

2023-002920

Klamath County, Oregon

04/19/2023 12:49:01 PM

Fee: \$112.00

This instrument prepared by and
after recording return to:

Hecate Energy LLC.
Attn: Development Manager
621 W. Randolph St. Suite 200
Chicago, IL 60661

(This space reserved for recording information)

MEMORANDUM OF OPTION AGREEMENT FOR PURCHASE OF EASEMENT

THIS MEMORANDUM OF OPTION AGREEMENT FOR PURCHASE OF EASEMENT (the "**Memorandum**"), is made as of this 24th day of October, 2021 (the "**Effective Date**"), by and between **David L. Brown and Susanna A. Brown**, husband and wife, **John D. Culver**, individually ("**Owner**"), with an address at 5407 Highway 39, Klamath Falls, OR 97603, and **Hecate Energy Bonanza LLC**, a Delaware limited liability company ("**Hecate**"), with an address at 621 W. Randolph St., Suite 200, Chicago, IL 60661, Attn: Development Manager.

1. Owner holds fee simple title to certain real property located at PID 626941, 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 Purchase of Easement dated as of October 28, 2021, by and between Owner and Hecate (the "**Option Agreement**"), Owner granted to Hecate, and Hecate acquired from Owner, an exclusive option to purchase (the "**Option**") an easement of right of way that is one hundred fifty feet (150') in width across a certain portion of the Property as described, shown and designated on Exhibit "A-1" attached hereto (the "**Easement Area**"), 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 Hecate 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 Easement Area which is created or entered into after the Effective Date shall be valid or effective without obtaining Hecate's prior written consent. All such grants, sales, leases,

mortgages, encumbrances, liens, transfers and other conveyances shall be subject and subordinate to Hecate's interest in the Easement Area 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 Hecate'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]

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:

**DAVID L. BROWN, SUSANNA A. BROWN,
JOHN D. CULVER**

By: [Signature]

Name: David L. Brown
Title: Owner

By: [Signature]

Name: Susanna A. Brown
Title: Owner

By: [Signature]

Name: John D. Culver
Title: Owner

STATE OF Oregon
COUNTY OF Clatsop

The foregoing instrument was acknowledged before me this 12th day of October, 2021, by David L Brown, as Owner of The State of Oregon, a —, on behalf of the —. Such person did not take an oath and: (notary must check applicable box)

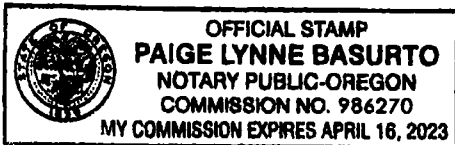
- ☐ is/are personally known to me.
☒ produced a current Oregon driver's license as identification.
☐ produced — as identification.

{Notary Seal must be affixed}



Paige Lynne Basurto
Signature of Notary
Paige Lynne Basurto

Name of Notary (Typed, Printed or Stamped) 986270
Commission Number (if not legible on seal):
My Commission Expires (if not legible on seal): April 16, 2023



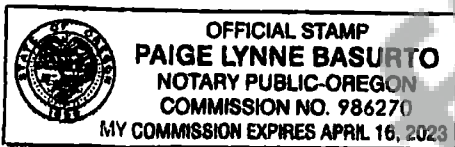
(SEAL)

Paige Lynne Basurto
Notary Public
My Commission Expires: April 16, 2023

STATE OF Oregon
Klamath COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Susanna A. Brown, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, s(he) executed the same voluntarily on the date hereof.

Given under my hand this 12th day of Oct., 2021.



(SEAL)

Paige Lynne Basurto
Notary Public
My Commission Expires: April 16, 2023

STATE OF Oregon
Klamath COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John D. Culver, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, s(he) executed the same voluntarily on the date hereof.

Given under my hand this 12th day of Oct., 2021.



(SEAL)

Paige Lynne Basurto
Notary Public
My Commission Expires: April 16, 2023

HECATE:

HECATE ENERGY BONANZA LLC, a Delaware
limited liability company

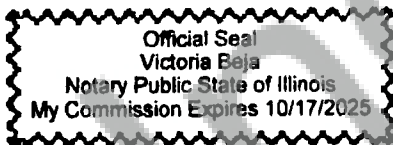
By: Mark Zwieg
Name: MARK ZWIEG
Title: Authorized Representative

STATE OF Illinois
COUNTY OF Cook

The foregoing instrument was acknowledged before me this 28th day of October,
2021, by Mark Zwieg, as Authorized Rep. 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 _____ driver's license as identification.
☐ produced _____ as identification.

{Notary Seal must be affixed}



Victoria Beja
Signature of Notary
Victoria Beja
Name of Notary (Typed, Printed or Stamped)
Commission Number (if not legible on seal): _____
My Commission Expires (if not legible on seal): 10/17/2025

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1 OF LAND PARTITION 40-03 BEING A REPLAT OF PARCEL 2 OF MINOR LAND PARTITION 11-90 AND SITUATED IN THE W 1/2 OF SECTION 2 AND THE NE 1/4 OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

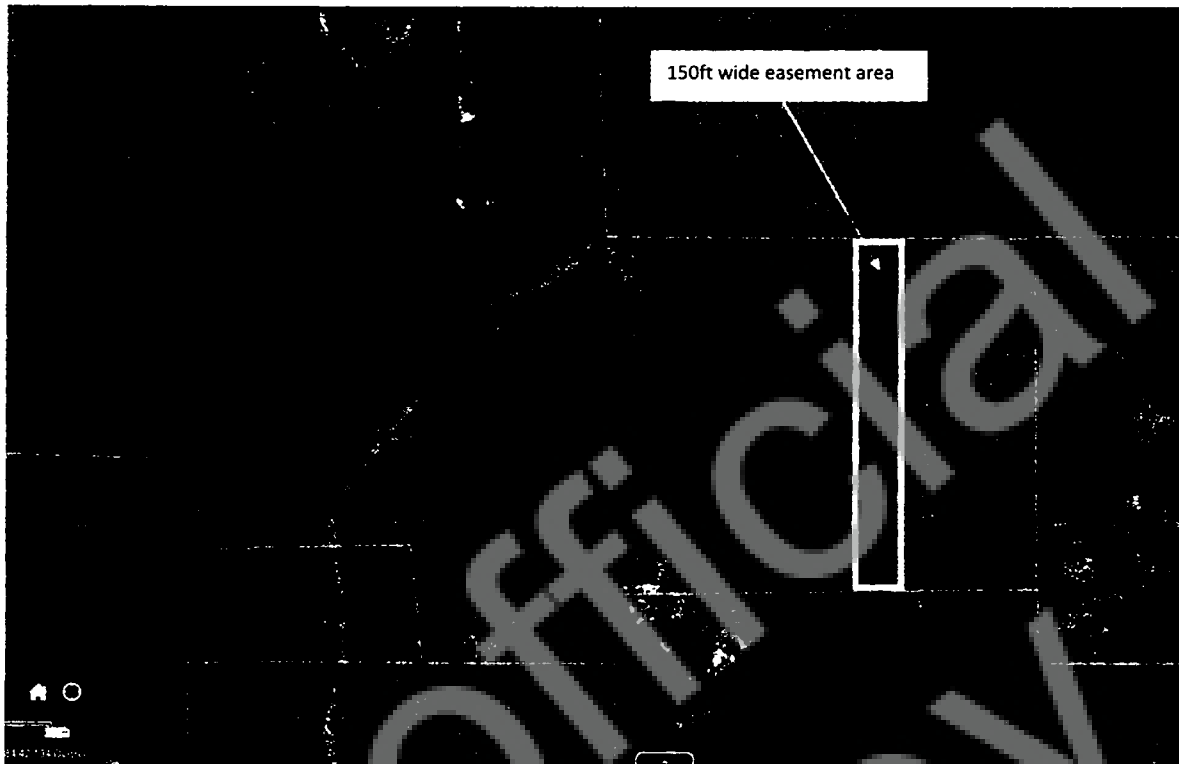
LESS AND EXCEPT THE FOLLOWING PORTION:

BEGINNING AT THE QUARTER CORNER BETWEEN SECTIONS 3 AND 2, THENCE NORTH 00° 21' WEST 200 FEET, THENCE NORTH 89° 47' 04" EAST 662.00 FEET, THENCE SOUTH 00° 16' EAST 400 FEET, THENCE SOUTH 89° 47' 04" WEST 662.00, THENCE NORTH 200 FEET TO THE POINT OF BEGINNING. PER PROPERTY LINE ADJUSTMENT 10-07.

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EXHIBIT A-1

DESCRIPTION OF THE EASEMENT AREA



EASEMENT LOCATION