

2016-000040

Klamath County, Oregon

01/05/2016 09:17:40 AM

Fee: \$77.00

Prepared by and Return To: Susan
Reltco, Inc.
13401 McCormick Dr. S-B
Tampa, FL 33626
Hanley

Site #281497

Site Name: Crescent Lake Cottages OR

1357902

Cross Reference: Instrument #2013-001236

Memorandum of Lease Agreement

THIS MEMORANDUM OF AGREEMENT ("Memorandum") is executed this 3rd day of September, 2015 by and between McGee Defoe Commercial LLC, with a mailing address of 12455 SW 68th Ave, Portland, OR 97223-8509 ("Landlord") and American Towers LLC, a Delaware limited liability company, with a mailing address of 10 Presidential Way, Woburn, MA 01801 ("American Tower") and evidences that on the 3rd day of September, 2015 a Lease Agreement ("Agreement") was entered into by and between Landlord and American Tower.

1. **Option.** The initial term of the Option is one (1) year from the date of the Agreement. This Option can be extended by American Tower for one (1) additional period of one (1) year and for such other periods as the Landlord and American Tower mutually agree.

2. **Property.** Landlord owns certain real property described in **Exhibit "A"** ("Property"). Subject to the terms of the Agreement, Landlord has granted to American Tower an option to lease a portion of the Property ("Compound") and to acquire certain easements for ingress, egress and utilities ("Easements" and collectively with the Compound, the "Site", as shown on **Exhibit "B"**), a license to use certain other portions of the Property and a right of first refusal to purchase the Site and/or the Property.

3. **Lease.** Should American Tower exercise its Option, the Agreement will constitute a lease of the Site. The initial term of the lease will be for five (5) years commencing upon the date American Tower specifies in a written notice to Landlord. The Agreement will automatically renew for four (4) additional periods of five (5) years each unless American Tower notifies Landlord of its decision not to renew the Agreement.

4. **Notices.** All notices, requests, demands, and other communications to the Landlord or American Tower will be made at the following addresses:

<u>Landlord:</u>	McGee Defoe Commercial LLC 12455 SW 68th Ave Portland, OR 97223
<u>American Tower</u>	American Towers LLC C/O American Tower Corporation 10 Presidential Way Woburn, MA 01801 Attn: Land Management
<u>With a Copy to:</u>	American Towers LLC C/O American Tower Corporation 116 Huntington Avenue Boston, MA 02116 Attn: Law Department

5. **Construction of Memorandum.** This Memorandum is not a complete summary of the terms and conditions contained in the Agreement. Provisions in the Memorandum will not be used in interpreting the Agreement provisions. In the event of a conflict between this Memorandum and the Agreement, the Agreement will control.

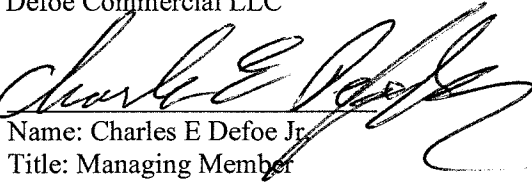
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IN WITNESS WHEREOF, Landlord and American Tower have each executed this Agreement as of the respective dates written below.

LANDLORD:

McGee Defoe Commercial LLC

By:


Name: Charles E Defoe Jr.
Title: Managing Member

Date:

7/9/15

By:


Name: Judith A McGee Defoe
Title: Managing Member

Date:

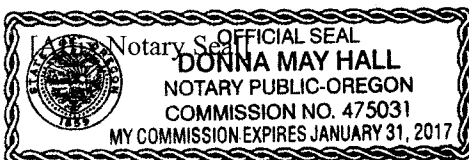
7/9/15

STATE OF OREGON

COUNTY OF Washington

I, a Notary Public of the County and State aforesaid, certify that Charles E Defoe Jr. who is a managing member of McGee Defoe Commercial, LLC a an Oregon limited liability company, came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 9th day of July 2015 ~~December, 2014~~

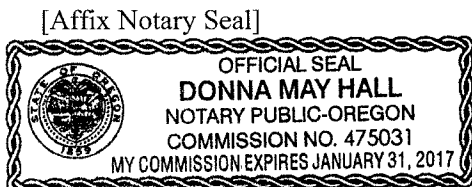


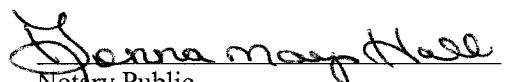
STATE OF OREGON

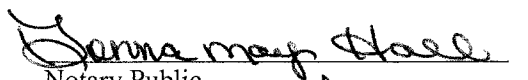
COUNTY OF Washington

I, a Notary Public of the County and State aforesaid, certify that Judith A. McGee Defoe. who is a managing member of McGee Defoe Commercial, LLC a an Oregon limited liability company, came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 9th day of July 2015 ~~December, 2014~~




Notary Public
My commission expires: Jan 31, 2017


Notary Public
My commission expires: Jan 31, 2017

AMERICAN TOWER:

American Towers LLC, a Delaware
limited liability company

WITNESSES:

By:

Name:

Title:

Shawn Lanier
Vice President - Legal

Signature

Signature

COMMONWEALTH OF MASSACHUSETTS

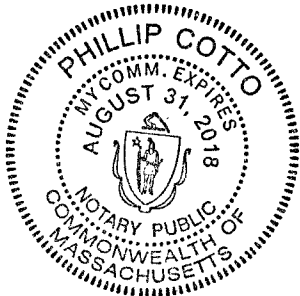
)

) ss:

COUNTY OF MIDDLESEX

)

On the 3 day of September, 2015, the undersigned notary public,
personally appeared Shawn Lanier, proved to me through
satisfactory evidence of identification, which were personally known, to be the person whose
name is signed on the preceding or attached document, and acknowledged that he/she signed it
voluntarily for its stated purpose, as Vice President, of
American Towers LLC, before me.





Notary Public

My Commission Expires:

**EXHIBIT A
PROPERTY**

**EXHIBIT "A"
LEGAL DESCRIPTION**

PARCEL 1:

Government Lot 4 being the SW1/4 SW1/4 of Section 7, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

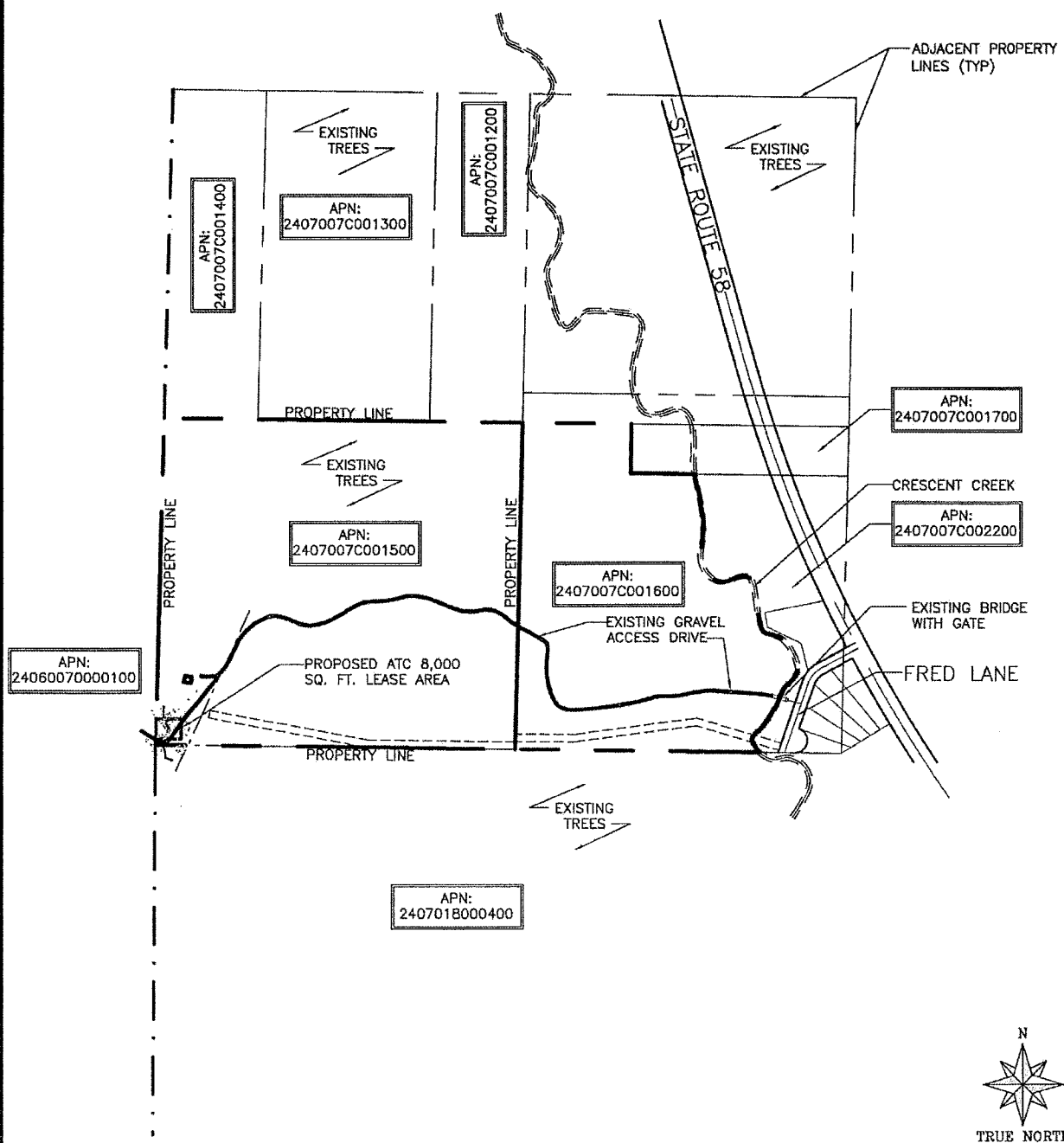
PARCEL 2:

All that portion of the SE1/4 SW1/4 of Section 7, Township 24 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying Southwesterly of Crescent Creek, in the County of Klamath, State of Oregon.

EXCEPTING that portion deeded to Frederick E. Kerns, et ux, in Book 346 at Page 343, Deed Records.

EXHIBIT B
SITE

[see following pages]



CRESCENT LAKE COTTAGE

281497

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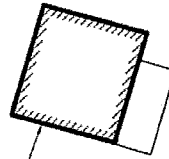


AMERICAN TOWER®



EXISTING
TREES

EXISTING CABIN



EXISTING GRAVEL
ACCESS DRIVE

APN:
2407007C001500

PROPOSED ATC 8,000
SQ. FT. LEASE AREA

8"

EXISTING FOREST
SERVICE DIRT ROAD;
PROPOSED ATC
CONSTRUCTION ACCESS

EXISTING
TREES

4722

24'-11"

PROPERTY LINE

EXISTING
TREES

EXISTING
TREES



TRUE NORTH

CRESCENT LAKE COTTAGE

281497

PAGE 2 OF 2



AMERICAN TOWER®