

2022-008162

Klamath County, Oregon

07/05/2022 11:49:01 AM

Fee: \$102.00

This instrument prepared by
~~and after recording, return to:~~
Simplicity Towers, LLC
57 East Washington Street
Chagrin Falls, Ohio 44022

WHEN RECORDED RETURN TO:
OLD REPUBLIC TITLE
ATTN: COMMERCIAL POST CLOSING
530 SOUTH MAIN ST
SUITE 1031 *22033107*
AKRON OHIO 44311
(330-436-6000)

**FIRST AMENDMENT TO OPTION AND LEASE AGREEMENT
AND SECOND AMENDMENT TO MEMORANDUM OF LEASE
(OR-1871 – Malin)**

This FIRST AMENDMENT TO OPTION AND LEASE AGREEMENT AND SECOND AMENDMENT TO MEMORANDUM OF LEASE (this "Amendment") is made effective as of *June 24*, 2022 (the "Effective Date"), by and between PATRICIA D. O'KEEFFE, AS TRUSTEE OF THE O'KEEFFE FAMILY TRUST 1983, UTA DTD 5/14/1983 ("Landlord"), having an address at 4706 Homedale Road, Klamath Falls, Oregon 97603, and SIMPLICITY TOWERS, LLC, a Delaware limited liability company ("Tenant"), having an address at 57 East Washington Street, Chagrin Falls, Ohio 44022.

BACKGROUND RECITALS

A. Landlord and Tenant are current parties to an Option and Lease Agreement dated May 27, 2009 (the "Lease") for the purpose of leasing land and granting easements to Tenant for the installation, operation and maintenance of a communications facility and other improvements on a portion of Landlord's real property in Klamath County, Oregon and more particularly described on Exhibit A attached hereto and made a part hereof.

B. The Lease is evidenced by a Memorandum of Lease dated May 27, 2009 and recorded on July 1, 2009 as Microfilm Document No. 2009-009014 in the official records of Klamath County, Oregon and by Amendment to Memorandum of Lease dated June 8, 2017 and

recorded on June 8, 2017 as Microfilm Document No. 2017-006278 in the official records of Klamath County, Oregon.

C. Tenant is the successor-in-interest to New Cingular Wireless PCS, LLC ("New Cingular") pursuant to an Omnibus Assignment and Assumption of Ground Leases dated September 30, 2021.

D. Landlord and Tenant have agreed to amend the Lease to add eight (8) additional five (5) - year Extension Terms (40 years) to the term of the Lease.

OPERATIVE PROVISIONS

NOW, THEREFORE, for and in consideration of the sum of FIVE THOUSAND AND 00/100 Dollars (\$5,000.00), the mutual covenants and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Defined Terms. Capital Terms not defined in this Amendment have the meanings assigned to them in the Lease.

2. Extension of Term of Lease. Section 3(b) of the Lease is hereby amended to add eight (8) additional five-year automatic "Extension Terms" to the term of the Lease which, without this Amendment, expires July 31, 2034. If all Extension Terms, including the ones added by this Amendment, automatically renew, the Lease will expire July 31, 2074. Section 3(c) of the Lease is hereby amended to change all references of "fourth (4th) extended term" to "twelfth (12th) extended term".

3. Recording. Landlord and Tenant agree that Tenant may record this Amendment in the Klamath County, Oregon official records.

4. No Other Changes. Except as expressly amended herein, the other terms of the Lease will remain in full force and effect, unaltered by this Amendment.

5. Counterparts. This Amendment may be executed in counterparts, each of which will be deemed an original, but all of which together will constitute but one and the same instrument.

[signatures are on the following page]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed as of the Effective Date.

LANDLORD:

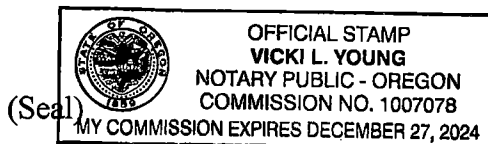


Patricia D. O'Keeffe, Trustee of the O'Keeffe
Family Trust 1983, UTA DTD 5/14/1983

STATE OF OREGON)

COUNTY OF Klamath)

This instrument was acknowledged before me on JUNE 23, 2022, by Patricia D. O'Keeffe, Trustee of the O'Keeffe Family Trust 1983, UTA DTD 5/14/1983 and said person acknowledged that she signed this instrument and on oath that she acknowledged it as her free and voluntary act.




Notary Public - Signature

Vicki L. Young
Notary Public - Printed

[signatures continued on the following page]

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EXHIBIT A
Description of Landlord's Real Property

Parcel 1 Land Partition 35-14 located in Government Lots 2 and 4 (NW 1/4 NE 1/4) and the N 1/2 NW 1/4 of Section 22, and Government Lots 3 and 6 (SW 1/4 SE 1/4) of Section 15, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon being recorded on June 8, 2015 in Instrument No. 2015-005877.

Tenant leases a portion of Landlord's Property described below as the AT&T Mobility Leased Area.

