

Return to:

New Cingular Wireless PCS, LLC
Attn: Tower Asset Group - Lease Administration
1025 Lenox Park Blvd NE, 3rd Floor
Atlanta, GA 30319

**MEMORANDUM
OF
LEASE**

Landlord Name: Robert L. Zahler and Steven L. Zahler, Co-Trustees of the Robert L. Zahler and Gayla G. Zahler Trust
Tenant Name: New Cingular Wireless PCS, LLC
Legal Description: Official legal description attached as Exhibit 1
Assessor's Tax Parcel ID #: R324301
County / State: Multnomah / Oregon
Cell Site Number / Name: PD31 / Bethany Crest
FA #: 10576578

This Memorandum of Lease is entered into on this 27 day of Jan, 2025, by and between Robert L. Zahler and Steven L. Zahler, Co-Trustees of the Robert L. Zahler and Gayla G. Zahler Trust under agreement dated May 26, 2015, with a mailing address of 13937 NW Springville Road, Portland, OR 97229 (hereinafter called "**Landlord**"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 1025 Lenox Park Blvd NE, 3rd Floor, Atlanta, GA 30319 ("**Tenant**").

1. Landlord and Tenant entered into a certain Option and Land Lease Agreement ("**Agreement**") on the 27 day of Jan, 2025, for the purpose of installing, operating and maintaining a communication facility and other improvements. All of the foregoing is set forth in the Agreement.
2. The initial lease term will be five (5) years commencing on the effective date of written notification by Tenant to Landlord of Tenant's exercise of the Option, with four (4) successive automatic five (5) year options to renew.
3. The portion of the land being leased to Tenant and associated easements are described in **Exhibit 1** annexed hereto.
4. The Agreement gives Tenant a right of first refusal in the event Landlord receives a bona fide written offer from a third party seeking any sale, conveyance, assignment or transfer, whether in whole or in part, of any property interest in or related to the Premises, including without

limitation any offer seeking an assignment or transfer of the Rent payments associated with the Agreement or an offer to purchase an easement with respect to the Premises.

5. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year first above written.

LANDLORD:

Robert L. Zahler and Steve L. Zahler, Co-Trustees of the Robert L. Zahler and Gayla G. Zahler Trust under agreement dated May 26, 2015

By: 

Print Name: Robert L. Zahler

Its: Trustee

Date: 1-27-25

By: 

Print Name: Steven L. Zahler

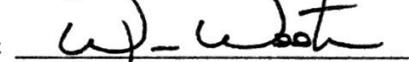
Its: Trustee

Date: 1-27-25

TENANT:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager

By: 

Print Name: Wayne Wooten

Its: Director

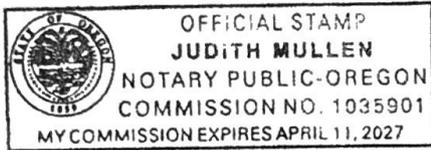
Date: 1-21-25

[ACKNOWLEDGMENTS APPEAR ON NEXT PAGE]

TENANT ACKNOWLEDGMENT

STATE OF OREGON)
) ss:
COUNTY OF WASHINGTON)

On the 21st day of January, 2025, before me personally appeared Wayne Wooten, and acknowledged under oath that he/she is a Director of New Cingular Wireless PCS, LLC, AT&T Mobility Corporation, the Tenant named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Tenant.

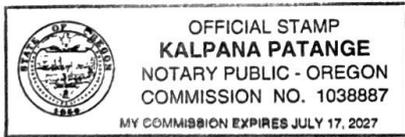


Judith Mullen
Notary Public: Judith Mullen
My Commission Expires: 4/11/2027

LANDLORD ACKNOWLEDGMENTS

STATE OF Oregon)
) ss:
COUNTY OF Washington)

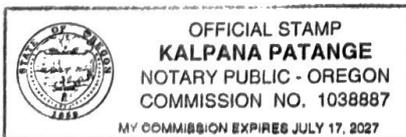
On the 27 day of January, 2025 before me, personally appeared Robert L Zaller, who acknowledged under oath, that he/she is the person/officer named in the within instrument, and that he/she executed the same in his/her stated capacity as the voluntary act and deed of the Landlord for the purposes therein contained.



K Patange
Notary Public: KALPANA PATANGE
My Commission Expires: 17th July 27th

STATE OF Oregon)
) ss:
COUNTY OF Washington)

On the 27 day of January, 2025 before me, personally appeared Steven L Zaller, who acknowledged under oath, that he/she is the person/officer named in the within instrument, and that he/she executed the same in his/her stated capacity as the voluntary act and deed of the Landlord for the purposes therein contained.



K Patange
Notary Public: KALPANA PATANGE
My Commission Expires: 17th July 2027

EXHIBIT 1 TO MEMORANDUM OF LEASE
DESCRIPTION OF PROPERTY AND PREMISES

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to the Memorandum of Lease dated Jan. 27th, 2025, by and between Robert L. Zahler and Steven L. Zahler, Co-Trustees of the Robert L. Zahler and Gayla G. Zahler Trust under agreement dated May 26, 2015, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as Tenant.

The Property is legally described as follows:

PARCEL I:

TRACT A:

ALL THE FOLLOWING DESCRIBED PROPERTY EXCEPT THE EASTERLY 1.639.90 FEET THEREOF:

ALL THAT PORTION OF THE SOUTH HALF OF SECTION 16. TOWNSHIP 1 NORTH. RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON. LYING NORTH OF THE NORTH LINE OF THE JACOB FRENCH D.L.C.. AND WESTERLY OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE SAID JACOB FRENCH D.L.C.

TRACT B:

BEGINNING WHERE THE NORTH LINE OF THE J. R FRENCH D.L.C. IN SECTION 16. TOWNSHIP 1 NORTH. RANGE 1 WEST OF THE WILLAMETTE MERIDIAN. IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON INTERSECTS THE SECTION LINE BETWEEN SECTIONS 16 AND 17 OF SAID TOWNSHIP/RANGE: THENCE SOUTH 6.32 CHAINS; THENCE SOUTH 87°30' EAST, 13.18 CHAINS; THENCE NORTH 9.38 CHAINS TO THE NORTH LINE OF SAID D.L.C.; THENCE NORTH 88°45' WEST, 12.75 CHAINS TO THE PLACE OF BEGINNING.

TRACT C:

THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON AND BEING A PART OF THE J. R. FRENCH D.L.C. IN SECTION 16. TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON AND BEGINNING AT A POST ON THE NORTH OF SAID J. R. FRENCH D.L.C. 33.92 CHAINS EAST OF THE NORTHWEST COMER OF SAID CLAIM; THENCE EAST 10.67 CHAINS TO A POST; THENCE SOUTH 9.38 CHAINS TO A POST THENCE WEST 10.67 CHAINS TO A POST; THENCE NORTH 9.38 CHAINS TO THE PLACE OF BEGINNING.

EXHIBIT 1 TO MEMORANDUM OF LEASE
DESCRIPTION OF PROPERTY AND PREMISES

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PARCEL II:

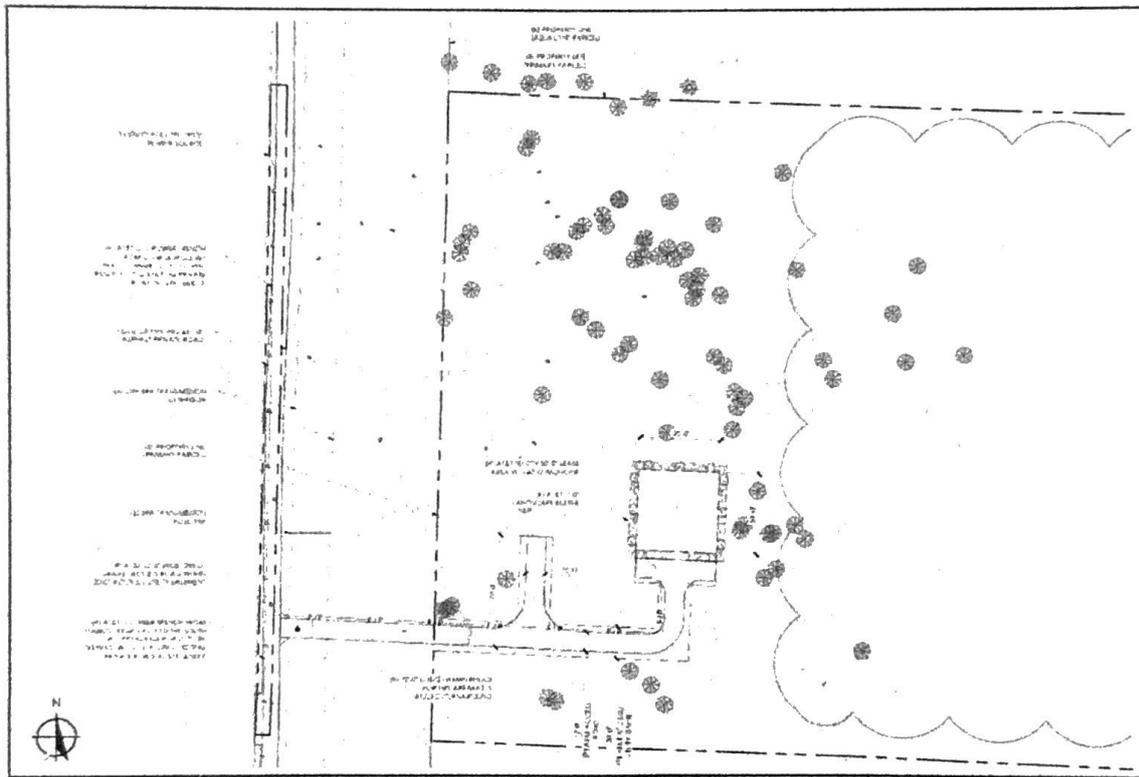
A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON, DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 16: THENCE SOUTH 0°15' EAST ALONG THE WEST LINE OF SAID SECTION, 409.20 FEET TO A POINT: THENCE SOUTH 89° 13' EAST, 1545.72 FEET TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN DEED RECORDED FEBRUARY 11, 1949 IN BOOK 1319, PAGE 96, MULTNOMAH COUNTY DEED RECORDS: THENCE SOUTH 0°25'30" EAST ALONG THE WEST LINE OF SAID TRACT TO AN IRON PIPE SET IN THE NORTHERLY LINE OF THE N.W. SPRINGVILLE ROAD, #1328-60 AND THE POINT OF BEGINNING: THENCE SOUTH 89°36' WEST ALONG THE NORTHERN LINE OF SAID ROAD, 193.71 FEET TO A POINT: NORTH 0°25'30" WEST, 224.87 FEET TO A POINT: THENCE NORTH 89°36' EAST, 193.71 FEET TO A POINT: THENCE SOUTH 0°25'30" EAST, 224.87 FEET TO THE POINT OF BEGINNING.

PROPERTY ADDRESS: 13937 NW SPRINGVILLE RD. PORTLAND, OREGON - 97229.

EXHIBIT 1 TO MEMORANDUM OF LEASE
DESCRIPTION OF PROPERTY AND PREMISES

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The Premises are described and/or depicted as follows:



Notes:

1. THIS EXHIBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED BY TENANT.
2. ANY SETBACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES.
3. WIDTH OF ACCESS ROAD SHALL BE THE WIDTH REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES, INCLUDING POLICE AND FIRE DEPARTMENTS.
4. THE TYPE, NUMBER AND MOUNTING POSITIONS AND LOCATIONS OF ANTENNAS AND TRANSMISSION LINES ARE ILLUSTRATIVE ONLY. ACTUAL TYPES, NUMBERS AND MOUNTING POSITIONS MAY VARY FROM WHAT IS SHOWN ABOVE.