

2022-009848

Klamath County, Oregon

08/12/2022 01:54:01 PM

Fee: \$102.00

This instrument prepared by and
after recording return to:

Hecate Energy Bonanza LLC
Attn: Project Manager
621 W Randolph St.
Chicago, IL 60661

(This space reserved for recording information)

MEMORANDUM OF OPTION AGREEMENT FOR LEASE

THIS MEMORANDUM OF OPTION AGREEMENT FOR LEASE (the "**Memorandum**"), is made as of this 18th day of August, 2021 (the "**Effective Date**"), by and between Steven E. Johnson ("**Owner**"), with an address at 6583 W. Langell Valley Road, Bonanza, OR 97623, and Hecate Energy Bonanza LLC, a Delaware limited liability company ("**Company**"), with an address at 621 W. Randolph St., Suite 200, Chicago, IL 60661, Attn: Chief Operating Officer.

1. Owner holds fee simple title to certain real property located at 6583 W. Langell Valley Road, Klamath County, State of Oregon, that is more particularly described on Exhibit "A" attached hereto (collectively, the "**Property**"). Pursuant to that certain Option Agreement for Lease of Real Estate dated as of August 18th, 2021, by and between Owner and Company (the "**Option Agreement**"), Owner granted to Company, and Company acquired from Owner, an exclusive option to lease (the "**Option**") the Property, upon and subject to the terms and conditions contained in the Option Agreement.

2. The Option has an initial term of up to Twelve (12) months, commencing on the Effective Date, and expiring in accordance with the Option Agreement (the "**Initial Term**"), and may be extended by Company for up to an additional Thirty-six (36) months beyond expiration of the Initial Term.

3. No grant, sale, lease, mortgage, encumbrance, lien, transfer or other conveyance affecting the Property which is created or entered into after the Effective Date shall be valid or effective without obtaining Company's prior written consent, provided, however, that Owner may sell the Property so long as: (a) neither the buyer nor any entity controlling, controlled by, or under common control with the buyer is engaged in the generation, development, transmission, storage or sale of energy in any form, and (b) the sale agreement expressly acknowledges the rights of Company under the Option Agreement and requires the buyer to

assume the obligations of Owner under the Option Agreement upon buyer's acquisition of the Property. All such grants, sales, leases, mortgages, encumbrances, liens, transfers and other conveyances shall be subject and subordinate to Company's interest in the Property under the Option Agreement.

4. The covenants and agreements of Owner under the Option Agreement are covenants running with the land and shall be binding upon Owner and Owner's heirs, representatives, successors and assigns.

5. The purpose of this Memorandum is to give notice of the existence of Company's option rights granted in the Option Agreement, to which Option Agreement reference is made for a full description of the terms and conditions thereof. In the event any of the terms and provisions of this Memorandum conflict with the terms and provisions of the Option Agreement, the terms and provisions of the Option Agreement shall control. The parties may be contacted at the addresses set forth above for further information.

6. This Memorandum may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

[Signature Pages Follow This Page]

HECATE:

HECATE ENERGY BONANZA LLC, a Delaware limited liability company

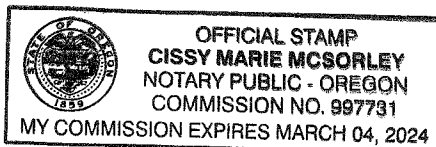
By: [Signature]
Name: Mark Zwieg
Title: Representative

STATE OF Oregon
COUNTY OF Clatsop

The foregoing instrument was acknowledged before me this 18th day of August, 2021, by Mark Zwieg, as representative of Hecate Energy Bonanza LLC, a Delaware limited liability company, on behalf of the company. Such person did not take an oath and: (notary must check applicable box)

- ☐ is/are personally known to me.
☒ produced a current MN driver's license as identification.
☐ produced _____ as identification.

{Notary Seal must be affixed}



[Signature]
Signature of Notary
Cissy Marie McSorley
Name of Notary (Typed, Printed or Stamped)
Commission Number (if not legible on seal): 997731
My Commission Expires (if not legible on seal): 03-04-24

IN WITNESS WHEREOF, Owner and Hecate have caused this Memorandum of Option Agreement for Purchase of Easement to be executed as of the date first above written.

OWNER:

STEVEN E. JOHNSON

By: *Steven E. Johnson*
Name: Steven E. Johnson
Its: Owner

STATE OF Oregon
COUNTY OF Klamath

The foregoing instrument was acknowledged before me this 18th day of August, 2021, by Steven E. Johnson, as owner of _____, a _____, on behalf of the _____.

- Such person did not take an oath and: (notary must check applicable box)
- ☐ is/are personally known to me.
☒ produced a current Oregon driver's license as identification.
☐ produced _____ as identification.

{Notary Seal must be affixed}

Cissy Marie McSorley
Signature of Notary
Cissy Marie McSorley
Name of Notary (Typed, Printed or Stamped)
Commission Number (if not legible on seal): 997731
My Commission Expires (if not legible on seal): 03-04-24

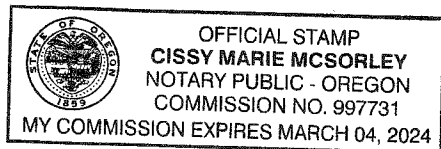


EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All that land specifically identified in the Depiction of Property below and situated in the County of Klamath, State of Oregon and further identified by the following property identification numbers:

- 7. 604929
- 8. 900725

DEPICTION OR PROPERTY

