

2020-000181

Klamath County, Oregon



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01/06/2020 02:20:19 PM

Fee: \$92.00

After recording return to:

Nathan J. Ratliff  
Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls, OR 9

Send tax statements to:

Emerging Markets Capital LLC  
314 S. 7<sup>th</sup> Street, PMB #124  
Klamath Falls, OR

### TERMINATION AND RELEASE OF LEASE

THIS TERMINATION AND RELEASE OF LEASE is executed this 23<sup>rd</sup> day of December, 20 19, by KLAMATH BASIN GEOPOWER, INC., a Nevada corporation, by and through W. Donald Gieseke, Bankruptcy Trustee.

1. Lease. A Geothermal Lease and Agreement dated on or about June 26, 2009, was entered into between OPTIM, INC., and SYDNEY K. GIACOMINI and CYNTHIA L. BARRETT. This lease was evidenced by a Memorandum of Geothermal Lease and Agreement recorded November 18, 2010, as Document No. 2010-13393

2. Assignment of Lease Interest. On or about August 7, 2012, OPTIM, INC., unconditionally and absolutely assigned, set over, transferred and conveyed unto KLAMATH BASIN GEOPOWER, INC., a Nevada Corporation, all of Optim's (Lessee's) right, title and interest under the Lease. This Assignment of Lease Interest was recorded on August 7, 2012, as Docket No. 2012-008653

3. On or about November 24, 2015, Klamath Basin Geopower, Inc., filed bankruptcy in the U.S. Bankruptcy Court, District of Nevada, Case No. BK-N-15-51578-BTB. This case has recently been reopened and is active at the time of execution of this document.

4. Sydney K. Giacomini and Cynthia L. Barrett, or their successors in interest, desire to terminate their Geothermal Lease and Agreement with Klamath Basin Geopower, Inc., and Klamath Basin Geopower desires to consent to said lease termination.

WHEREFORE, THE UNDERSIGNED, as Bankruptcy Trustee of Klamath Basin Geopower, Inc., terminates its Lessee interest in the above-described Geothermal Lease and Agreement as relates to Sydney K. Giacomini's and Cynthia L. Barrett's, or their successors' in interest, interest in that real property described on attached Exhibit "A."

IN WITNESS WHEREOF, W. Donald Gieseke, Bankruptcy Trustee of Klamath Basin Geopower, Inc., has executed the Termination and Release of Lease as of the date set forth above.

KLAMATH BASIN GEOPOWER, INC.,  
a Nevada Corporation

By: [Signature]  
W. Donald Gieseke, Bankruptcy Trustee

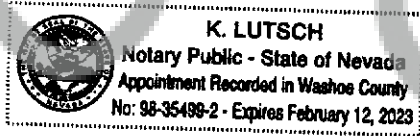
STATE OF NEVADA )  
County of Washoe ) ss.

ON December 23, 2019, before me,  
K Lutsch, a Notary Public, personally appeared W. Donald Gieseke, Bankruptcy Trustee, who proved to me on the basis of satisfactory evidenced 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 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 Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Signature



**EXHIBIT "A"**

**Attached to and made a part of that certain  
Termination and Release of Lease executed  
by W. Donald Gieseke, Bankruptcy Trustee, on  
behalf of Klamath Basin Geopower, Inc., Lessee, in favor of  
Sydney K. Giacomini and Cynthia L. Barrett, Lessors**

**PROPERTY DESCRIPTION**

**PARCEL 1:**

Tracts 1: Lots 5, 6, 7 and 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 22, Township 39 South, Range 10 East of the Willamette Meridian, Except rights of way for roads, ditches and canals, and including reservoir sites, and EXCEPT that portion conveyed to the United States of America for right of way purposes in Vol. 37 on page 315, Deed Records and EXCEPT the following described tracts:

All that portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 22, Township 39 South, Range 10 East of the Willamette Meridian, lying Northwesterly of the Crystal Springs Road and easterly of the existing irrigation canal.

All that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 22, Township 39 South, Range 10 East of the Willamette Meridian, lying Southeasterly of the Crystal Springs Road.

**PARCEL 2:**

All that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 22, Township 39 South, Range 10 East of the Willamette Meridian, lying Southeasterly of the Crystal Springs Road.

Property ID Nos.: 600656 and 813105  
Map Tax Lot No.: 3910-02200-00500-0002.