DOUGLAS COUNTY, NV

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2023-1001767

AURO SOLUTIONS, LLC

SHAWNYNE GARREN, RECORDER

(Above 3" Space for Recorder's Use Only)

## **Upon Recording Return to:**

Vertical Bridge Towers IV, LLC 750 Park of Commerce Drive, Suite 200 Boca Raton, FL 33847 Attn: Daniel Marinberg, Esq.

VB Site Name: Topaz Lake MWR VB Site Number: US-NV-5052 Commitment #: TWR-141313-C Parcel ID: 1021-00-001-070

The undersigned hereby affirms that this document, including any exhibits, submitted for recording does not contain the social security number of any person or persons, (Per NRS 239B.030)

#### MEMORANDUM OF LEASE

This Memorandum of Lease (this "Memorandum") evidences a Ground Lease Agreement (the "Lease") by and between Frontier Communications of the Southwest Inc. FKA New Communications of the Southwest Inc. ("Landlord"), whose address is Frontier Communications Holdings, LLC, c/o Newmark-Real Estate Administration, 210 Sixth Avenue, Pittsburgh, Pennsylvania 15222, and Vertical Bridge Towers IV, LLC, whose mailing address is 750 Park of Commerce Drive, Suite 200, Boca Raton, Florida 33847 ("Tenant"), dated the <u>29th</u> day of September, 2023 (the "Effective Date"), for a portion (the "Premises") of the real property described in <u>Exhibit A</u> attached hereto (the "Property").

Frontier Communications Holdings, LLC, a Delaware limited liability company, Landlord and Tenant have entered into that certain Master Ground Lease/Sublease Agreement dated as of the Effective Date (the "Ground MLA") with respect to numerous properties including, without limitation, the Premises.

Pursuant to the terms and conditions of the Ground MLA, the Lease incorporates by reference therein the terms and conditions of the Ground MLA.

Landlord and Tenant now desire to set forth certain terms and conditions of the Ground MLA and the Lease in a manner suitable for recording in the public records for the location of the Premises to provide record notice of the Ground MLA and the Lease.

VB Site Number: US-NV-5052 VB Site Name: Topaz Lake MWR

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Landlord and Tenant hereby ratify and confirm the Ground MLA and the Lease. Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Ground MLA and the Lease.

The commencement date of the Lease is the Effective Date. The Lease provides for the lease by Landlord to Tenant of the Premises for an initial term of thirty (30) years with two (2) renewal option(s) of an additional ten (10) years each, and further provides:

- 1. Landlord and its Affiliates, and their respective successors and assigns, shall retain the right to use the portions of the Property outside of the Premises for any legal use that does not interfere with Tenant's use of the Premises pursuant to the Ground MLA or the Lease, including, without limitation, Telecommunications Services for Landlord's own use in operating its business, as such use is subject to change from time to time;
- 2. Tenant, and the Antenna Users, shall be permitted to use the Premises for the installation, construction, operation, maintenance, repair, replacement and removal of a Tower and related facilities to house equipment for the transmission and reception of wireless telecommunications service, and all ancillary uses thereto, subject to the terms and conditions set forth in the Ground MLA and in the Lease and for no other purpose; and
- 3. Subject to the terms of the Ground MLA and the Lease, Tenant is entitled to sublease and/or license the Premises, including, without limitation, any Tenant Controlled Communications Facilities located thereon.
- 4. Landlord retains reversion rights related to towers, equipment, licenses, and other assets of Tenant pursuant to the terms of the Ground MLA, with such right being exercisable by Landlord, in its sole discretion, upon the termination or expiration of any Lease.

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 Ground MLA or the Lease. In the event of a conflict between the provisions of this Memorandum and the provisions of the Ground MLA and/or the Lease, the provisions of the Ground MLA and the Lease, as applicable, shall control. The Ground MLA and the Lease shall be binding upon and inure to the benefit of Landlord and Tenant and shall inure to the benefit of their respective successors and assigns, subject to the provisions of the Ground MLA and the Lease.

TENANT ACKNOWLEDGES THAT THIS MEMORANDUM WAS PREPARED WITHOUT THE BENEFIT OF A SURVEY OF THE PREMISES AND THAT THE LEGAL DESCRIPTION ON EXHIBIT A ATTACHED HERETO DESCRIBING TENANT'S LEASEHOLD INTEREST IN THE PROPERTY IS AN INTERIM LEGAL DESCRIPTION FOR THE PREMISES PENDING TENANT'S RECEIPT OF A SURVEY WITHIN TWELVE (12) MONTHS FROM THE DATE OF THIS MEMORANDUM, AT WHICH TIME AN AMENDMENT TO THIS MEMORANDUM SHALL BE RECORDED BY TENANT, IF NECESSARY, TO UPDATE THE LEGAL DESCRIPTION OF THE PREMISES.

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

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IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Lease as of the Effective Date.

WITNESSES:

LANDLORD:

Frontier Communications of the Southwest

a Delaware corporation

Name: Kelley Stewart

Title: Director Facilities and Real Estate,

**Facilities** 

Date:  $\sqrt{0-3-2023}$ 

NOTARIAL ACKNOWLEDGMENT

STATE OF

COUNTY OF

day of September 2023, before me, the subscriber, a Notary Public I hereby certify that on this 310 of the State in and for the County aforesaid, personally appeared Kelley Stewart, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument on behalf of Communications, a Delaware, and acknowledged that he/she is the Director Facilities and Real Estate, Facilities of said Concorature and that as such, he/she was authorized to, and did, execute the same for the purposes therein contained and that said instrument was his/her act on behalf of the Conformation

IN WITNESS WHEREOF, I hereunto set my hand and official seal

**NOTARY SEAL**1

Name:

Notary Public, State of My commission expires:

KIM WILLIAMS Notary Public, State of Texas Comm. Expires 11-02-2024 Notary ID 502548

# (Tenant's Signature Page to Memorandum of Lease)

WITNESSES:	TENANT:
Name: Perri B. Kaplan	Vertical Bridge Towers IV, LLC, a Delaware limited liability company
Queli a Van	By: Name: Robert Paige Title: Executive Vice President M&A and
Name: Julie A. Carson	Title: Executive Vice President M&A and Corporate Development Date: 9/24/2023
NOTARIAL ACKNOWLEDGMENT	
STATE OF FLORIDA )	AND WEEDGIVE IV
COUNTY OF PALM BEACH ) ss	
I hereby certify that on this $29^{th}$ day of September 2023, before me, the subscriber, a Notary Public of the State in and for the County aforesaid, personally appeared Robert Paige, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument on behalf of Vertical Bridge Towers IV, LLC, a Delaware limited liability company, and acknowledged that he is the Executive Vice President M&A and Corporate Development of said limited liability company, and that as such, he was authorized to, and did, execute the same for the purposes therein contained and that said instrument was his act on behalf of such limited liability company.	
IN WITNESS WHEREOF, I hereunto set my hand and official seal.	
[NOTARY SEAL]	Name: <u>Juli ann Cau</u> Printed Name of Notary Julia Aug Garage
Julie Ann Carson  NOTARY PUBLIC  STATE OF FLORIDA	Printed Name of Notary: Julie Ann Carson  Commission # GG924624

My Commission Expires: 10/21/23

# **EXHIBIT A** (TO MEMORANDUM OF LEASE)

## The Property

(shall be updated by Tenant upon receipt of final legal descriptions from title and survey)

Tenant's leasehold interest in the Property is located on a portion of the following described parent parcel:

A parcel of land in the N 1/2 of the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 29, Township 10 North, Range 22 East, M.D.B. & M., Douglas County, Nevada, described as follows:

Beginning at the West one-quarter corner of said section; thence South 89°19'00" East 1,971.35 feet; thence North 00°06'30" East 329.15 feet; thence North 89°18'00" West 33.00 feet to the True Point of Beginning; thence North 00°06'30" East parallel to and 33 feet West of the East line of said North ½ of the SW 1/4 of the SE1/4 of the NW1/4 a distance of 100 feet; thence North 89°18'00" West 100 feet; thence South 00°06'30" West 100 feet; thence South 89°18'00" East 100 feet to the True Point of Beginning, as shown on Record of Survey Map filed June 13, 1967, in Book #1 of Maps and Records, File No. 36528.

Parcel ID 1021-00-001-070

This being the same property conveyed to New Communications of the Southwest Inc., a Delaware corporation from Verizon California Inc., a California corporation, which was formerly known as GTE California Incorporated, a California corporation, as successor by merger to Contel of California, Inc., a California corporation, which was formerly known as Continental Telephone Company of California, a California corporation, which was formerly known as California Interstate Telephone Company, a California corporation in a deed, dated June 23, 2010 and recorded July 2, 2010 as Instrument 0766450.

The legal description was obtained from that certain title commitment issued by Westcor Land Title Insurance Company dated August 10, 2023.

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