

2015-001467

Klamath County, Oregon

02/19/2015 09:14:27 AM

Fee: \$72.00

PREPARED BY:

LANDMARK DIVIDEND LLC

1700 E. Walnut Ave.

Suite 400

El Segundo, CA 90245

Attn: Legal Dept.

RECORDING REQUESTED BY AND

WHEN RECORDED MAIL TO:

Melissa Cater

Fidelity National Title Group

7130 Glen Forest Drive #300

Richmond, VA 23226

ASSIGNMENT OF EASEMENT AND ASSIGNMENT OF LEASES AND RENTS AGREEMENT

THIS ASSIGNMENT OF EASEMENT AND ASSIGNMENT OF LEASES AND RENTS AGREEMENT (this "Assignment"), dated March 28, 2012, is executed by LD Holdings LLC, a Delaware limited liability company, ("Assignor") and LD Acquisition Company 8 LLC, a Delaware limited liability Company, ("Assignee").

WHEREAS Assignor is the beneficiary of an ^Aeasement dated December 21, 2011, over a portion of the Property located Township 38 South, Range 8 East, Willamette Meridian OR 10570 for telecommunication purposes (the "Easement"); as more particularly described in Exhibit "A" attached hereto, and

^A *Recorded 1/16/12 in instr # 2012-012761*
WHEREAS Assignor as successor-in-interest to Columbia Community Bank Corporation, has leased a portion of the Easement area to Verizon Wireless (VAW) LLC d/b/a Verizon Wireless ("Tenant") pursuant to that certain lease dated Aug 31, 2011, the ("Lease") and more particularly described in Exhibit "B" attached hereto, and

WHEREAS Assignor desires to assign all of Assignor's rights, title and interest in and to the Easement and Lease to Assignee; and

NOW THEREFORE, In consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Assignor Assignment. Assignor does hereby assign, transfer, and deliver to the Easement and Lease, including, without limitation, the right to receive any and all rents thereunder.
2. Assignee Assumption of Obligations of Performance. Assignee warrants that it shall assume and faithfully perform and discharge any and all of obligations as Grantee under the Easement and Lessor under the Lease and Assignor shall be relieved of all future obligations and liability thereunder.
3. Covenants of Cooperation. Assignor and Assignee warrant that it will take such further actions and execute such further instruments, if any, as may be reasonably required to perfect Assignee's assignment and assumption of the Easement and Lease.
4. Governing Law. This Assignment shall be governed by and construed in accordance with the laws of the State of Oregon without giving effect to its conflict of laws rules.

13497707

TC110567 – Columbia Bank

5. Counterparts; Facsimile Execution. This Assignment may be executed in one or more counterparts (including by facsimile or by electronic copy or transmission), each of which will be the binding agreement of the executing party and which, when taken together, shall be deemed to be one and the same instrument.

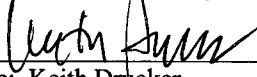
6. Successors and Assigns. This Assignment shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Assignment and Assumption Agreement as of the day and year first above written.

ASSIGNOR:

LD HOLDINGS LLC, a Delaware limited liability company

BY: LANDMARK DIVIDEND LLC, a
Delaware limited liability company, its sole member

By: 
Name: Keith Drucker
Title: Authorized Signatory

Date: 3/28/12

STATE OF CALIFORNIA

ss.

COUNTY OF LOS ANGELES

On March 28, 2012, before me, Rocio Velinov, Notary Public, personally appeared Keith Drucker, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person, or the entity upon behalf of which the person 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.



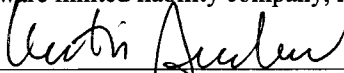
Rocio Velinov
Notary Public in and for the State of California
Expiration: May 8, 2015



ASSIGNEE:

LD ACQUISITION COMPANY 8 LLC, a
Delaware limited liability company

BY: LANDMARK DIVIDEND LLC, a
Delaware limited liability company, its sole member

By: 

Name: Keith Drucker

Title: Authorized Signatory

Date: 3/28/12

STATE OF CALIFORNIA

SS.

COUNTY OF LOS ANGELES

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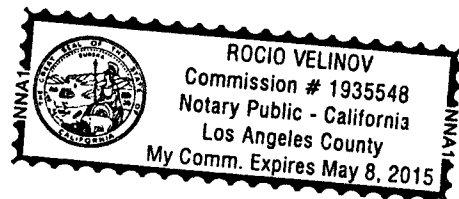


EXHIBIT "A"

EASEMENT AREA DESCRIPTION

Leased Premises:

A parcel of land lying in the southeast quarter of the northeast quarter of Section 36, Township 38 South, Range 8 East, W.M., Klamath County, Oregon, more particularly described as follows:

Commencing at the southeast corner of said Section 36, that point being S 01°04'29"W, 5289.55 feet from the northeast corner of said Section 36; thence N 10°29'55" W , 3596.28 feet to the True Point of Beginning of this description; thence N 01°31'01" E, 54.17 feet; thence N 88°55'18" W, 90.29 feet; thence S 01°08'10" W, 55.18 feet; thence S 89°33'58" E, 89.94 feet to the true point of beginning, said point being S 23°17'34" W, 1908.05 feet from the northeast corner of said Section 36.

Containing 0.11 acres, more or less.

Basis of Bearings is Grid North, based on the Oregon State Plane Coordinate System (1983), South Zone.

Access Easement:

A 30.00 foot wide access easement, located over an existing gravel road, lying in the east half of Section 36, Township 38 South, Range 8 East, W.M., Klamath County, Oregon, and lying 15.00 feet on each side of the following described centerline:

Commencing at the Northwest corner of Lot 134, Tract 1461 - The Woodlands - Phase 3, a duly recorded subdivision on file at the Klamath County Surveyors Office, that point being N 44°11'58"W, 2973.25 feet from the Southeast corner of said Section 36; thence along the boundary of Tract 1461 - The Woodlands - Phase 3, S 64°16'03" W , 21.00 feet to the centerline of Orange Blossom Drive and the True Point of Beginning of this description; thence N 31°00'13" W, 71.92 feet; thence N 00°31'01" W, 59.20 feet; thence N 45°31'37" E, 164.65 feet; thence N 46°04'14" E, 41.18 feet; thence N 45°20'57" E, 138.16 feet; thence N 55°58'40" E, 148.94 feet; thence N 83°09'21" E, 66.68 feet; thence S 70°17'03" E, 237.81 feet; thence S 71°53'21" E, 220.89 feet; thence S 62°30'33" E, 406.94 feet; thence S 55°36'27" E, 169.76 feet; thence S 51°26'21" E, 275.59 feet; thence S 42°52'22" E, 293.30 feet; thence S 37°43'30" E, 184.53 feet; thence S 75°19'43" E, 26.61 feet; thence N 27°50'57" E, 43.08 feet; thence N 03°02'37" W, 297.29 feet; thence N 06°37'53" W, 171.07 feet; thence N 03°05'35" W, 117.55 feet; thence N 08°34'11" E, 56.37 feet; thence N 28°55'12" E, 110.25 feet; thence N 15°13'53" E, 91.45 feet; thence N 12°53'59" E, 400.35 feet; thence N 07°03'53" E, 169.53 feet; thence S 86°19'22" W, 106.97 feet; thence N 77°44'14" W, 49.41 feet; thence N 64°22'57" W, 134.76 feet; thence N 57°20'33" W, 33.35 feet; thence N 46°32'39" W, 46.89 feet; thence N 36°52'30" W, 256.25 feet; thence N 35°50'21" W, 111.10 feet; thence N 50°41'59" W, 141.65 feet; thence N 00°30'30" E, 14.72 feet to a point on the boundary of the RCC Holdings Lease Area, said point being S 24°28'31" W, 1925.21 feet from the Northeast corner of said Section 36, with sidelines extended or shortened to terminate on the beginning and ending lines.

Basis of Bearings is Grid North, based on the Oregon State Plane Coordinate System (1983), South Zone.

See Attached Drawing for Map of Easement Area.

EXHIBIT "B"

LEASE DESCRIPTION

That certain lease agreement dated Aug 31, 2011 by and between LD Holdings LLC, a Delaware limited liability company, successor in interest to Columbia Community Bank Corporation, which mailing address is 1700 E. Walnut Ave Ste. 400, El Segundo, California, 90245, ("Lessor") and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless ("Lessee"), Site Reference Number OR6 Moorehill for the property located at Township 38 South, Range 8 East, Willamette Meridian OR 10570.