

2021-015805

Klamath County, Oregon

10/20/2021 10:37:01 AM

Fee: \$112.00

Return to:
Linkville Solar, LLC
3519 NE 15th Ave. #106
Portland, OR 97212
Attention: GreenKey Development, Inc.
Email: troy@tlscapital.com

STATE OF OREGON

COUNTY OF KLAMATH

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)

**MEMORANDUM OF
GROUND LEASE AGREEMENT**

THIS MEMORANDUM OF GROUND LEASE AGREEMENT ("Memorandum") is entered into this 19th day of August, 2021, by and between Mountain and Lake View Properties LLC ("Landlord"), and Linkville Solar, LLC, an Oregon limited liability company ("Tenant"; "Landlord and Tenant are sometimes referred to individually as a "Party" and, collectively, as the "Parties").

RECITALS:

- A. Landlord and Tenant entered into that certain Ground Lease Agreement dated June 19, 2020 (the "Lease").
- B. Landlord and Tenant desire to execute this Memorandum, which is to be recorded in the Public Records of Klamath County, Oregon, in order that third parties may have notice of the estate of Tenant in the Leased Premises and of the Lease.

NOW, THEREFORE, for and in consideration the promises, covenants and agreements of the Parties and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Capitalized terms used herein, and not otherwise defined, shall have the same meanings assigned to them in the Lease. All of the terms and conditions of the Lease are incorporated herein by this reference.

2. The Term of the Lease began on June 19, 2020 and continues for a period of two hundred and forty (240) months with options to extend the term up to three (3) additional successive terms of five (5) years each, beginning on the Rent Commencement Date.

3. Pursuant to the Lease, Landlord leases to Tenant a portion of that certain property in Klamath County, Oregon, said leased premises being legally described as set forth on Exhibit A, attached hereto and incorporated herein as "Property Description", and more

particularly identified on Exhibit B attached hereto as "Ground Mount Site" (together the "Leased Property").

4. The solar photovoltaic power generating facility, all related equipment and all other improvements installed, owned and operated by Tenant, its affiliates or equipment lessors, and located from time to time upon the Land is referred to herein as the "Tenant's Property" or the "System."

5. Tenant's Property shall not be deemed to be permanent fixtures. Tenant's Property shall be deemed to be Tenant's personal property and Landlord shall have no right, title or interest in Tenant's Property. Landlord has waived any and all rights it may have to place a lien on Tenant's Property.

6. Pursuant to the terms of the Lease, Tenant is permitted to mortgage its interest in the Lease and/or collaterally assign Tenant's interest in the Lease to a Financer without the Landlord's prior consent.

7. Nothing contained herein shall modify the Lease, and in the event of a conflict between the provisions of the Lease and the provisions of this Memorandum, the provisions of the Lease shall control.

[SEPARATE SIGNATURE PAGES ATTACHED]

[Signature Page to Memorandum of Ground Lease]

IN WITNESS WHEREOF, the undersigned have executed this Memorandum by authority duly given and effective as of the date first written above.

LANDLORD:

By: Darrel Dickson

Name: Darrel Dickson

Title: managing member

Company: Mountain and Lake View Properties LLC

STATE OF Idaho

COUNTY OF Madison

I certify that Darrel Dickson personally appeared before me this day, acknowledging to me that they signed the foregoing instrument:

[_____]

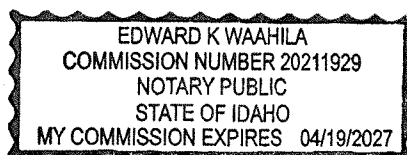
WITNESS my hand and official stamp or seal, this 19 day of August, 2020.

Notary Public: Edward K Waahila

Printed Name: Edward Waahila

My Commission Expires: 4/19/2027

[AFFIX NOTARIAL STAMP OR SEAL]



[Signature Page to Memorandum of Ground Lease]

IN WITNESS WHEREOF, the undersigned have executed this Memorandum by authority duly given and effective as of the date first written above.

TENANT:

By: [Signature]

Name: O. Akomea Poku-Kankam

Title: Authorized Signatory

Company: Linkville Solar, LLC

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I certify that O. Akomea Poku-Kankam personally appeared before me this day, acknowledging to me that they signed the foregoing instrument:

[]

WITNESS my hand and official stamp or seal, this 20th day of September,
~~2020~~X 2021

Notary Public: [Signature]

Printed Name: Edwina Amanda Wilford

My Commission Expires: 5/29/23

[AFFIX NOTARIAL STAMP OR SEAL]

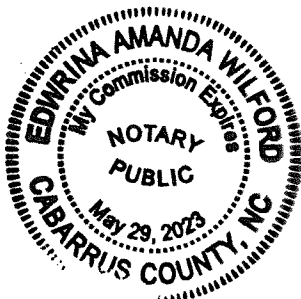


EXHIBIT A

PROPERTY DESCRIPTION

PARCEL NO. 1

A parcel of land situated in the NE1/4 and SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE1/4 of Section 1; Township 39 South, Range 8 East of the Willamette Meridian, and the NW1/4 NW1/4 of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, all in Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the North-South centerline of Section 36 from which the Northwest corner of the SW1/4 NE1/4 of said section bears North 00°11'27" East 427.59 feet; thence South 89°58'12" East 619.61 feet; thence South 27°18'39" East 3530.91 feet; thence South 62°41'21" West 250.36 feet; thence South 27°18'39" East 1811.20 feet to a point on the South line of the NW1/4 NW1/4 of Section 6; thence along said South line South 89°28'21" West 199.91 feet to the Southwest corner thereof; thence along the South line of the NE1/4 NE 1/4 of Section 1 North 89°29'44" West 1330.62 feet to the Southwest corner of said NE1/4 NE1/4 thence along the West line of the SE1/4 NE1/4 of Section 1 South 00°06'44" East 458.90 feet to the Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 56°12'28" West 194.88 feet; thence leaving said right of way line North 11°59'09" East 364.18 feet to the South line of the NW1/4 NE1/4 of Section 1; thence along said South line South 89°56'08" West 516.20 feet to the said Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 50°28'23" West 199.25 feet; thence North 59°17'52" West 439.78 feet; thence leaving said Northerly right of way line North 36°42'45" West 329.35 feet to the North-South center section line of Section 1; thence along said center section line North 00°04'15" East 722.87 feet to the 1/4 corner common to Section 1 and Section 36; thence along the center section line of the Section 36 North 00°11'27" East 3508.58 feet to the point of beginning.

Excepting Tract 1416-The Woodlands, Phase 1 and Tract 1437-The Woodlands, Phase 2, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Also Excepting Tract 1461, The Woodlands, Phas 3 and Tract 1508, The Gardens Phase 1.

Also Excepting therefrom all that portion lying within Land Partition 13-18 situated in the SW1/4 NE1/4, SE1/4 NE1/4 and the SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and recorded October 17 2018 as Instrument No. 2018-012687, Klamath County Records.

PARCEL 2:

Parcel 1, Land Partition 13-18 situated in the SW1/4 NE1/4, SE1/4 NE1/4 and the SE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and recorded October 17 2018 as Instrument No. 2018-012687, Klamath County Records.

PARCEL 3:

That portion of the Southeast quarter of the Northeast quarter lying Northeasterly of Highway 140 of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. Less and except that portion deeded to Southview Master Association, by Warranty Deed recorded August 6, 2004 in Volume M04 page 51781, records of Klamath County, Oregon, described as follows: All private ways, together with such common use improvements as may be located within said private ways as provided for and set forth on that certain subdivision plat commonly referred to as Tract 1416 - The Woodlands Phase 1 located within the City of Klamath Falls, Klamath County, Oregon including but not limited to streets and roads; sanitary sewer conveyance systems; stormwater conveyance systems; stormwater drainage ways; street lighting systems; common area sidewalks and common areas.

PARCEL 4:

The Northeast quarter of the Northeast quarter of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. Excepting therefrom all that portion lying Westerly of the Easterly line of the following described parcel: A parcel of land situated in the Southeast quarter Southeast quarter Section 36, Township 38 South, Range 8 East, The Northeast quarter Northeast quarter Section 1, Township 39 South, Range 8 East and the Northwest quarter Northwest quarter Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southeast corner of the Northeast quarter Northeast quarter of said Section 1; thence on the South line of said Northeast quarter Northeast quarter North 89°29'44" West 616.73 feet; thence leaving said South line North 27°18'39" West 237.83 feet; thence North 62°41'21" East 118.54 feet; thence North 27°18'39" West 1195.51 feet; thence North 62°41'21" East 605.39 feet; thence South 27°18'39" East 1811.20 feet to the South line of the Northwest quarter Northwest quarter of said Section 6; thence South 89°28'21" West 199.91 feet on said South line, to the point of beginning with bearings based on C.S. 6513.2

Excepting therefrom all that portion Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon.

PARCEL 5:

The Southwest quarter of the Northwest quarter of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 6:

The North half of the North half of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM all that portion described as follows: A parcel of land situated in the Southeast quarter Southeast quarter Section 36, Township 38 South, Range 8 East, The Northeast quarter Northeast quarter Section 1, Township 39 South, Range 8 East and the Northwest quarter Northwest quarter Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southeast corner of the Northeast quarter Northeast quarter of said Section 1; thence on the South line of said Northeast quarter Northeast quarter North 89°29'44" West 616.73 feet; thence leaving said South line North 27°18'39" West 237.83 feet; thence North 62°41'21" East 118.54 feet; thence North 27°18'39" West 1195.51 feet; thence North 62°41'21" East 605.39 feet; thence South 27°18'39" East 1811.20 feet to the South line of the Northwest quarter Northwest quarter of said Section 6; thence South 89°28'21" West 199.91 feet on said South line, to the point of beginning with bearings based on C.S. 6513.2

Excepting therefrom all those portions lying in Section 1, Township 39 South Range 8 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 7:

The Southwest quarter of the Northwest quarter and the West half of the Southwest quarter of Section 31, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

EXHIBIT B

GROUND MOUNT SITE

LEGAL DESCRIPTION FOR LEASE AREA

LAND LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 39 SOUTH, RANGE 9 EAST, AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 SOUTH, RANGE 8 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY 1/4 CORNER OF SECTION 6;

THENCE NORTH 44°46'27" EAST 35.34 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON A LINE 25 FEET EASTERLY AND PARALLEL TO THE WESTERLY BOUNDARY OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6;

THENCE ALONG SAID LINE NORTH 0°15'02" WEST 1012.22 FEET;

THENCE LEAVING SAID LINE SOUTH 62°16'03" EAST 1488.12 FEET TO A POINT ON A LINE BEING 25 FEET WESTERLY AND PARALLEL TO THE EASTERLY BOUNDARY OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6;

THENCE ALONG SAID LINE SOUTH 0°59'38" WEST 315.18 FEET TO A POINT, SAID POINT BEING AT THE INTERSECTION OF SAID LINE AND A LINE 25 FEET NORTHERLY AND PARALLEL TO THE SOUTHERLY BOUNDARY OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6;

THENCE ALONG SAID NORTHERLY OFFSET LINE SOUTH 89°47'56" WEST 1307.29 FEET TO THE POINT OF BEGINNING;

CONTAINS 871,067 SQUARE FEET OR 20.00 ACRES, MORE OR LESS.