

2018-005972

Klamath County, Oregon

05/15/2018 01:59:00 PM

Fee: \$97.00

**AMENDMENT NO. 1  
TO  
GRANT OF EASEMENT AND EASEMENT AGREEMENT FOR ACCESS**

**GRANTOR:** David M. Cowan  
Theresa E. Cowan  
7647 Libby Rd. NE  
Olympia, WA 98506

**GRANTEE:** Bly Solar Center, LLC  
12667 Alcosta Blvd, Suite 400  
San Ramon, CA 94583

**RECORDING REQUESTED BY  
AND WHEN RECORDED, RETURN TO:**

Bly Solar Center, LLC  
12667 Alcosta Blvd, Suite 400  
San Ramon, CA 94583

Prepared by: Jason N. Barglow

Return To:



Recorded by AmeriTitle as an accommodation only. No liability is accepted for the condition of title or for the validity, sufficiency, or effect of this document.

*DMC/fee*

*Page 1*

*WY*

**AMENDMENT NO. 1  
TO  
GRANT OF EASEMENT AND EASEMENT AGREEMENT FOR ACCESS**

This AMENDMENT NO. 1 TO GRANT OF EASEMENT AND EASEMENT AGREEMENT FOR ACCESS (this "Amendment"), effective as of May 5, 2018, is entered into by and between David M. and Theresa E. Cowan ("Grantor"), and Bly Solar Center, LLC ("Grantee"). Each of Grantor and Grantee may be referred to herein as a "Party", and Grantor and Grantee may be referred to together as the "Parties".

**RECITALS**

WHEREAS, Grantee and Grantor are parties to that certain Grant of Easement and Easement Agreement for Access, dated as of January 25<sup>th</sup>, 2017, recorded on February 7, 2017 in the official records of Klamath County, Oregon as Instrument No. 2017-001226 (the "Easement Agreement").

WHEREAS, Grantee and Grantor desire to amend certain terms and provisions of the Easement Agreement as set forth herein.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Amendment to Easement Agreement.** Grantee and Grantor hereby agree that the Easement Agreement is amended or modified as follows.

a. Exhibits B-1 and B-2 shall be replaced in their entirety by Exhibit B as attached to this document.

2. **Other.**

a. Except as expressly set forth in this Amendment, all other terms and conditions of the Easement Agreement shall remain in full force and effect. This Amendment shall not constitute an amendment or waiver of any provision of the Easement Agreement except as expressly set forth herein. Capitalized terms used but not defined herein shall have the meanings given to them in the Easement Agreement.

b. This Amendment may be executed in multiple counterparts, including by facsimile or electronic (e.g., PDF) transmission, each of which shall be deemed to be an original and all of which together shall constitute the same original instrument.

DME/sec  
Page 2

IN WITNESS WHEREOF, this Amendment has been duly executed by the Parties hereto as of the date first listed above.

BLY SOLAR CENTER, LLC

By: 

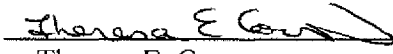
Name: Frank Zhu

Title: Manager

David M. and Theresa E. Cowan

By: 

David M. Cowan

By:   
Theresa E. Cowan



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nk54

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } S.S

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018 by David M. Cowan and Theresa E. Cowan.

See attached  
acknowledgment.

Signature: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(Notary Seal)

DMC / TES

Page 4

11/14

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } S.S

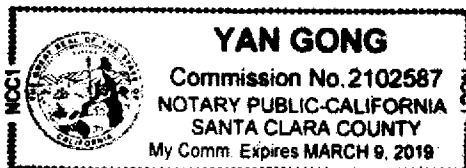
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018 by \_\_\_\_\_ as the \_\_\_\_\_ of Bly Solar Center, LLC, an Oregon limited liability company, on behalf of the company.

See attached  
acknowledgment.

Signature: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(Notary Seal)



DME/sec

Page 5

11/14

**WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT** (RCW 42.44.100)

State of Washington

County of Thurston

} ss.

I certify that I know or have satisfactory evidence that Theresa E. Cowan  
Name of Signer

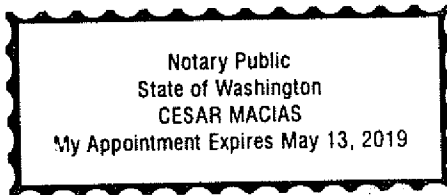
is the person who appeared before me, and said  
person acknowledged that he/she signed this  
instrument and acknowledged it to be his/her  
free and voluntary act for the uses and purposes  
mentioned in the instrument.

Dated: 5/5/18  
Month/Day/Year

[Signature]

Signature of Notarizing Officer

Notary Public  
Title (Such as "Notary Public")



Place Notary Seal and/or Stamp Above

My appointment expires

May 13 2019  
Month/Day/Year of Appointment Expiration

**OPTIONAL**

*Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Amendment 7 to Grant of Easement and Easement Agreement for Access

Document Date: 5/5/18 Number of Pages: 9

Signer(s) Other Than Named Above: \_\_\_\_\_

**RIGHT THUMBPRINT  
OF SIGNER**

Top of thumb here

**WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT** (RCW 42.44.100)

State of Washington

County of Pierce

} ss.

I certify that I know or have satisfactory evidence that

David M. Cowan  
Name of Signer

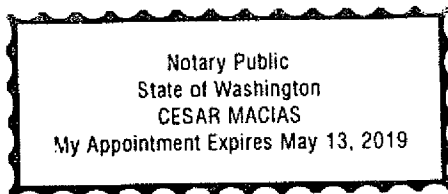
is the person who appeared before me, and said  
person acknowledged that he/she signed this  
instrument and acknowledged it to be his/her  
free and voluntary act for the uses and purposes  
mentioned in the instrument.

Dated:

5/5/18  
Month/Day/Year

[Signature]

Signature of Notarizing Officer



Place Notary Seal and/or Stamp Above

Notary Public  
Title (Such as "Notary Public")

My appointment expires

May 13 2019  
Month/Day/Year of Appointment Expiration

**OPTIONAL**

*Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Amendment No 1 to Grant of Easement and Easement Agreement for Access.

Document Date: 5/5/18 Number of Pages: 9

Signer(s) Other Than Named Above: \_\_\_\_\_

**RIGHT THUMBPRINT  
OF SIGNER**

Top of thumb here

1154

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Contra Costa }

On May 8, 2018 before me, Yan Gong, Notary Public,  
(here insert name and title of the officer)

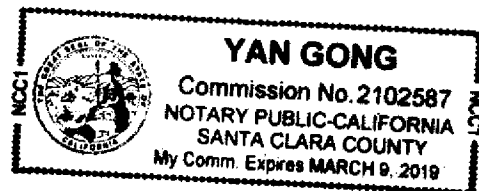
personally appeared Frank Chenyang Zhu,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their 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.

Yan Gong  
Notary Public Signature

(Notary Public Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Amendment No 1 to  
(Title or description of attached document)  
Grant of Easement and Easement Agreement  
(Title or description of attached document continued) to Access

Number of Pages 9 Document Date \_\_\_\_\_

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☒ Corporate Officer  
Manager  
(Title)  
☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.



EXHIBIT "B1" REVISED

Land situated in the Southeast 1/4 of the Northeast 1/4 of Section 11 Township 37 South, Range 14 East, Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

COMMENCING at the East 1/4 corner of said Section 11;

Thence along the South line of the Northeast 1/4 of said Section 11, North 89°37'59" West 1137.39 feet to the POINT OF BEGINNING;

Thence North 23°13'07" East 7.60 feet;

Thence South 89°37'59" East 84.46 feet;

Thence North 00°43'05" East 30.00 feet;

Thence North 89°37'59" West 72.01 feet;

Thence North 23°13'07" East 162.02 feet;

Thence North 00°43'05" East 442.22 feet;

Thence South 89°16'55" East 10.00 feet;

Thence North 00°43'05" East 30.00 feet;

Thence North 89°16'55" West 50.00 feet;

Thence South 00°43'05" West 30.00 feet;

Thence South 89°16'55" East 10.00 feet;

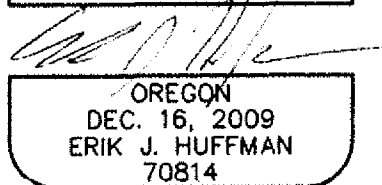
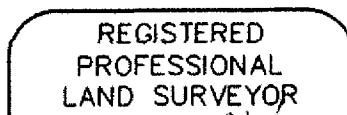
Thence South 00°43'05" West 436.25 feet;

Thence South 23°13'07" West 208.85 feet to a point on said South line of the Northeast 1/4 of Section 11;

Thence along said South line, South 89°37'59" East 32.56 feet to the POINT OF BEGINNING;

Contains 23,189 square feet or 0.53 acres, more or less.

Bearings are based upon County Survey 8153, Klamath County Survey Records.



RENEWALS: JUN. 30, 2019

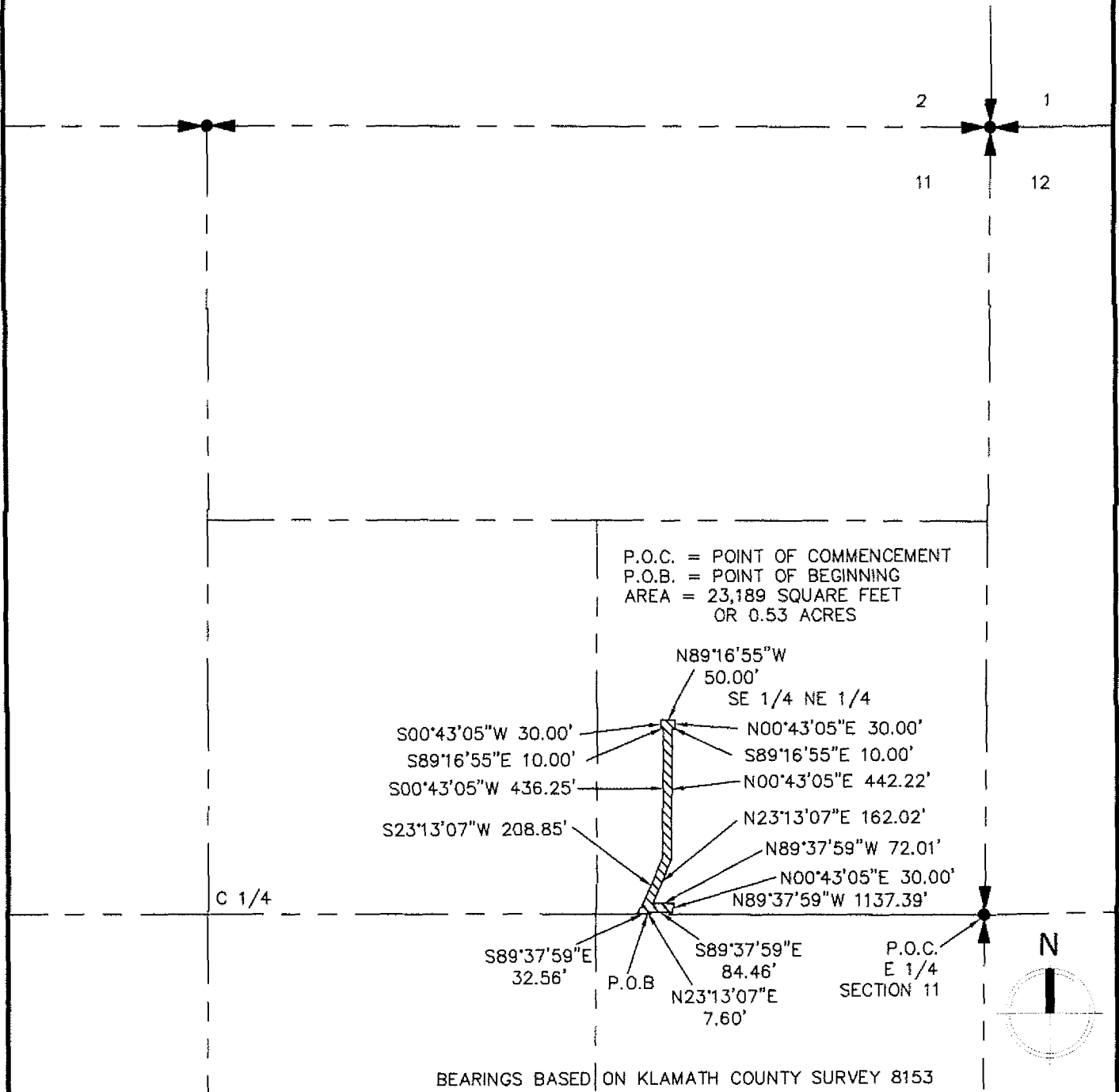
Page 6

DMMO/REC

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# EXHIBIT "B1" REVISED

LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 14 EAST,  
WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON



549 SW MILL VIEW WAY  
SUITE 105  
BEND, OREGON 97702  
(541) 633-3140  
www.beconeng.com

FOR:  
GCL NEW ENERGY, INC.  
12667 ALCOSTA BLVD.  
SAN RAMON, CA 94583

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]*

OREGON  
DEC. 16, 2009  
ERIK J. HUFFMAN  
70814

RENEWALS: JUN. 30, 2019

ORIG: 10/31/2016  
REV: 4/20/2018

SCALE: 1" = 500'

DRAWN BY: EJH

PROJ: 17048

Page 7

*[Handwritten signature]*

*[Handwritten mark]*

EXHIBIT "B2" REVISED

A 30 foot wide strip of land; situated in the NE 1/4 of the SE 1/4 of Section 11 Township 37 South, Range 14 East, Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

COMMENCING at a 5/8" Iron Rod to mark the East 1/4 corner of Section 11;

Thence along the East line of Section 11 South 00°19'19" West 660.14 feet to a 5/8" Iron Rod being the PONT OF BEGINNING;

Thence South 88°54'03" West 547.35 feet;

Thence North 21°58'30" West 63.50 feet;

Thence North 35°14'09" West 263.18 feet;

Thence North 79°54'28" West 175.86 feet;

Thence North 64°33'56" West 210.78 feet;

Thence North 29°26'26" West 83.37 feet;

Thence North 07°14'07" West 174.94 feet;

Thence North 23°13'07" West 39.80 feet to a point on the East-West Centerline of Section 11;

Thence along said East-West Centerline of Section 11, North 89°37'59" West 32.56 feet;

Thence leaving said East-West Centerline of Section 11, South 23°13'07" East 35.32 feet;

Thence South 07°14'07" East 189.00 feet;

Thence South 29°26'26" East 98.76 feet;

Thence South 64°33'56" East 224.32 feet;

Thence South 79°54'28" East 167.57 feet;

Thence South 35°14'09" East 247.37 feet;

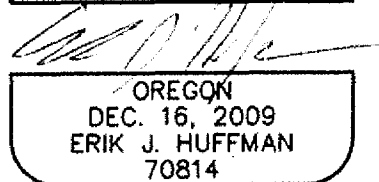
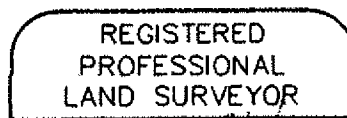
Thence South 21°58'30" East 80.68 feet;

Thence North 88°54'03" East 567.25 feet to a point on the East line of Section 11;

Thence along said East line of Section 11 North 00°21'59" East 30.01 feet to the POINT OF BEGINNING.

Contains 47,535 square feet, more or less.

Bearings are based upon County Survey 8153, Klamath County Survey Records.



OREGON  
DEC. 16, 2009  
ERIK J. HUFFMAN  
70814

RENEWIS: JUN. 30, 2019

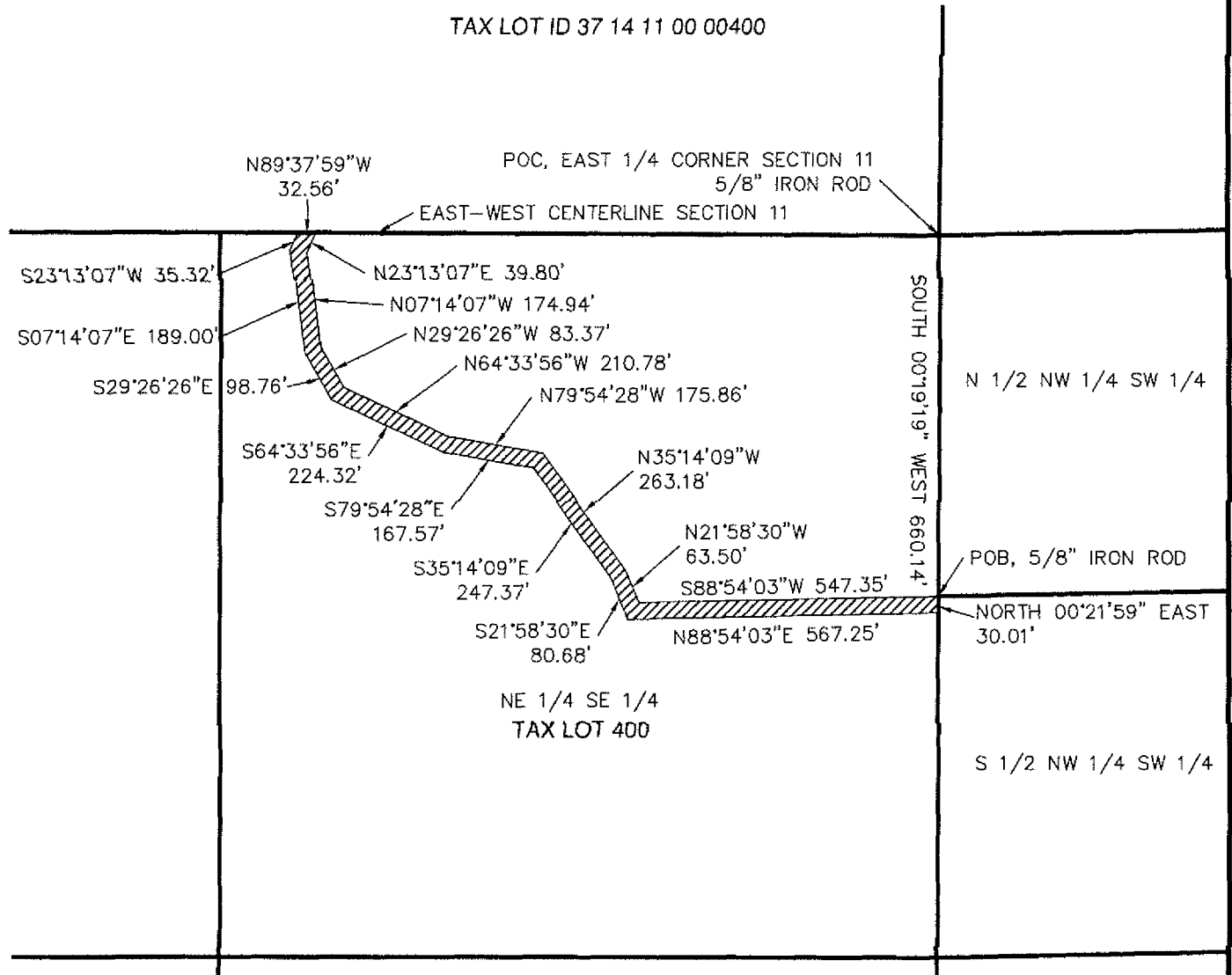
Page 8 DMC/REC

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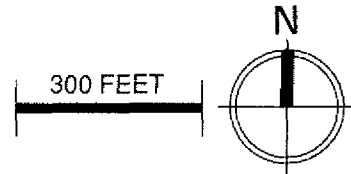
# EXHIBIT "B2" REVISED

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 11  
TOWNSHIP 37 SOUTH, RANGE 14 EAST, W.M. KLAMATH COUNTY, OREGON

TAX LOT ID 37 14 11 00 00400



POC = POINT OF COMMENCEMENT  
POB = POINT OF BEGINNING  
AREA = 47,535 SQUARE FEET



CIVIL ENGINEERING  
& LAND SURVEYING

549 SW MILL VIEW WAY  
SUITE 105  
BEND, OREGON 97702  
(541) 633-3140  
www.beconeng.com

FOR:  
GCL NEW ENERGY, INC.  
12667 ALCOSTA BLVD.  
SAN RAMON, CA 94583

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Erik J. Huffman*

OREGON  
DEC. 16, 2009  
ERIK J. HUFFMAN  
70814

RENEWES: JUN. 30, 2019

ORIG: 11/12/2015  
REV: 4/13/2018

SCALE: 1" = 300'

DRAWN BY: EJH

PROJ: 17048