

2009-009013

Klamath County, Oregon



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Return to:

Richard Busch
Busch Law Firm PLLC
5400 Carillon Point
Suite 5000, 4th Floor
Kirkland, WA 98033

MEMORANDUM OF LEASE

Grantor: Crescent Butte, LLC
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: KF21 Site Name: Crescent
State: Oregon County: Klamath

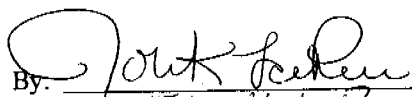
This Memorandum of Lease is entered into on this 17th day of June, 2009, by and between Crescent Butte, LLC, an Oregon LLC, having a mailing address of 930 Tahoe Blvd., 802-513, Incline Village, NV 89451 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited 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 Tower Lease Agreement ("**Agreement**") on the 17th 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"

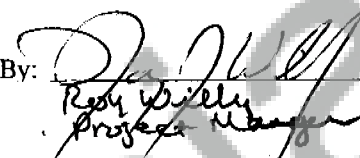
Crescent Butte, LLC

By: 
Print Name: John R. Laine
Its: MANAGER
Date: MAY 29, 2009

"TENANT"

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

By: AT&T Mobility Corporation
Its: Manager

By: 
Ryan Willey
Project Manager
Date: 6/17/09

Prepared by:
Josh Hawes
Ryka Communications
10015 Lake City Way NE, Suite 429
Seattle, WA 98125

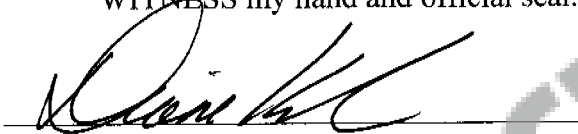
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State of California)
)
County of San Joaquin)

On 5/29, 2009 before me, Diane Kohn a Notary Public, personally appeared JOHN K. LA RUE, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.





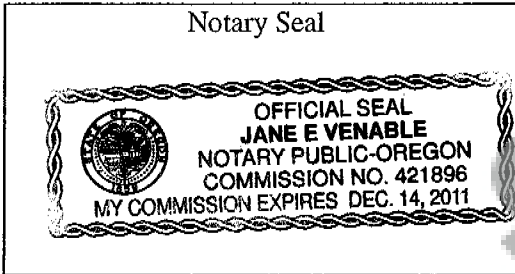
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TENANT ACKNOWLEDGEMENT

STATE OF Oregon)
) SS.
COUNTY OF Deschutes)

I certify that I know or have satisfactory evidence that Roy Willy 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 17, 2009



Jane E Venable
(Signature of Notary)

(Legibly Print or Stamp Name of Notary)
Notary Public in and for the State of Oregon
My appointment expires: 12-14-2011

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EXHIBIT 1

DESCRIPTION OF PREMISES

Page 1 of 3

to the Memorandum of Lease dated June 17, 2009, by and between Crescent Butte LLC a limited liability co., 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 Crescent Butte, approximately 1.33 miles East of Crescent OR hereinafter identified as the "Property."

(Legal Description)

A parcel of land in Section 29, Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon the point of beginning of said parcel being North 65°32'25" East 1,394.87 feet and North 44°41'47" East 141.5 feet from the East 1/4 corner of said Section 29; thence in a Westerly direction on a line bearing North 89°41'47" East 200.0 feet; thence North 0°18'13" West 200.0 feet; thence South 89°41'47" West 200.00 feet; thence South 0°18'13" East 200.0 feet to the point of beginning, all being and situated in Klamath County, State of Oregon

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

(Site Access route)



EXHIBIT 1

DESCRIPTION OF PREMISES

Page 2 of 3

(Leased Area)

1. Twelve (12) antennas with a RAD center of 90 ft on the existing tower (as depicted on page 2 of the Description of Premises). Microwave style antennas are not included in the (12) permitted antennas.
2. Equipment space for a 12 ft x 26 ft shelter including access and HVAC overhangs (as depicted on page 3 of the Description of Premises).
3. Equipment space for (2) 499 gallon propane tanks (as depicted on page 3 of the Description of Premises).

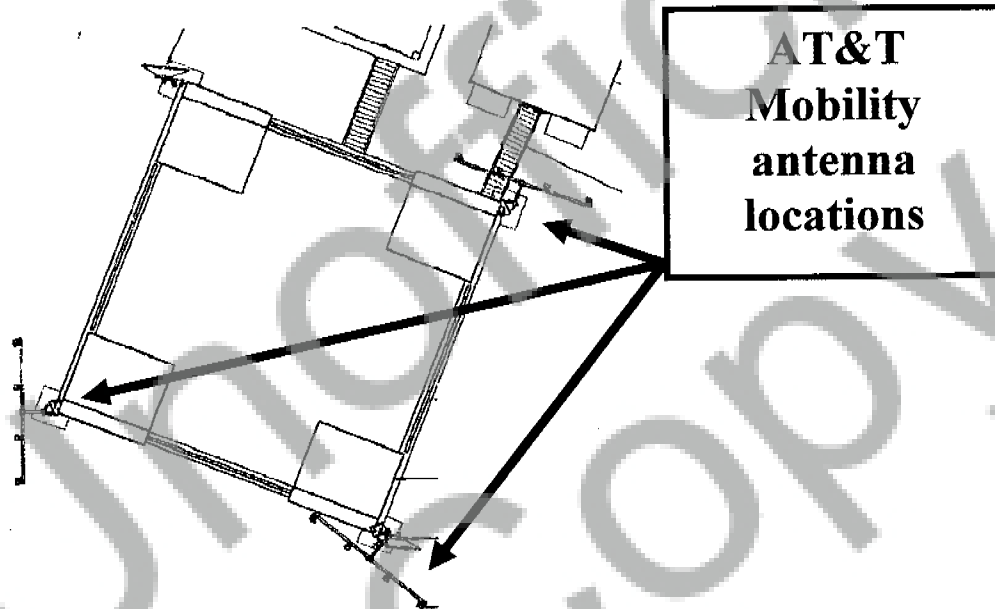


EXHIBIT 1

DESCRIPTION OF PREMISES

Page 3 of 3

(Equipment locations)

