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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2009 081275

2009 DEC -8 AM 11:28

MICHAEL A. BROWN  
RECORDER

**PREPARED BY:**  
Md7 Capital One, LLC

**~~WHEN RECORDED RETURN TO:~~**

Michael Fraunces, President  
3721 Valley Centre Drive  
Suite 301  
San Diego, CA 92130



RETURN TO DIONNE CARTER  
Lawyers Title Insurance Corp  
7130 Glen Forest Dr. Ste. 300  
Richmond, VA 23226

**PARCEL #:** 64-05-15-232-001.000-016  
(08-003113044)

S USE

**MEMORANDUM OF LEASE**

This Memorandum of Lease is entered into effective as of October 20, 2009, by and between **City of Portage Department of Parks and Recreation**, previously and erroneously referred to as Portage Park and Recreation Board of the City of Portage ("**Owner**"), whose mailing address for notices is 2100 Willowcreek Road, Portage, IN 46368 and **T-Mobile Central LLC**, a Delaware limited liability company, as successor in interest to VoiceStream GSM I Operating Company LLC, a Delaware limited liability company ("**Tenant**"), whose mailing address for notices is Attn: Lease Administration, 2001 Butterfield Road, Suite 1900, Downers Grove, IL 60515; with a copy to: T-Mobile USA, Inc., Attn: Lease Administrator and Legal Department, 12920 South East 38<sup>th</sup> Street, Bellevue, WA 98006-1350.

Whereas, Owner and Tenant are parties to that certain Site Lease with Option dated April 30, 2003, as amended ("**Lease**"), whereby Owner has leased and hereby leases to Tenant and Tenant has leased from Owner certain premises described therein, together with any and all other space currently utilized by Tenant ("**Premises**"), that are a portion of that certain real property located at **5250 US Highway 6, Portage, IN 46368** ("**Property**") described on **Exhibit A** attached hereto and incorporated herein; and

1. The Lease commenced on December 2, 2003 and had an original expiration date of December 1, 2008, subject to Tenant's renewal options under the Lease.

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2. Tenant has five (5) consecutive options to extend or renew the term of the Lease, each for a period of five (5) years.

3. Owner and Tenant desire and hereby enter into this Memorandum of Lease to provide constructive notice of the existence of the Lease.

4. The terms and conditions of the Lease are hereby incorporated as if set forth herein in full. 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 Lease, all of which are hereby ratified and affirmed. The Lease shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, and shall run with the land and bind all assignees, transferees or successors of the parties' respective interests.

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

**OWNER:**

City of Portage Department of Parks and Recreation

By: *Kenneth H. Lorenz*

Print Name: Kenneth H. Lorenz

Title: President

By: *Ruth C. Jones*

Print Name: RUTH C. JONES

Title: Vice president

**TENANT:**

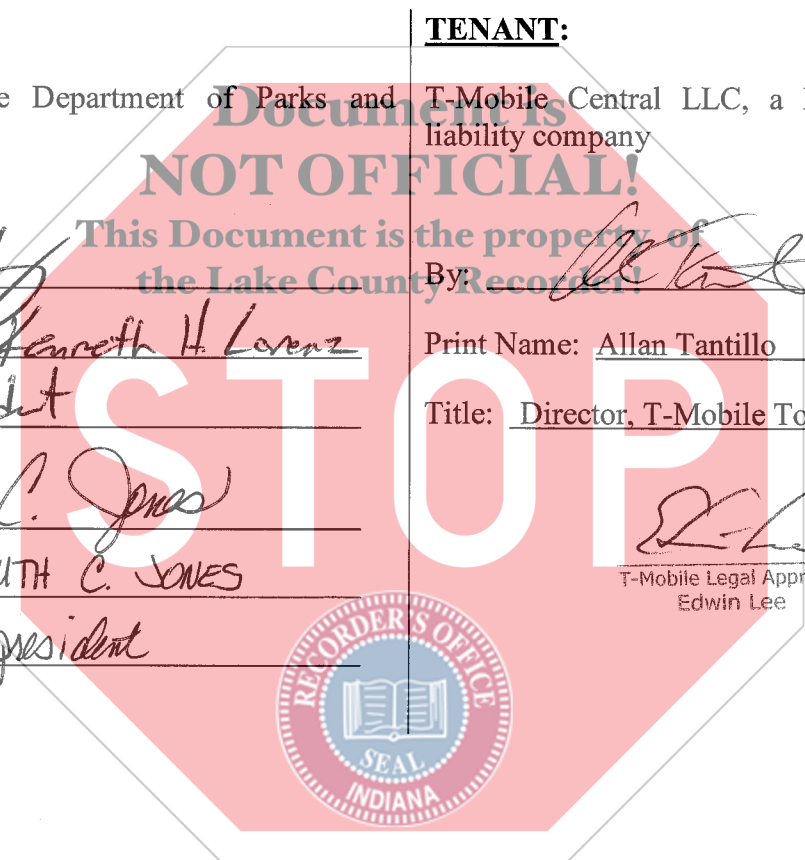
T-Mobile Central LLC, a Delaware limited liability company

By: *Allan Tantillo*

Print Name: Allan Tantillo

Title: Director, T-Mobile Tower

*Edwin Lee 11/24/09*  
T-Mobile Legal Approval  
Edwin Lee



**OWNER ACKNOWLEDGEMENT**

STATE OF Indiana )

COUNTY OF Porter )

On November 4, 20 09 before me, **[print name and title of notarial officer here:]** Alice L. Prickett, a notary, personally appeared **[print name of person whose signature is being acknowledged here:]** Kenneth H. Lorenz, who

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Alice L. Prickett

(Seal)

My commission expires: May 21, 2016

Document is NOT OFFICIAL!  
**OWNER ACKNOWLEDGEMENT**  
This Document is the property of the Lake County Recorder!

STATE OF Indiana )

COUNTY OF Porter )

On November 4, 20 09 before me, **[print name and title of notarial officer here:]** Alice L. Prickett, a notary, personally appeared **[print name of person whose signature is being acknowledged here:]** Ruth C. Jones, who

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Alice L. Prickett

(Seal)

My commission expires: May 21, 2016

**TENANT ACKNOWLEDGEMENT**

STATE OF Washington )

COUNTY OF King )

I certify that I know or have satisfactory evidence that **Allan Tantillo** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as **Director, T-Mobile Tower of T-Mobile Central LLC** as the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated November 20, 2009

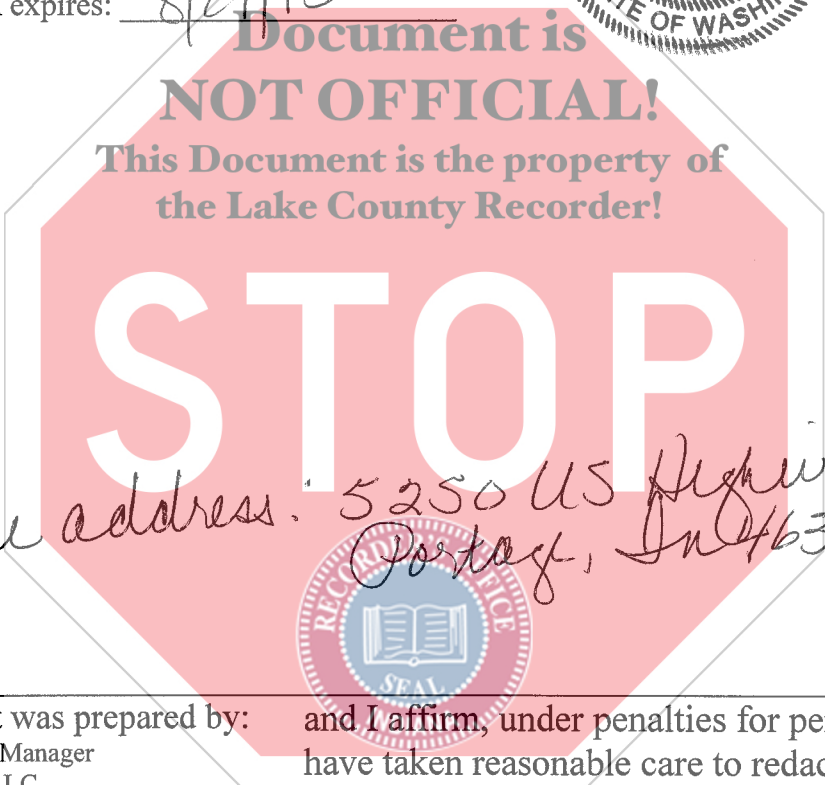
Signature *Angela L. Johnson*

Title: Notary Public **Angela L. Johnson**



(Seal)

My commission expires: 8/29/13



*Grantee address: 5250 US Highway 6  
Portage, IN 46368*

This document was prepared by: **Michael Fraunces, Manager  
Md7 Capital One LLC  
3721 Valley Centre Drive, Suite 301  
San Diego, CA 92130** and I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. **Michael Fraunces**

**EXHIBIT A**

**PREMISES DESCRIPTION AND LEGAL DESCRIPTION OF PROPERTY**

Street Address: 5250 US Highway 6, Portage, IN 46368

Parcel #: 64-05-15-232-001.000-016 (08-003113044)

Legal Description:

That certain cell tower site (and easement) located on a portion of the real property described as follows:

Part of the northeast quarter of the northeast quarter of Section 15, Township 36 North, Range 7 West of the Second Principal Meridian in the City of Portage, Porter County, Indiana, lying south of Evergreen Meadows Unit N2 4-A, a subdivision as shown in Plat File 13-E-3 in the Office of the Recorder of said County, which part lies west of the east line of said subdivision extended to the south line of said northeast quarter.

AND BEING the same property conveyed to Byco from Jacquelyn M. Sterling by Tax Title Deed dated August 13, 1987 and recorded August 14, 1987 in Deed Book 381, Page 33; AND FURTHER CONVEYED to City of Portage Department of Parks and Recreation from Mont R. Jones, Charlotte A. Munter, and Wanda Y. Vajner, collectively doing business under the name Byco by Quit-Claim Deed dated March 12, 1997 and recorded April 25, 1997 in Deed Book 477, Page 597.

