

5
13011760
06/18/2019 12:21 PM \$40.00
Book - 10793 Pg - 1701-1705
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
ATLAS TOWER
3002 BLUFF ST
STE 300
BOULDER CO 80301
BY: MBA, DEPUTY - MA 5 P.

Title of Document: Memorandum of Lease

Grantor: D&D REAL ESTATE, LLC
Attn: Darin Orton
81 W 3300 S Ste B
Salt Lake City, UT 84115"

Grantee: Atlas Tower 1, LLC
3002 Bluff Street, Suite 300
Boulder, CO 80301

Parcel Number: 20-12-251-006-0000

Legal Description: S: 10 T: 42S R: 16W BEG N 89*20' E 820.05 FT ALG
SEC/L FM S1/4 SEC 10 T42S R16W TH S 89*20' W
156.33FT; TH N 0*40' W 373 FT; TH N 89*20' E
156.33 FT; TH S 0*40' E 373 FT TO POB. LESS: S
50 FT IN ROADWAY

EXHIBIT 3

Return to:
Atlas Tower I, LLC
3002 Bluff Street, Suite 300
Boulder, CO 80301

FORM OF MEMORANDUM OF LEASE

This Memorandum of Lease evidences a Lease ("Lease") is made upon the date of the last signee, in the recording district of Salt Lake County, UT, by and between, D&D REAL ESTATE, LLC (the "Landlord"), whose address is 81 W 3300 S Ste B Salt Lake City, UT 84115, and Atlas Tower I, LLC (the "Tenant"), whose address is 3002 Bluff Street, Suite 300, Boulder, CO 80301, commencing on the first day of the month prior to site construction activity (the "Commencement Date"), which shall be confirmed in writing from Tenant to Landlord, for certain real property (the "Premises"), as described in Exhibit 1 attached hereto.

Landlord ratifies, restates and confirms the Lease and hereby Leases to Tenant the Premises, subject to the terms and conditions of the Lease. The Lease provides for the Lease by the Landlord to Tenant of the Premises for [a/an initial] term of two hundred forty (240) months with four renewal option(s) of an additional sixty (60) months each, and further provides:

1. Landlord will attorn to any mortgagee of Tenant and will subordinate any Landlord's lien to the liens of Tenant's mortgagees; Tenant cannot encumber Landlord's property with any mortgages for constructing the cell tower.
2. The Lease restricts Landlord's ability to utilize, or allow the utilization of its adjacent property for the construction, operation and/or maintenance of communications towers and related facilities;
3. The Premises may be used exclusively by Tenant for all legal purposes, including without limitation, erecting, installing, operating and maintaining radio and communications towers, buildings, and equipment;
4. Tenant is entitled to sublease and/or sublicense the Premises, including any communications tower located thereon; and,
5. Under certain circumstances, Tenant has a right of first refusal to acquire the Premises from Landlord.
6. Landlord authorizes Tenant, and any of Tenant's agents or representatives, to seek, applies for, and secure any and all permits related to the installation of a wireless communications tower and facility.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK,
SIGNATURES BEGIN ON NEXT TWO PAGES]**

IN WITNESS WHEREOF, the parties hereto have executed this MEMORANDUM OF LEASE as of the date last signed by a party hereto.

LANDLORD:

D&D REAL ESTATE, LLC

Signature: 

Printed Name: Darin Orton

Title: MANAGER

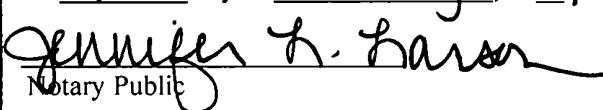
Date: 2/4/2019

State of Utah
County of Washington

On this 4 day of Feb., 2019, before me personally appeared Darin Orton, to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Official Seal at office this 4 day of February, 2019




Jennifer L. Larson
Notary Public

My Commission Expires: 1/18/2021

TENANT:

Atlas Tower 1, LLC

Signature: 

Printed Name: Evan Eschmeyer

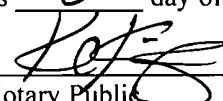
Title: Chief Financial Officer, Atlas Tower 1 LLC

Date: 3/5/19

State of Colorado
County of Boulder

On this 5 day of March, 2019, before me personally appeared Evan Eschmeyer, to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Official Seal at office this 5 day of March, 2019.


Katherine Ogle
Notary Public

My Commission Expires:

4.17.2022

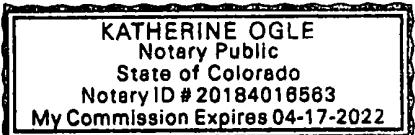


Exhibit 1

Description of Parent Tract

Real property with parcel number 20-12-251-006-0000 and an assessor legal description of BEG 1532.35 FT S & 448.07 FT E FR N 1/4 COR SEC 12, T 2S, R 2W, S L M; S 39^{50'30"} W 105.2 FT; S 44^{52'03"} E 358.91 FT N39^{50'30"} E 138.3 FT; N 50^{09'30"} W 357.38 FT TO BEG. 1.0 ACM OR L 4815-256 7072-524,526 8614-3825 9931-225 9934-1236 10092-6232.

EXHIBIT 2

The Premises is depicted/described as follows (40 feet x 40 feet, measuring 1600 sq. feet.) and will be replaced by a surveyed legal description when available.