

## Klamath County, Oregon



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07/01/2009 09:34:08 AM

**Fee: \$51.00**

**Return to:**

Richard J. Busch  
Busch Law Firm PLLC  
5400 Carillon Point  
Kirkland, WA 98033

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# MEMORANDUM OF LEASE

Grantor: Henry J. and Patricia D. O'Keeffe, Trustees of the O'Keeffe Family Trust, 1983

**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: KF44

Site Name: Malin

State: Oregon

County: Klamath

This Memorandum of Lease is entered into on this 27<sup>th</sup> day of May, 2009, by and between Henry J. and Patricia D. O'Keeffe, Trustees of the O'Keeffe Family Trust, 1983 having a mailing address of P.O. Box 286, Malin, OR 97632 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 6100 Atlantic Boulevard, Norcross, GA 30071 (hereinafter referred to as "**Tenant**").

1. Landlord and Tenant entered into a certain Option and Lease Agreement ("**Agreement**") on the 27<sup>th</sup> day of May, 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.

2008 OR Option Land  
8-14-08


**LANDLORD ACKNOWLEDGMENT**

**INDIVIDUAL CAPACITY**

STATE OF OREGON                    )  
  )       SS.  
COUNTY OF Klamath )

This instrument was acknowledged before me on May 11, 2009 by  
Henry J O'Keeffe and Patricia D O'Keeffe

DATED: 5-11-09

<p>Notary Seal</p> <div data-bbox="203 724 665 871"><p><b>OFFICIAL SEAL</b> <b>KAY NEUMEIER</b> NOTARY PUBLIC - OREGON COMMISSION NO. 427554 MY COMMISSION EXPIRES APRIL 20, 2012</p></div>	<p><u>Kay Neumeier</u> (Signature of Notary) <u>Kay Neumeier</u> (Legibly Print or Stamp Name of Notary) Notary Public in and for the State of <del>Washington</del> <u>Oregon</u> My appointment expires: <u>April 20, 2012</u></p>
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**REPRESENTATIVE CAPACITY**

STATE OF OREGON                    )  
  )       SS.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_ by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_.

DATED: \_\_\_\_\_.

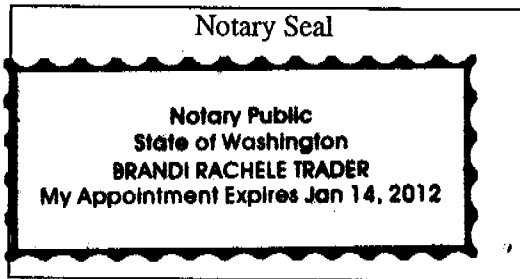
<p>Notary Seal</p>	<p>_____ (Signature of Notary) _____ (Legibly Print or Stamp Name of Notary) Notary Public in and for the State of Washington My appointment expires: _____</p>
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**TENANT ACKNOWLEDGEMENT**

STATE OF WA )  
 ) SS.  
COUNTY OF King )

I certify that I know or have satisfactory evidence that Wayne Wooten 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 Senior 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: 5/27/09



Brandi Rachele Trader  
(Signature of Notary)

(Legibly Print or Stamp Name of Notary)  
Notary Public in and for the State of WA  
My appointment expires: 1/14/2012

**EXHIBIT 1**

**DESCRIPTION OF PREMISES**

Page 1 of 3

to the Memorandum of Lease dated May 27, 2009, by and between Henry J. and Patricia D. O'Keeffe, Trustees of the O'Keeffe Family Trust, 1983, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

Landlord owns certain property with an address of 24111 S. Malin Road, Malin, OR 97632 hereinafter identified as the "Property."

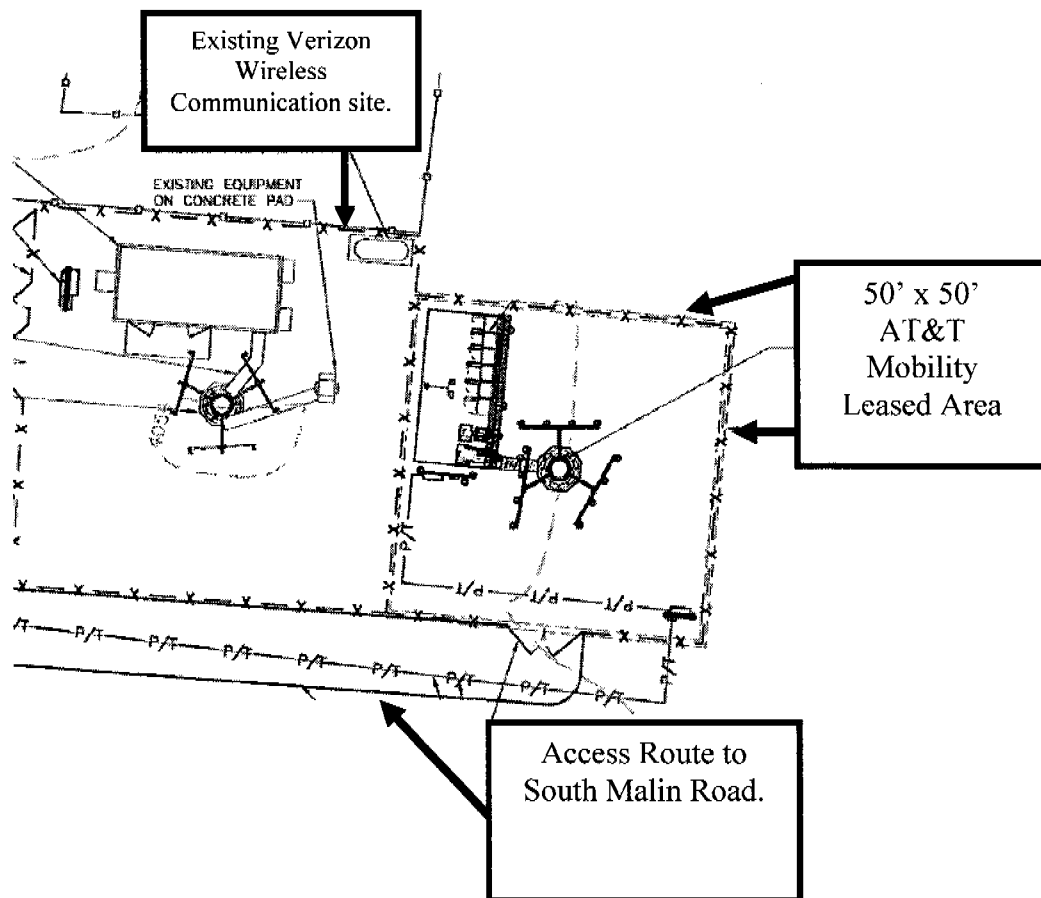
**The N1/2 NW1/4 of Section 22, Township 41 South, Range 12 East of the Willamette Meridian,  
Klamath County, Oregon.**

## EXHIBIT 1

### DESCRIPTION OF PREMISES

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



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