

2023-004475

Klamath County, Oregon

06/12/2023 01:13:01 PM

Fee: \$112.00

This instrument prepared by and
after recording return to:

Hecate Energy Bonanza LLC
621 W. Randolph Street, Suite 200
Chicago, IL 60661
Attn: Vikki Beja

(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 [12] day of June, 2023 (the “**Effective Date**”), by and between Moss Ranch LLC (“**Owner**”), with an address at 8555 W. Langell Valley Road, Bonanza, Oregon 97623, Attn: Randy Moss, Manager, 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: Manager.

1. Owner holds fee simple title to certain real property located in Klamath County, Oregon, that is legally described on Exhibit “A” attached hereto (the “**Property**”). Pursuant to that certain Option Agreement for Purchase of Easement dated as of June 6, 2023, 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**”) a conservation easement across a certain portion of the Property as legally described and depicted 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 the 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]

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:

MOSS RANCH LLC

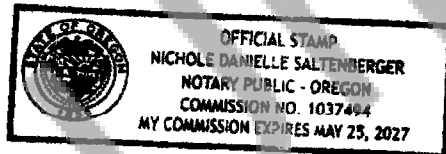
By: *Randy Moss*
Name: Randy Moss
Its: Manager

STATE OF Oregon
COUNTY OF Klamath

The foregoing instrument was acknowledged before me this 8th day of June, 2023, by Randy Moss, as Manager of Moss Ranch LLC, an Oregon Limited Liability Company, on behalf of the Owner. Such person did not take an oath and: (notary must check applicable box)

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

{Notary Seal must be affixed}



Nichole D. Saltenberger
Signature of Notary

Nichole Saltenberger
Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible on seal): 1037494

My Commission Expires (if not legible on seal): May 25 2027

HECATE:

HECATE ENERGY BONANZA LLC, a Delaware
limited liability company

By: [Signature]
Name: MARK ZWIEG
Title: Authorized Representative

STATE OF Illinois
COUNTY OF Cook

The foregoing instrument was acknowledged before me this 12th day of June,
2023, 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}



[Signature]
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

**(ATTACHED TO FORM OF MEMORANDUM OF
OPTION AGREEMENT FOR PURCHASE OF EASEMENT)**

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.
Section 25: SW1/4 of the SW1/4 of the SE 1/4
Section 36: W 1/2 of the NW 1/4 of the NE1/4 and the W 1/2 of the SW 1/4 of the NE 1/4;

ALSO, that portion of the W 1/2 of the NW 1/4 of the SE 1/4 lying North of West Langell Valley Road.

PARCEL 2:

Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

Section 22: SE 1/4, SW 1/4, W 1/2, SE 1/4 and SE 1/4, SE 1/4.

EXCEPTING THEREFROM that portion of the NW 1/4 SE 1/4, and the S 1/2 SE 1/4 of Section 22, lying North and Easterly of West Langell Valley Road, and being located in Township 39 South, Range 1 East of the Willamette Meridian, Klamath County, Oregon.

Section 25: SE 1/4 SW 1/4, S 1/2 SE 1/4 and that portion of the SW 1/4 SW 1/4 lying Southwesterly of the Westerly boundary of the Langell Valley Market Road.

EXCEPTING THEREFROM the SW 1/4 of the SW 1/4 of the SE 1/4.

Section 26: All that portion of the NW 1/4 of the NW 1/4 lying Westerly from a straight line drawn from a point on the North line of said Section 26, which point is 441.0 feet East of the section corner common to Sections 22, 23, 26 and 27 and to a point on the South line of said NW 1/4 of the NW 1/4, which point is 252.0 feet East of the Southwest corner of the said NW 1/4 of the NW 1/4 of said Section 26;

ALSO all that portion of S 1/2 of the NW 1/4 of Section 26 lying Southwesterly from a line whose course is as follows: Beginning at a point on the South line of the NW 1/4 of the NW 1/4 of Section 26, which point is 252.0 feet East of the Southwest corner of said NW 1/4 of the NW 1/4; thence South 86° East 406.0 feet; thence South 34 ° East, 811 .0 feet; thence South 64 ° East, 407 .0 feet; thence South 56° East, 810.0 feet, more or less, to a point on the South line of the SE 1/4 of the NW 1/4 of Section 26;

ALSO all that portion of the SE 1/4 of Section 26, lying Southwesterly of the Westerly boundary of the Langell Valley Market Road;

ALSO SW 1/4

Section 27: S 1/2 of the NE 1/4, NE 1/4 of the SE 1/4, that portion of the NE 1/4 of the NE 1/4 lying South of the Langell Valley Market Road.

Section 35: N 1/2 of the NE 1/4.

Section 36: SE 1/4, NE 1/4, NW 1/4 and Government Lots 1 and 4,

EXCEPTING THEREFROM the W 1/2 of the NW 1/4 of the NE 1/4 and the W 1/2 of the SW 1/4 of the NE 1/4 and that portion of the W 1/2 of the NW 1/4 of the SE 1/4 lying North of West Langell Valley Road.

Township 39 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.
Section 30: Government Lot 4.

Section 31: SW 1/4 of the SE 1/4, SE 1/4 of the SE 1/4, NE 1/4 of the NW 1/4, NE 1/4,

EXCEPT 7 acres, more or less, described as follows:

Beginning at the Northeast section corner of Section 31; thence West 360 feet; thence South 822 feet; thence East 360 feet; thence North 822 feet to the point of beginning. '

Section 31: N 1/2 SE 1/4, Government Lot 4,

EXCEPTING 5.85 acres, more or less, lying North of the West Langell Valley Market Road.

Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

Section 1: Government Lots 1,2,5,6 and 7; SE 1/4 of the SW 1/4, SW 1/4 of the NE 1/4, W 1/2 of the SE 1/4.

Township 40 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

Section 6: That portion of the N 1/2 of the NE 1/4 lying North of the Bonanza-Langell Valley Highway.

EXHIBIT A-1

**(ATTACHED TO FORM OF MEMORANDUM OF
OPTION AGREEMENT FOR PURCHASE OF EASEMENT)**

LEGAL DESCRIPTION AND DEPICTION OF THE EASEMENT AREA

