

2022-011419

Klamath County, Oregon

09/21/2022 01:07:01 PM

Fee: \$112.00

WHEN RECORDED RETURN TO:

Ball Janik LLP
101 SW Main Street, Suite 1800
Portland, OR 97204
Attn: Damien R. Hall

(space above reserved for recorder's use)

**MEMORANDUM OF
FIRST AMENDMENT TO GROUND LEASE AGREEMENT**

THIS MEMORANDUM OF FIRST AMENDMENT TO GROUND LEASE AGREEMENT ("Memorandum") is entered into this 21st of September, 2022, by and between Mountain and Lake View Properties LLC, an Oregon limited liability company ("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, of which a Memorandum of Lease dated August 19, 2021 was recorded on October 20, 2021 as Instrument No. 2021-015805 in the records of Klamath County, Oregon, and as amended by that certain First Amendment to Ground Lease Agreement, dated as of September 21, 2022 (collectively, the "Lease").
- B. Landlord leases to Tenant that certain real property in Klamath County, Oregon, as more fully described on the attached Exhibit A (the "Land") pursuant to the Lease which includes access and utility easements across the balance of the real property owned by Landlord, as more fully described on the attached Exhibit B.
- C. The term of the Lease is a period of approximately twenty (20) years commencing on the Rent Commencement Date as defined in the Lease and ending on the last day of the 240th full calendar month following the Rent Commencement Date. Tenant has the right to extend the term of the Lease for up to three (3) additional successive terms of five (5) years each. Tenant has a right of early termination of the Lease under certain circumstances. Reference is made to the Lease for the specific terms and conditions of the Lease.
- D. Landlord and Tenant desire to provide notice of the estate of Tenant in the Premises and of the Lease.

First American Title Insurance Company NCS-1031018-OR1

NOW, THEREFORE, for good and valuable consideration as more fully provided in the Lease, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. The recitals set forth above are hereby incorporated herein by reference as if set forth in full in the body of this Memorandum.

2. This Memorandum does not alter, amend, modify, or change the Lease or the amendments or exhibits thereto in any way. All of provisions the of the Lease and exhibits thereto are hereby incorporated by reference into this Memorandum. In the event of any conflict between the provisions of this Memorandum and the Lease, the provisions of the Lease shall control. This Memorandum may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall together constitute a single agreement.

[SEPARATE SIGNATURE PAGES ATTACHED]

[Signature Page to Memorandum]

IN WITNESS WHEREOF, the undersigned have executed this Memorandum as of the date first written above.

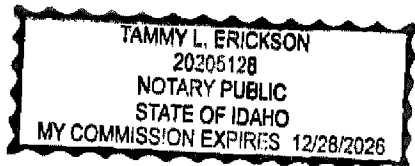
LANDLORD:

**Mountain and Lake View Properties LLC,
an Oregon limited liability company**

By: *Darrel Dickson*
Darrel Dickson, Manager

STATE OF Idaho)
~~OREGON~~) ss
COUNTY OF Madison

The foregoing instrument was acknowledged before me this 19 day of September, 2022, by Darrel Dickson, as Manager of Mountain and Lake View Properties LLC, an Oregon limited liability company.



Tammy Erickson
Notary Public for ~~Oregon~~ Idaho
Printed Name: Tammy Erickson
My Commission Expires: 12/28/26

[Signature Page to Memorandum]

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

TENANT:

Linkville Solar, LLC,
an Oregon limited liability company

By: EG5 CSP1 HOLDING, LLC,
a Delaware limited liability company
Its: Sole Member

By: EG5 OREGON 1 HOLDING, LLC,
a Delaware limited liability company
Its: Managing Member

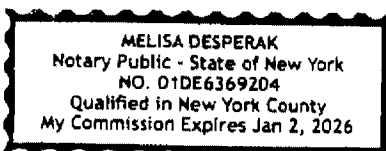
By: EMERALD GARDEN HOLDINGS 2, LLC,
a Delaware limited liability company
Its: Sole Member and Manager

By: HEP SUNFLOWER HOLDINGS II INC.,
a Delaware corporation
Its: Managing Member

By: 
Alexander Zhou, President

STATE OF ~~OREGON~~ NEW YORK)
) ss
County of NEW YORK)

The foregoing instrument was acknowledged before me this 20th day of September, 2022, by Alexander Zhou, the President of hep Sunflower Holdings II Inc., which in turn is the Managing Member of Emerald Garden Holdings 2, LLC, which in turn is the Sole Member and Manager of EG5 Oregon 1 Holding, LLC, which in turn is the Managing Member of EG5 CSP1 Holding, LLC, which in turn is the Sole Member of Linkville Solar, LLC.





Official Signature of Notary
Melisa Desperak
Notary's printed or typed name, Notary Public
My commission expires: Jan. 2, 2026

EXHIBIT "A"

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.
THE PROPERTY IS DEPICTED ON THE ATTACHED MAP TITLED EXHIBIT "B" WHICH IS
INCORPORATED HEREIN BY THIS REFERENCE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
DEC. 16, 2009
ERIK J. HUFFMAN
70814

RENEWS: JUN. 30, 2023

EXHIBIT "A"

LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6,
TOWNSHIP 39 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, KLAMATH
COUNTY, OREGON

MOUNTAIN AND LAKE VIEW
PROPERTIES LLC
TAX LOT 3909-00600-00100

S89°30'05"W 1385.69'

MT SHASTA
VIEW LLC
TAX LOT
3909-00600-00101

TAX LOT
3908
00100
00800
PARCEL 1

MOUNTAIN AND LAKE VIEW
PROPERTIES LLC
TAX LOT 3909-00600-00200
PARCEL 2

TAX LOT
3909
00600
00300

N0°59'38"E 1331.71'

N01°15'02"W 1012.22'

S62°16'03"E 1488.12'

LEASE AREA
20.00 AC +/-

P.O.B.

S89°47'56"W 1307.29'

N89°47'56"E 1356.75'

N44°46'27"E 35.34'

JERRY A. AND PAT E. SCHUMANN
TAX LOT 3909-00600-00600

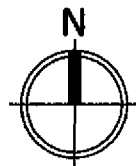
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

P.O.C.
W 1/4 COR SEC 6

LAKE OF THE WOODS
HWY 140



549 SW MILL VIEW WAY
SUITE 100
BEND, OREGON 97702
(541) 633-3140
www.beconeng.com



300 FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DEC. 16, 2009
ERIK J. HUFFMAN
70814

RENEWES: JUN. 30, 2023

DATE: 09/29/2021

SCALE: 1" = 300'

DRAWN BY: AJH

PROJ: 20175

EXHIBIT B
PROPERTY DESCRIPTION

The Land referred to herein below is situated in the County of Klamath, State of Oregon, and is described as follows:

PARCEL 1:

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 2:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.
