

2023-004482

Klamath County, Oregon

06/12/2023 01:39:02 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 12 day of June, 2023 (the “**Effective Date**”), by and between **Douglas E. Neil** and **Beverly G. Neil**, husband and wife (“**Owner**”), with an address at P.O Box 278, Bonanza, OR 97623, 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 605143, 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 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**”) 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 twenty-four (24) 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:**

**DOUGLAS E. NEIL AND BEVERLY G. NEIL,  
HUSBAND AND WIFE**

By: Douglas E. Neil

Name: Douglas E. Neil  
Title: Owner

By: Beverly G. Neil

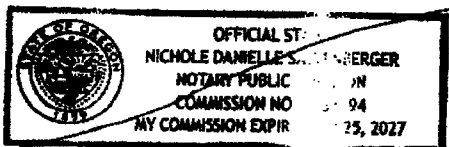
Name: Beverly G. Neil  
Title: Owner

STATE OF OREGON  
COUNTY OF KLAMATH

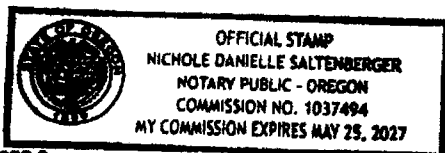
The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of June, 2021, by Douglas E. Neil, as the Owner. Such person did not take an oath and: *(notary must check applicable box)*

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

{Notary Seal must be affixed}



Signature of Notary Nichole D. Saltzberger  
Name of Notary (Typed, Printed or Stamped) Nichole D. Saltzberger  
Commission Number (if not legible on seal): 1037494  
My Commission Expires (if not legible on seal): May 25, 2027

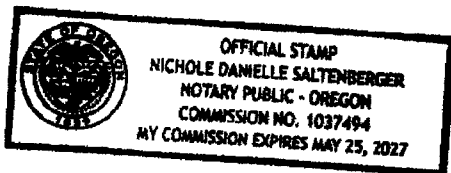


STATE OF OREGON  
COUNTY OF KLAMATH

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of June, 2023, by Beverly G. Neil, as the Owner. 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}



Nichole D Saltzberger  
Signature of Notary  
Nichole D Saltzberger  
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

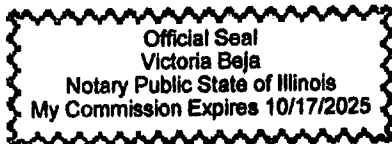
By: [Signature]  
Name: MARK ZWIEG  
Title: Authorized Representative

STATE OF Illinois  
COUNTY OF Cook

The foregoing instrument was acknowledged before me this 12<sup>th</sup> 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: 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**

Township 39, South, Range 11 East of the Willamette Meridian  
Section 35: Government Lots 3, 4, 5, 6 and the Northwest  $\frac{1}{4}$  thereof.

**EXHIBIT A-1**

**DESCRIPTION OF THE EASEMENT AREA**

