

FILED NO. **6260**

BOOK **2003** PAGE **6260**

2003 OCT 17 PM 1:59

MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

COMPUTER	✓
RECORDED	✓
COMPARED	✓

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:
Moss & Barnett (JDL)
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-4129
(612) 347-0300

REC \$ 20.00
AUD \$ _____
R.M.F. \$ 1.00
5.00

(Space above this line for Recorder's use.)

IA7 Macksburg

MEMORANDUM OF OPTION AND LEASE AGREEMENT

THIS MEMORANDUM OF OPTION AND LEASE AGREEMENT ("Memorandum") evidences that an Option and Lease Agreement was entered into as of Sept. 23rd, 2003, by and between Kenneth W. Waltz and Connie Sue Waltz, husband and wife ("LESSOR"), and RSA 7 Limited Partnership, d/b/a Verizon Wireless ("LESSEE"), for certain real property located in the County of Madison, State of Iowa, within the property of LESSOR which is described in Exhibit A attached hereto ("LESSOR's Property"), together with a right of access and to install and maintain utilities, for an initial term of Five (5) years commencing on the first day of the month following the date LESSEE commences construction (following LESSEE's prior exercise of the option), which term is subject to LESSEE's rights to extend the term of the Lease for four (4) terms of five (5) years each.

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

LESSOR:

By: Kenneth W. Waltz
Kenneth W. Waltz

By: Connie Sue Waltz
Connie Sue Waltz

Date: 8-28-03, 2003

LESSEE:

RSA 7 Limited Partnership,
d/b/a Verizon Wireless

By: AirTouch Iowa RSA 7, LLC,
Its Managing Partner

By: Cellco Partnership, Its Sole Member

By: Robert F. Swaine
Robert F. Swaine
Its: West Area Vice President, Network

Date: 9-23-03, 2003

[Acknowledgements on following page]

LESSOR ACKNOWLEDGMENT

STATE OF IOWA)
)
COUNTY OF RAEDISON) ss.

On this 29 day of August, 2003, before me, the undersigned, a Notary Public in and for the State of Iowa, duly commissioned and sworn, personally appeared Kenneth W. Waltz and Connie Sue Waltz, husband and wife, to me known to be the individuals that executed the foregoing instrument as Lessor, and acknowledged said instrument to be the free and voluntary act and deed of said individuals, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Print or Type Name: John A. Nelson
Notary Public in and for the State of Iowa
Residing at Webbville Iowa
My appointment expires: July 17, 2005
JOHN A. NELSON
Commission No. 717497
My Commission Expires July 17, 2005

LESSEE ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 23rd day of September, 2003, before me, the undersigned, a Notary Public in and for the State of Arizona, duly commissioned and sworn, personally appeared Robert F. Swaine to me known to be an authorized representative of Cellco Partnership, the sole member of AirTouch Iowa RSA 7, LLC, the managing partner of RSA 7 Limited Partnership, d/b/a Verizon Wireless, the limited partnership that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of RSA 7 Limited Partnership, d/b/a Verizon Wireless, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Janet Loeb
Print or Type Name: JANET LOEBS
Notary Public in and for the State of AZ, residing at MARICOPA COUNTY
My appointment expires: DEC. 24, 2006

EXHIBIT A

(Legal Description of LESSOR's Property)

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The South half (1/2) of the Southeast Quarter (1/4) of Section Eighteen (18) in Township Seventy-four (74) North, of Range Twenty-eight (28) West of the 5th P.M., except for Parcel "A," more particularly described as follows:

Beginning at the Southeast corner of Section 18, Township 74 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South 89°38' 17" West, 663.11 feet along the South line of the Southeast Quarter of said Section 18; thence North 5°26' 27" East, 1317.77 feet along the projection of an existing fenceline to a point on the North line of the Southeast Quarter of the Southeast Quarter of said Section 18; thence North 89° 43' 25" East, 544.70 feet to the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 18; thence South 0°17' 10" West, 1310.29 feet along the East line of the Southeast Quarter of said Section 18 to the Point of Beginning. Said Parcel contains 18.170 acres, including 2.237 acres of County Road right-of-way.

EXHIBIT A

(Sketch of of LESSOR's Property)

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**Exhibit A
Iowa RSA 7 Macksburg**

