

REVIEWED BY  
SKAGIT COUNTY TREASURER  
DEPUTY Heather Beauvais  
DATE 07/02/2020

**Prepared by and Return To:**

Christian A. Farmakis  
Babst, Calland, Clements and Zomnir, P.C.  
Two Gateway Center, 7<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 394-5400  
P30394  
Ptn. 3 1/2, NE 1/4 Sec. 22, Twp. 34N, Rg 5 E, W.M. Skagit County

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**MEMORANDUM OF LEASE EXTENSION**

This Memorandum of Lease Extension (this "*Memorandum*") is made and entered into as of the latter of the signature dates below, but effective as of the 30<sup>th</sup> day of December, 2015 (the "*Effective Date*") by and between SPECTRASITE COMMUNICATIONS, LLC, a Delaware limited liability company ("*ATC*"), and PINNACLE TOWERS LLC, a Delaware limited liability company ("*Crown*"). ATC and Crown are sometimes referred to herein individually as a "*Party*" and collectively referred to herein as the "*Parties*".

**RECITALS:**

**WHEREAS** ATC and Crown are parties to that certain Generator Power Agreement dated May 28, 2004 (as the same may have been amended, modified or assigned from time to time, collectively, the "*Lease*"), and which Lease demises a certain portion of real property (the real property, the "*Property*", which Property is more particularly described in **Exhibit A** attached hereto and by this reference incorporated herein; such portion of the Property subject to the Lease, the "*Leased Premises*"); and

**WHEREAS**, ATC's affiliate, American Towers LLC ("*American Towers*"), and Crown's affiliate, Crown Castle USA Inc. ("*Crown USA*"), are parties to that certain Site Exchange Agreement dated November 7, 2016, as amended by that certain Amended and Restated Site Exchange Agreement dated as of March 6, 2017 (the "*Exchange Agreement*"), pursuant to, and upon the terms of which, among

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Crown BU# / Site Name: 871375 / Cultus Mountain  
ATC Site # / Site Name: 310614 / Cultus Mountain

other matters, American Towers and Crown USA agreed to amend certain leases held by affiliates of American Towers and Crown USA to extend the final lease expirations set forth in such leases, all as more particularly described in the Exchange Agreement; and

**WHEREAS**, pursuant to the Exchange Agreement, American Towers and Crown USA have caused ATC and Crown to enter into a certain Lease Extension Agreement dated January 17, 2018 (the "*Extension*"), to extend the Term of the Lease upon the terms and conditions set forth in the Extension; and

**WHEREAS**, ATC and Crown desire to enter into this Memorandum to place the Extension, on the public record in Skagit County, Washington.

**NOW, THEREFORE**, in consideration of the representations, warranties, covenants and agreements contained in the Exchange Agreement, the Parties hereto hereby agree as follows:

1. The recitals hereinabove are true and correct and are incorporated herein by this reference.
2. The terms and provisions of the Lease, as modified by the Extension, are hereby restated and incorporated herein by this reference.
3. As a result of the Extension, the term of the Lease expires one minute after midnight on January 31, 2022.
4. This Memorandum 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 Lease, as modified by the Extension, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum and the provisions of the Lease, as modified by the Extension, the provisions of the Lease, as modified by the Extension, shall control. This Memorandum shall be binding upon and inure to the benefit of the parties and their respective successors, and assigns, subject to the provisions of the Lease, as modified by the Extension.
5. The parties consent to the recording of this Memorandum in the public records of Skagit County, Washington, and agree that this Memorandum shall be executed in recordable form.
6. This Memorandum may be executed in any number of counterparts with the same effect as if the parties had signed the same document. All such counterparts shall be construed together and shall constitute one instrument.

**[END OF DOCUMENT – SIGNATURE PAGES TO FOLLOW]**

IN WITNESS WHEREOF, each Party has caused this Memorandum to be executed by their respective duly authorized officers to be duly effective as of the Effective Date written above.

**CROWN:**

**PINNACLE TOWERS LLC,**  
a Delaware limited liability company

Signature: [Signature]  
Print Name: R. Christopher Mooney  
Title: VP - Real Estate Acquisitions  
Date: September 15, 2017

**WITNESSES:**

Signature: [Signature]  
Print Name: Veronica Odum  
Signature: [Signature]  
Print Name: Sylvia Garrison

**WITNESS AND ACKNOWLEDGEMENT**

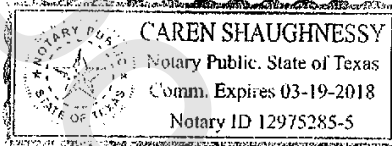
State of Texas

County of Harris

On this 15 day of September, 2017, before me, Caren Shaughnessy the undersigned Notary Public, personally appeared R. Christopher Mooney, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon which the person acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of Texas that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Notary Public  
Print Name: Caren Shaughnessy  
My commission expires: 3/19/18



[SEAL]

[SIGNATURES CONTINUE ON NEXT PAGE]

**ATC:**

**SPECTRASITE COMMUNICATIONS, LLC,**  
a Delaware limited liability company

Signature: [Signature]  
Print Name: Shawn Lanier  
Title: Vice President, US Legal  
Date: 1-17-2018

**WITNESSES:**

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

**WITNESS AND ACKNOWLEDGEMENT**

Commonwealth of Massachusetts

County of Middlesex

On this 17<sup>th</sup> day of Jan, <sup>2018</sup> ~~2017~~, before me, Nicole C. Montgomery the undersigned Notary Public, personally appeared Shawn Lanier, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the Commonwealth of Massachusetts that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Nicole C. Montgomery  
Notary Public  
Print Name: \_\_\_\_\_  
My commission expires: 4/13/23



**NICOLE C. MONTGOMERY**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
April 13, 2023  
[SEAL]

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

A Tract of land located in the Northeast Quarter of Section 22, Township 34 North, Range 5 East, W.M., Skagit County, Washington, described more particularly as follows:

Commencing at the East  $\frac{1}{4}$  corner of said Section 22;

THENCE North 42 degrees 29 minutes 39 seconds West for a distance of 8867.95 feet to the North  $\frac{1}{4}$  corner of said Section 22;

THENCE South 56 degrees 11 minutes 09 seconds East for a distance of 2196.06 feet to the True Point of Beginning for this legal description;

THENCE South 49 degrees 06 minutes 50 seconds East for a distance of 156.31 feet;

THENCE South 70 degrees 00 minutes 54 seconds West for a distance of 157.93 feet;

THENCE North 10 degrees 57 minutes 11 seconds East for a distance of 159.19 feet to the True Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.248 acres more or less.

**ACCESS AND UTILITY EASEMENT LEGAL DESCRIPTION**  
Access and Utilities run from the Leased Premises over existing roads.