

PREPARED BY:

Schulte Roth & Zabel LLP
919 Third Avenue
New York, NY 10022
REF: 005195.0007

2022-005956

Klamath County, Oregon

05/10/2022 08:28:01 AM

Fee: \$112.00

AFTER RECORDING, RETURN TO:

Fidelity National Title
Strategic Market Services
7130 Glen Forest Ave, Ste. 300
Richmond, VA 23139

36731178

APPOINTMENT OF SUCCESSOR TRUSTEE

RECITALS

A. The parties to this instrument are:

Present Beneficiary : Deutsche Bank Trust Company Americas, a New York banking corporation
Successor Trustee : Fidelity National Title Insurance Company

B. The undersigned beneficiary, herein "Beneficiary," is the present holder of the obligations secured by the trust deed whose parties, date and recording information are as follows:

Grantor : AP Wireless Investments I, LLC, a Delaware limited liability company
Original Trustee : Fidelity National Title Company of Oregon
Original Beneficiary : Deutsche Bank Trust Company Americas, a New York banking corporation
Date : May 27, 2021
Recording Date : June 2, 2021
Recording Reference : Instrument No. 2021-008703
County of Recording : Klamath

C. Beneficiary desires to appoint Fidelity National Title Insurance Company, herein "Trustee," as successor trustee for purposes of reconveying the trust deed.

APPOINTMENT

1. Holder of Indebtedness. Beneficiary warrants that it is the legal owner and holder of all indebtedness secured by the above trust deed.

2. Appointment of Successor Trustee. Beneficiary appoints Trustee as successor trustee under the above trust deed, with all the powers provided therein and allowed by law.

Beneficiary:

Date: April 26, 2022

Deutsche Bank Trust Company Americas, a New York banking corporation

By: Tyler Davidson
Name: Tyler Davidson
Title: Attorney-in-fact

STATE OF New York, COUNTY OF New York)SS.

This instrument was acknowledged before me on the 26 day of April, 2022, by
Tyler Davidson, as Attorney-in-fact of Deutsche Bank Trust Company Americas

Marie J David
Notary Public for the State of New York
My commission expires: March 21, 2023

MARIE J DAVID
Notary Public, State of New York
No. 01DA6237602
Qualified in Queens County
Commission Expires March 21, 2023

Schedule A-1

Description of the Easement Real Estate

None

Schedule A-2

Description of the Leased Real Estate

None

Schedule A-3

Description of the Owned Real Estate

PARCEL 1:

A parcel of land situated in the Southeast one-quarter of Section 9, Township 39 South, Range 09 East of the Willamette Meridian in Klamath County Oregon. Said parcel being Parcel 2 of Land Partition 10-03, as filed at the Klamath County Clerk's Office and being more particularly described as follows:

Commencing at the South 1/4 corner of said Section 9, thence North 00°06' 02" East, 1795.81 feet to the TRUE POINT OF BEGINNING, said point being marked by a 5/8" rebar with a yellow plastic cap stamped "LS 58985", thence along the north-south center of section line of said Section 9, South 00°06' 02" West, 1138.89 feet more or less, to the southwest corner of the N 1/2 S 1/2 SE 1/4 of said Section 9; thence along the south line of said N 1/2 S 1/2 SE 1/4, South 89°55' 00" East, 1969.61 feet more or less, to the southwesterly right of way line of the Burlington Northern-Santa Fe Railroad as described in deed volume 321, page 327 on file at the Klamath County Clerk's Office; thence leaving said south line and along said southwesterly right of way line, North 47°23' 24" West, 1177.02 feet more or less, to the southeast corner of Parcel 1 of said Land Partition 10-03; thence leaving said southwesterly right of way line and along the southerly boundary of said Parcel 1 the following four (4) courses, South 42°36' 36" West, 207.80 feet; North 48°25' 27" West, 299.92 feet; North 60°58' 37" West, 600.45 feet and North 87°57' 55" West, 211.38 feet to the point of beginning..

PARCEL 2:

The S1/2 of the SW1/4 of the SE1/4 and the SW1/4 of the SE1/4 of the SE1/4 of Section 9, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon;

EXCEPTING THEREFROM the following tract conveyed to Oregon Water Corporation by Deed recorded

January 30, 1955 in Volume 280, Page 492, Deed Records, being a parcel of land in the SW1/4 of the SE1/4 of the SE1/4 of said Section 9, Township 39 South, Range 9 East, Willamette Meridian, described as follows:

Beginning at a Point "A" which is the Northwest corner of said government subdivision; thence East 351.13 feet to Point "B"; thence South 360.48 feet to Point "C" which lies in an existing fence line; thence North 79° 07' West 357.56 feet along the existing fence line to Point "D"; thence North 292.97 feet to Point "A", the point of beginning.

TOGETHER WITH a Road Easement recorded December 16, 2003, in Volume M03, page 91504, and recorded January 15, 2004 in Volume M04, page 02806, all in Microfilm Records of Klamath County, Oregon, and more particularly described as follows:

A strip of land situated in the NE1/4 SW1/4 of Section 9, Township 39 South, Range 9 East of the

Willamette Meridian, Klamath County, Oregon, for the purpose of access to Parcel 2 of Land Partition 10-03 as recorded at the office of the Klamath County Clerk. Strip of land is to be 60 feet in width lying 30 feet on each side of the following described line:

Beginning at a point on the Easterly right of way line of Tingley Lane (formerly Manzanita Way), said point bears North 46° 24' 23" East, 2856.09 feet from a Klamath County brass cap marking the Southwest corner of said Section 9; thence South 70° 19' 42" East, 140.00 feet; thence South 19° 40' 18" West and parallel with said Easterly right of way, 155.44 feet to a point on the Northerly right of way line of Cedar Drive as dedicated to the public on Ewauna Park Subdivision, as recorded at the office of the Klamath County Clerk. Said point being the point of terminus which bears North 15° 51' 00" West, 1838.87 feet from the S1/4 corner of said Section 9. The side lines of said 60 foot easement are to be extended or shortened to meet at angle point at the Easterly right of way of Tingley Lane and the Northerly right of way of Cedar Drive.

PARCEL 3:

That portion of the following described property that lies North and East of the Southside Express Way

The N1/2 of Section 16, Township 39 South, Range 9 East of the Willamette Meridian, lying Easterly of the right of way of the Central Pacific Railway Company as described in deed recorded March 23, 1929 in Volume 85 Page 461, deed records of Klamath County, Oregon.

EXCEPT THE FOLLOWING to wit

The E1/2 of NE1/4 NE1/4 of said Section 16, and that certain tract of land conveyed to James Wells Hunt and wife by deed dated and recorded April 6, 1954, in Volume 266 Page 259, deed records of Klamath County, Oregon, described as follows: A tract of land in the SE1/4 NE1/4 of said Section 16, lying adjacent to the West right of way of the County Road known as Washburn Way, described as follows: Beginning South 0°11' West 427.42 feet and South 89°57' West 30.0 feet from the initial point described on the plat of "Altamont Small Farms", said initial point being South 0°06' East 1344 feet from the Northwest corner of Section 15 in said Township and Range, thence South 89°57' West 178.71 feet, thence South 0°11' West 208.71 feet, thence North 89°57' East 178.71 feet, thence North 0°11' East 208.71 feet, to the point of beginning.

ALSO EXCEPTING that portion deeded to United States of America by deed recorded August 8, 1908 in Volume 24 Page 495, deed records of Klamath County, Oregon.

ALSO EXCEPTING that portion acquired by the State of Oregon by and through its Department of Transportation under Stipulated Final Judgment, docketed June 8, 1987, Case No. 85-750CV in the Circuit Court of Klamath County, Oregon.

ALSO EXCEPTING that portion deeded to Klamath County in deed Volume M96 Page 26133, records of Klamath County, Oregon.

TOGETHER WITH the following described Parcel:

An area of land situated in the NE1/4 of Section 16, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the intersection of the South line of that tract of land described in Volume 266 at page 259 (record cites page 258) of the Klamath County Deed Records and the West right of way line of Washburn Way, from which the N1/16 corner common to Section 15, Township 39 South, Range 9 East of the Willamette Meridian and said Section 16 bears North 03°40'36" East 612.88 feet; thence North

00°26'32" East, along the said West right of way line, 28.69 feet; thence leaving the said West right of way line North 89°28'14" West 173.90 feet to a point on the boundary of said Volume 266, page 258; thence, along the Boundary of said Volume 266 page 258 the following courses, South 00°48'20" West 28.69 feet and South 89°28'14" East 174.08 feet to the point of beginning, with bearings based on the Oregon State Plane Coordinate System South Zone #3602.

EXCEPTING THEREFROM an area of land situated in the NE1/4 of Section 16, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the intersection of the North line of that tract of land described in Volume 266 at page 259 (record cites page 258) of the Klamath County Deed Records and the West right of way line of Washburn Way, from which the N1/16 corner common to Section 15, Township 39 South, Range 9 East of the Willamette Meridian, and said Section 16 bears North 05°20'27" East 404.71 feet; thence North 01°05'24" East, along the said West right of way line 18.17 feet; thence leaving said West right of way line, North 89°26'39" West 182.20 feet; thence South 00°48'20" West 198.22 feet; thence South 89°28'14" East 9.35 feet to a point on the boundary of said Volume 266, page 258; thence along the boundary of said volume 266 page 258 the following courses, North 00°48'20" East 180.06 feet and South 89°26'39" East 172.76 feet to the point of beginning, with bearings based on the Oregon State Plane Coordinate System South Zone #3602.

PARCEL 4:

All of Blocks 9, 10, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, and 27 of Ewauna Park, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

EXCEPTING THEREFROM all that portion lying within the Southside Bypass.

Schedule B-1

Description of the Easement

None

Schedule B-2

Description of the Ground Lease(s)

None

Schedule C-1

Description of the Lease(s)

- GROUND LEASE DATED SEPTEMBER 12, 2001, BY AND BETWEEN JUANITA S. FAIRCLO, AS LANDLORD, AND UNITED STATES CELLULAR OPERATING COMPANY OF MEDFORD, AN OREGON CORPORATION, AS TENANT, MEMORANDUM OF LEASE RECORDED MAY 16, 2002 UNDER DOCUMENT NUMBER M02, PAGE 29334; AS ASSIGNED, TRANSFERRED, AND AMENDED.
- OPTION AND LEASE AGREEMENT DATED OCTOBER 22, 2009, BY AND BETWEEN GLENN JUANITA S. GOODE, TRUSTEE OF THE JUANITA S. GOODE TRUST, AS

LANDLORD, AND NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, MEMORANDUM OF LEASE RECORDED 9-28-2010 UNDER DOCUMENT NUMBER 2010-011469; AS ASSIGNED, TRANSFERRED, AND AMENDED.

- LAND LEASE AND SOLAR EASEMENT (KLAMATH FALLS SOLAR 1) DATED FEBRUARY 3, 2016, BY AND BETWEEN EILEEN GIBBONS AND KEITH D. GOODE, SUCCESSOR CO-TRUSTEES OF THE JUANITA GOODE TRUST, U.A.D. NOVEMBER 8, 1999, AND ANY AND ALL AMENDMENTS THERETO, WHO TOOK TILE AS JUANITA GOODE TRUST AND EWAUNA PARK, LLC (TOGETHER, "OWNER") AND KLAMATH FALLS SOLAR 1, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS TENANT, MEMORANDUM OF LEASE RECORDED JULY 5, 2016 UNDER DOCUMENT 2016-007121; AS AMENDED BY
- MEMORANDUM OF MODIFICATION OF LEASE DATED JUNE 8, 2016, BY AND BETWEEN EILEEN GIBBONS AND KEITH D. GOODE, SUCCESSOR CO-TRUSTEES OF THE JUANITA GOODE TRUST, U.A.D. NOVEMBER 8, 1999, AND ANY AND ALL AMENDMENTS THERETO, WHO TOOK TILE AS JUANITA GOODE TRUST AND EWAUNA PARK, LLC (TOGETHER, "OWNER"), AND KLAMATH FALLS SOLAR 1, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS TENANT, RECORDED 2-2-2017 UNDER DOCUMENT NUMBER 2017-001076.
- UNRECORDED SIDE LETTER RE RELOCATION OF ACCESS ROAD (KLAMATH FALLS SOLAR 1) DATED FEBRUARY 3, 2016 BY AND BETWEEN EILEEN GIBBONS AND KEITH D. GOODE, SUCCESSOR CO-TRUSTEES OF THE JUANITA GOODE TRUST, U.A.D. NOVEMBER 8, 1999, AND ANY AND ALL AMENDMENTS THERETO, WHO TOOK TILE AS JUANITA GOODE TRUST AND EWAUNA PARK, LLC (TOGETHER, "OWNER") AND KLAMATH FALLS SOLAR 1, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS TENANT
- NON-INTERFERENCE AGREEMENT DATED MARCH 13, 2018 BY AND BETWEEN KLAMATH FALLS SOLAR 2, LLC, AND KLAMATH FALLS SOLAR 1, LLC, RECORDED ON MARCH 13, 2018 UNDER DOCUMENT NUMBER 2018-002757.
- LAND LEASE and SOLAR EASEMENT (Klamath Falls Solar 2) dated February 3, 2016, by and between Eileen Gibbons and Keith D. Goode, Successor Co-Trustees of the Juanita Goode Trust, U.A.D. November 8, 1999, and any and all amendments thereto, who took tile as Juanita Goode Trust and Ewauna Park, LLC (together, "Owner") and Klamath Falls Solar 2, LLC, an Oregon limited liability company, as tenant, Memorandum of Lease recorded November 20, 2017 under document 2017-013386; as amended by
- FIRST AMENDMENT AND ACKNOWLEDGEMENT DATED JULY 14, 2017 BY AND BETWEEN EILEEN GIBBONS AND KEITH D. GOODE, SUCCESSOR CO-TRUSTEES OF THE JUANITA GOODE TRUST, U.A.D. NOVEMBER 8, 1999, AND ANY AND ALL AMENDMENTS THERETO, WHO TOOK TILE AS JUANITA GOODE TRUST AND EWAUNA PARK, LLC (TOGETHER, "OWNER") AND KLAMATH FALLS SOLAR 2, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS TENANT, AS AMENDED BY
- SECOND AMENDMENT AND ACKNOWLEDGEMENT DATED NOVEMBER 17, 2017, BY AND BETWEEN EILEEN GIBBONS AND KEITH D. GOODE, SUCCESSOR CO-TRUSTEES OF THE JUANITA GOODE TRUST, U.A.D. NOVEMBER 8, 1999, AND ANY AND ALL

AMENDMENTS THERETO, WHO TOOK TILE AS JUANITA GOODE TRUST AND EWAUNA PARK, LLC (TOGETHER, "OWNER") AND KLAMATH FALLS SOLAR 2, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS TENANT; AS ASSIGNED, TRANSFERRED, AND AMENDED.

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