

2020-016169

Klamath County, Oregon



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After Recording Return To:

E. Bradley Litchfield

Hutchinson Cox

PO Box 10886

Eugene, OR 97440

12/11/2020 12:35:26 PM

Fee: \$102.00

TERMINATION AND RELEASE OF LEASES

This TERMINATION AND RELEASE OF LEASES is executed this 28th day of October, 2020 by Klamath Basin Geopower, Inc., a Nevada Corporation (KBG), with its registered office at 200 South Virginia Street, Suite 560, Reno, Nevada 89501.

1. Leases. Pursuant to that certain Geothermal Lease and Agreement entered into between Kevin and Carol Westfall, and Optim, Inc., a Nevada Corporation, as evidenced by that Memorandum of Geothermal Lease and Agreement recorded on May 18, 2011 as document No. 2011-006260 in the official Records of Klamath County, Oregon a "Lease 1", and as assigned by that January 18, 2013 Assignment of Geothermal Lease and Agreement by and between Optim, Inc., a Nevada Corporation and Klamath Basin Geopower, Inc., a Nevada Corporation (the "Lessee") recorded on January 31, 2013 as document No. 2013-001166 in the official Records of Klamath County Oregon, and as further assigned by that January 30, 2013 Memorandum of Assignment of Geothermal Lease by and between Kevin Westfall and Carol Westfall and Anderson Exchange BX121202 OR, LLC, an Oregon limited liability company (the "Lessor") recorded on January 13, 2013 as document No. 2013-01168 in the official Records of Klamath County; and pursuant to that certain January 24, 2011 Geothermal Lease and Agreement between Russell and Edith Walsh, Trustees of Walsh Family Trust, recorded on January 24, 2011 as instrument No. 2011-000855 in the official Records of Klamath County Oregon and as re-recorded on December 3, 2013 as instrument No. 2013-013329 in the official Records of Klamath County Oregon ("Lease 2"), and as assigned by that February 20, 2014 Memorandum of Amendment to Geothermal Lease and Agreement and Assignment by and between Optim, Inc., a Nevada Corporation, and Klamath Basin Geopower, Inc., a Nevada Corporation ("Lessee") recorded on February 21, 2014 as instrument No. 2014-001511 in the official Records of Klamath County Oregon, and as further assigned by that February 26, 2014 Memorandum of Partial Assignment of Geothermal Lease and Agreement by and between Russell and Edith Walsh, Trustees of Walsh Family Trust and Frank A. Anderson and Susan M. Anderson, Trustees of the Frank and Susan Anderson 2006 Revocable Trust ("Lessor") recorded on February 28, 2014 as instrument No. 2014-001755 in the official Records of Klamath County Oregon, Lessors leased to Lessee certain real property located in Klamath County, Oregon, which real property is more particularly described in the attached Exhibit A.

2. Termination and Release. Klamath Basin Geopwer, Inc. does hereby terminate the Lease 1 and Lease 2 and release and relinquish any right, title and interest of the Lessee in the property described in Exhibit A arising by reason of Lease 1 or Lease 2.
3. Incorporation of Lease. This termination and release, incorporates herein all of the terms and provisions of the Lease (as assigned) as though fully set forth herein.

IN WITNESS WHEREOF, KLAMATH BASIN GEOPOWER, INC. has executed this Termination and Release of Lease as of the date set forth above.

KLAMATH BASIN GEOPOWER, INC., A Nevada Corporation

By: W.D. Gieseke

Name: W.D. Gieseke

Title: Trustee

State of Nevada; County of Washoe

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 28th day of October, 2020, By W.D. Gieseke as Trustee.

K. Lutsch

NOTARY PUBLIC FOR NEVADA

My Commission expires: 2-12-2023

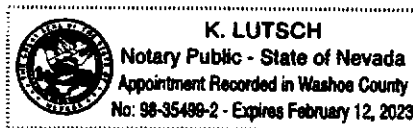


Exhibit A

Parcel 1:

The S1/2 of the NW1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon

Parcel 2:

The SE1/4 of the NE1/4 of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM that portion conveyed to United States of America by Deed recorded in Deed Volume 45 at page 24.

ALSO EXCEPTING THEREFROM the following described tract of land:

Beginning at a spike in the County Road on the East quarter corner of said Section 26; thence North 0°16' East along the East line of said Section 26 a distance of 292.0 feet; thence West parallel with the East-West centerline of said Section 26 a distance of 30.0 feet to an iron pin on the West boundary of the County Road; thence North a distance of 25 feet; thence West a distance of 632.35 feet to an iron pin on the East bank of Klamath Irrigation Drainage Ditch Drain 1-C; thence South 0°55' East along the East bank of said drain a distance of 292.1 feet to an iron pin on the East-West centerline of said Section 26; thence East along the centerline a distance of 626.85 feet to an iron pin on the West boundary of the County Road; thence continuing East a distance of 30.0 feet, more or less, to the point of beginning.

Parcel 3:

A Tract of land situated in the SW1/4NE1/4 of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being a portion of the tract of land described in recorded Contract, Deed Volume M76 at page 13093 of Klamath County Deed Records, being more particularly described as follows:

Beginning at a 5/8 inch iron pin with plastic cap on the East line of said SW1/4NE1/4, and being South 45° 10' 13" West 1885.21 feet and South 00° 03' 51" West 750 feet from the Northeast corner of said Section 26; thence South 00° 03' 51" West 576.28 feet to the Southeast corner of said SW1/4NE1/4; thence South 89° 59' 39" West along the south line of said SW1/4 NE1/4, 778.77 feet to the southeast corner of that tract of land described in Deed Volume 272 at page 310 of said Klamath County deed Records; thence North 21° 54' 13" West (North 21° 30' 15" West by said Deed Volume 272 at page 310), along the easterly line of said Deed Volume 272, page 310, 620.59 feet to a 5/8 inch iron pin with plastic cap, said iron pin being South 00° 03' 51" West 750.00 feet from the North line of said SW1/4NE1/4; thence North 89° 59' 04" East 1010.93 feet to the point of beginning.

PARCEL 1

A tract of land situated in the E1/2 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the C-N1/16 corner of said Section 25; thence East, along the North line of the S1/2 NE1/4 of said Section 25, 370 feet, more or less, to the Southwesterly right of way line of the Burlington Northern Railroad; thence Southeasterly, along the said Southwesterly right of way line, 1940 feet, more or less; thence West, along the said right of way line, 110 feet, more or less; thence Southeasterly, along said right of way line, 200 feet, more or less, to the West right of way line of the USBR A-7 Lateral; thence Southerly, along the said West right of way line, 1030 feet, more or less, to the North line of that tract of land described in Deed Volume M03, page 05798, Microfilm Records of Klamath County, Oregon; thence along the boundary of said Deed Volume, North 52° 23' West 220 feet, more or less, and South 29° 25' West, 39.3 feet, more or less, to a point on the North right of way line of the U.S.B.R. No. 1 Drain; thence Westerly along the said North right of way line, 1840 feet, more or less, to the North-South center section line of said Section 25; thence North 2800 feet, more or less, to the point of beginning.

SAVING AND EXCEPTING any portion lying within the right of way of Henley Road.

PARCEL 2

The N1/2 SW1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. SAVING AND EXCEPTING any portion lying within the USBR No. 1 Irrigation Drain.

PARCEL 3

A

A tract of land in Government Lot 1 of Section 5, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Commencing at the Northwest corner of said Section 5; thence East 1908.8 feet, along the North line of said section, to an intersection with the centerline of the Riverside Spur Tract of the Great Northern Railway Company; thence South 21° 35' East, along said centerline 657.83 feet; thence South 68° 25' West 22.5 feet to the Northeast corner of a tract of land conveyed by to the Natural Gas Corporation of Oregon by deed recorded October 27, 1930 in Volume 93, page 171, Deed Records of Klamath County, Oregon; thence South 68° 25' West 68.19 feet; thence North 14° 00' West 103 feet to the True Point of Beginning of the tract to be herein described; thence South 87° 00' West, along the Southerly boundary of a tract formerly owned by said Railway Company 231.0 feet to a point on the Easterly boundary of the right of way of the Klamath Falls-Ashland Highway;

Continued

(Parcel 3 A Continued)

thence North 23° 50' West along the said highway right of way line, 105.8 feet to the centerline of a certain roadway easement 24 feet in width as reserved in a deed recorded August 17, 1955 in Deed Volume 276, page 484, Deed Records of Klamath County, Oregon; thence North 81° 40' East, along said centerline 113.5 feet; thence Southeasterly on said centerline, along a 32° curve to the right, through an angle of 67° 24' for a distance of 210.6 feet; thence Southeasterly on said centerline and tangent to said curve to a point in the Southerly boundary of said tract formerly owned by said Railroad Company from which the true point of beginning herein bears South 87° 00' West; thence South 87° 00' West 28.6 feet to the true point of beginning.

EXCEPT from the foregoing described tract that part lying Northerly and Northeasterly of a line drawn parallel with and 12 feet Southerly from (when measured at right angles to) the Northerly and Northeasterly line of said herein described tract.

B

All that portion of Lot 1, Section 5, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point in the East line of the county road leading from Klamath Falls to Keno, which point is South 7° 3' East 92.2 feet; South 14° 30' East 312.55 feet, South 23° 50' East 179.6 feet along the East line of said county road from the intersection thereof with the North line of said Lot 1, Section 5; thence from said point of beginning North 87° East 231.0 feet along the Southerly boundary of the C.R. DeLap Tract; thence South 14° East 103.0 feet; thence South 62° 23' West 77.0 feet; thence South 83° 52' West 101.8 feet, more or less to the East line of the State Highway; thence along said East line of the State Highway North 32° 25' West 160.0 feet to the point of beginning.

C

An irregular tract of land situated in Lot 1, Section 5, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point of intersection of the North line of Lot 1, Section 5 and the E line of the county road leading from Klamath Falls to Keno; thence South 7° 3' East, 92.2 feet; thence South 14° 30' East, 312.55 feet; thence South 23° 50' East, 179.6 feet; thence North 87° 00' East, 231.0 feet along the Southerly boundary of the C.R. DeLap tract to the True Point of Beginning for this description; thence continuing North 87° 00' East, 15.41 feet to a point on the West line of a 24 foot road right of way; thence South 30° 56' East along said West line of said road right of way, 98.62 feet; thence South 68° 25' West, 43.87 feet; thence North 14° 00' West, 103.00 feet to the true point of beginning.