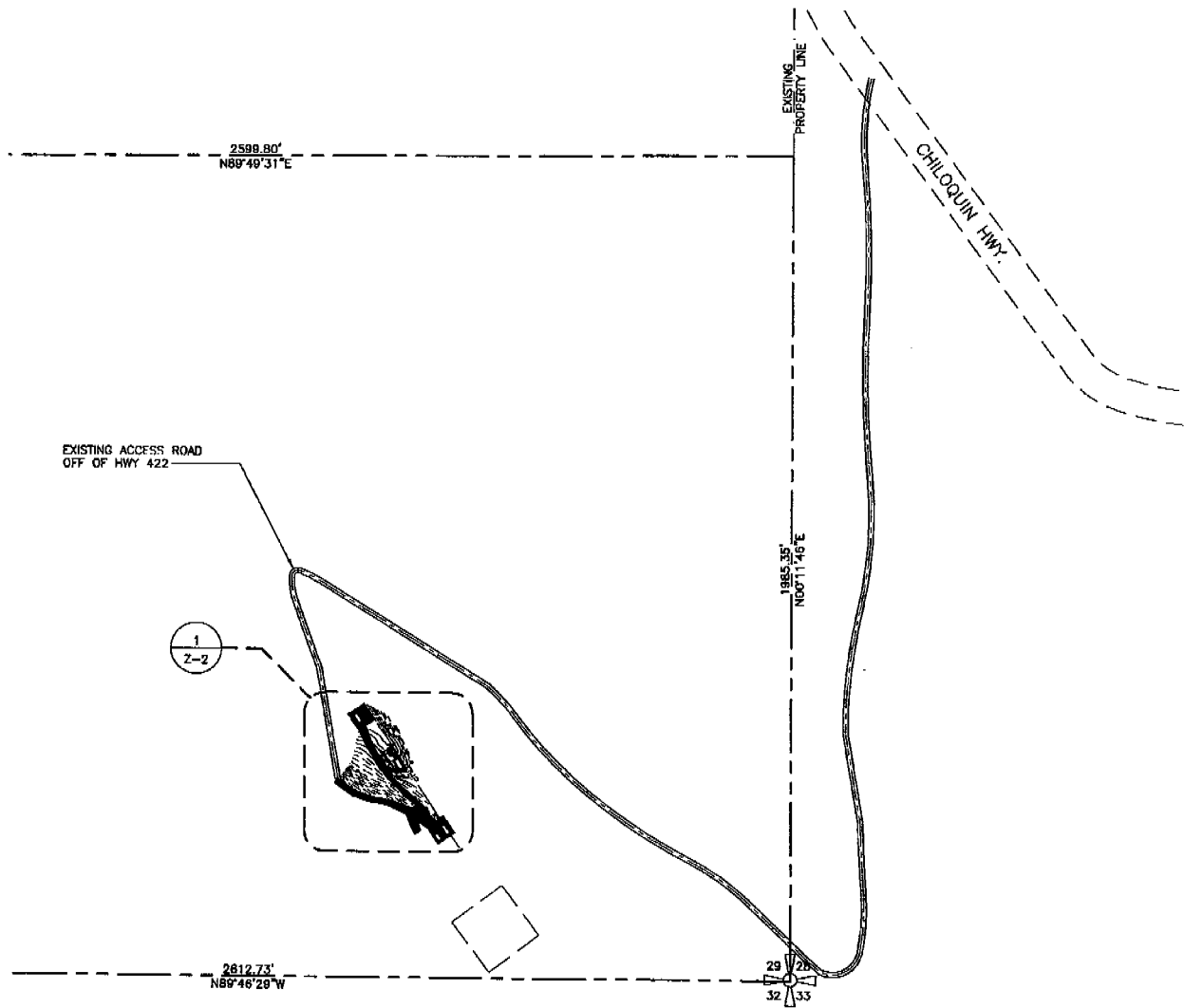


EXHIBIT 1

DESCRIPTION OF PREMISES

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