

2022-009547

Klamath County, Oregon

08/05/2022 08:39:04 AM

Fee: \$112.00

UPON RECORDATION RETURN TO:

First American Title Insurance Company

National Commercial Services

50 South 16th Street, Suite 2600

Philadelphia, Pennsylvania 19102

NCS-1141802

NOT INSURED/ACCOMMODATION ONLY

When recorded, return to:

PetSmart LLC

19601 N. 27th Avenue

Phoenix, AZ 85027

Attention: Elaine Tanner

Store: 3284 – Klamath Falls, OR

---

**MEMORANDUM OF LEASE**

Notice is hereby given that ARGO KLAMATH TWO, LLC, a Delaware limited liability company ("Landlord"), and PETSMART LLC, a Delaware limited liability company ("Tenant"), have entered into a Shopping Center Lease Agreement (the "Lease") dated July 21, 2022, pertaining to certain premises identified on Exhibit A attached hereto and located within the real property described in Exhibit B attached hereto (the "Shopping Center"). The initial term of such Lease is ten (10) Lease Years, and Tenant has the option to extend such term for up to four (4) renewal periods of five (5) Lease Years each. Among other things, the Lease grants to Tenant the right along with Landlord and other tenants in the Shopping Center to use the Common Areas depicted on Exhibit A, including without limitation roads, driveways, sidewalks and parking areas, grants certain rights with respect to Landlord's pylon sign structures, prohibits certain uses within the Shopping Center and during the term of the Lease prohibits other Shopping Center owners, tenants and occupants, except as specifically allowed in the Lease, from engaging in the retail sale of one or more of the following: (i) pets, including, but not limited to, fish, birds, reptiles, dogs, cats and other small animals; (ii) pet food, pet accessories and other products relating to pets and animals (except on an Incidental Basis); and (iii) services related to pets and animals, such as grooming, boarding, day care, training and obedience classes, adoptions, veterinary services and vaccination clinics. Capitalized terms not otherwise defined in this Memorandum of Lease have the meanings ascribed to same in the Lease.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, Landlord and Tenant have duly executed this Memorandum of Lease  
as of the 18<sup>th</sup> day of July, 2022.

LANDLORD:

**ARGO KLAMATH TWO, LLC,**  
a Delaware limited liability company

By: Argo K Falls, LLC,  
an Oregon limited liability company, its Manager

By: Argonaut Investments, LLC,  
a Delaware limited liability company (with respect  
to Series 10), its Manager

By:   
Name: Stephen B. Jaeger  
Title: Manager

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ }  
ss.:  
COUNTY OF \_\_\_\_\_ }

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me, the undersigned, personally  
appeared STEPHEN B. JAEGER, personally known to me or proved to me on the basis of satisfactory  
evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me  
that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the  
individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

*see attached*

[TENANT'S SIGNATURE PAGE FOLLOWS]

**CALIFORNIA ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of MARIN

On July 13, 2022

Date

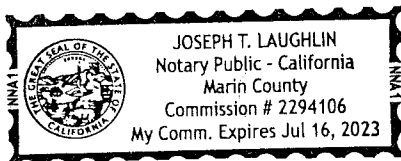
before me, Joseph T. Laughlin, Notary Public

Here Insert Name and Title of the Officer

personally appeared Stephen B. Tveger

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]

Signature of Notary Public

Place Notary Seal and/or Stamp Above

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General


☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

**PETSMART LLC,**  
a Delaware limited liability company

  
Byron Ayle  
Senior Director of Lease Administration

3

)

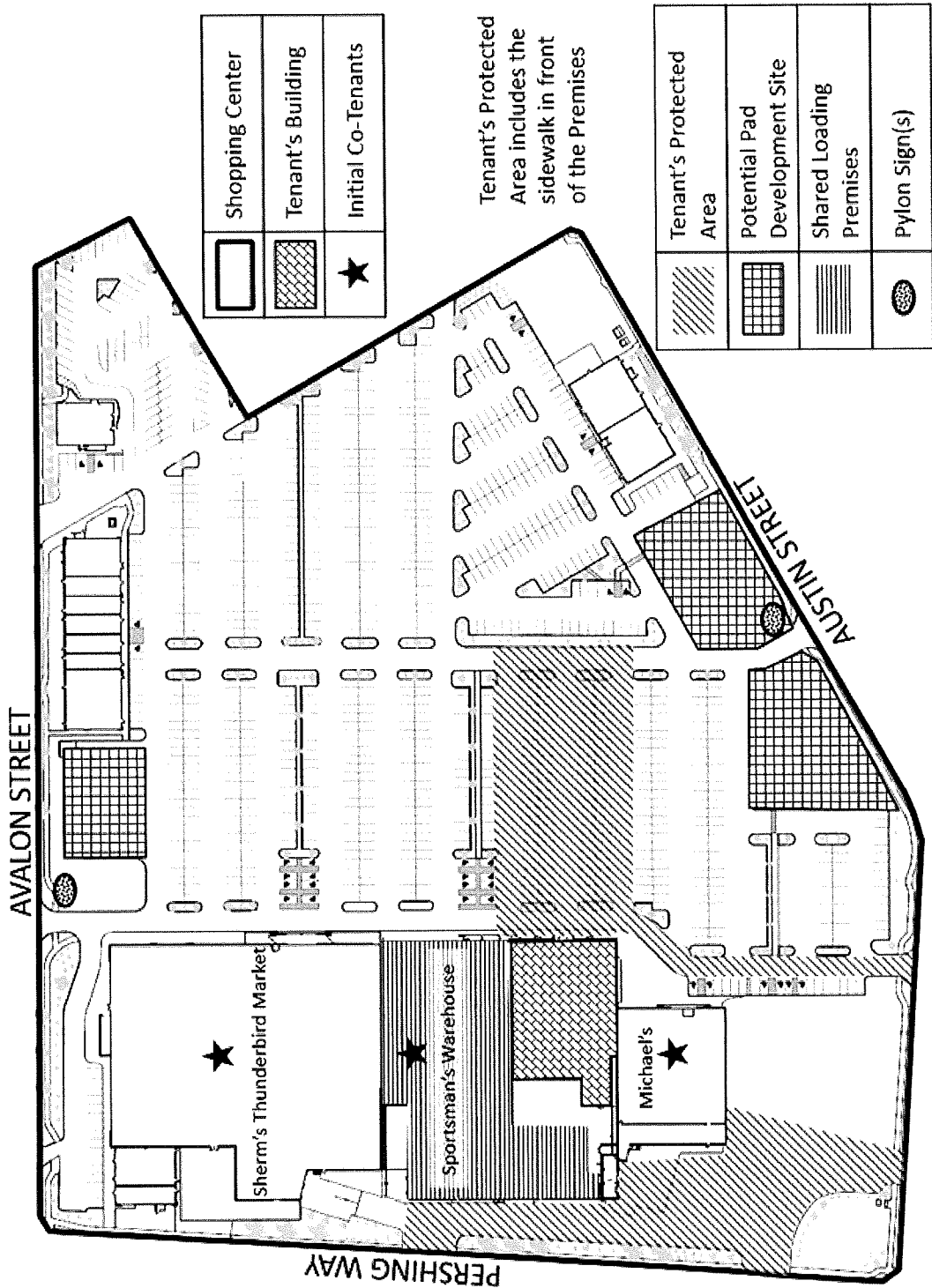
Teren G. Hall  
Notary Public

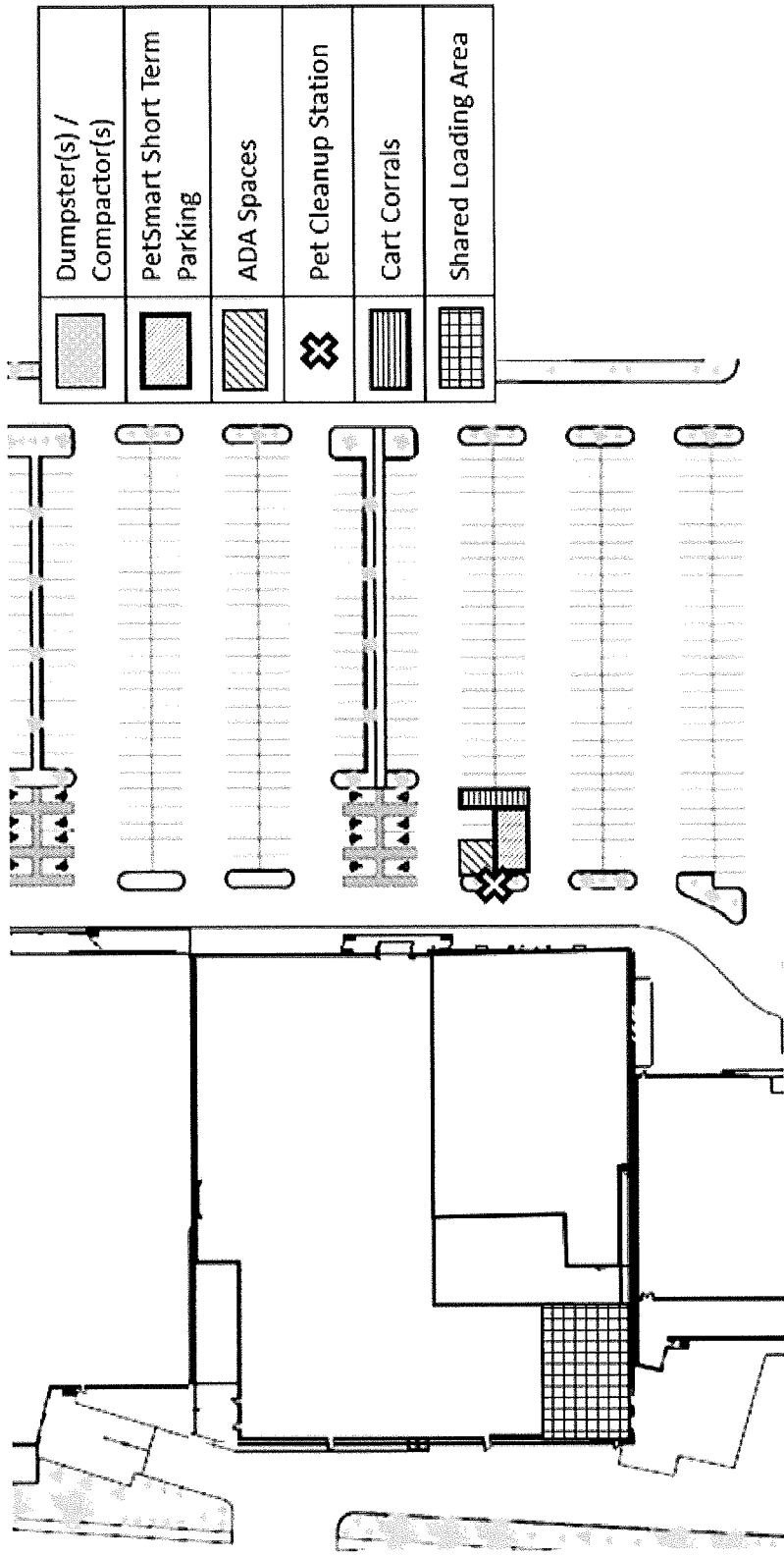
01/09/2025



**TERESA G. HALL**  
**Notary Public - Arizona**  
**Maricopa Co. / #595644**  
**Expires 01/09/2025**

EXHIBIT A  
SITE PLAN





**EXHIBIT B**  
**LEGAL DESCRIPTION**

Real property in the City of Klamath Falls, County of Klamath, State of Oregon, described as follows:

LOTS 1 THRU 15 AND COMMON AREAS A AND B OF TRACT 1522 KLAMATH MALL;  
AND PARCELS 2 AND 3 OF LAND PARTITION 70-07, A REPLAT OF ALL THAT PORTION  
OF TRACTS 32, 33A AND 36 OF ENTERPRISE TRACTS, SITUATED IN THE NORTHWEST  
QUARTER OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE  
MERIDIAN, CITY OF KLAMATH FALLS, KLAMATH COUNTY, OREGON.

TOGETHER WITH THOSE RIGHTS AS DESCRIBED IN DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS RECORDED JANUARY  
19, 2007 AS INSTRUMENT NO. 2007-001016 OF OFFICIAL RECORDS, AS AMENDED BY  
THAT CERTAIN FIRST AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS RECORDED OCTOBER  
11, 2013 AS INSTRUMENT NO. 2013-011556 OF OFFICIAL RECORDS.