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By

RICHARD N. TAKECMI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

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**RECORDING REQUESTED, PREPARED BY  
AND RETURN TO:**

AT&T WIRELESS SERVICES, INC.  
John R. McDonough  
Senior Regional Counsel  
10000 Goethe Road  
Sacramento, CA 95827

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BKP 23-16-12 C/O \_\_\_\_\_ COMP \_\_\_\_\_

DEL \_\_\_\_\_ SCAN g FV \_\_\_\_\_

CELL SITE: OMH 12-01 (Hi-Tek) \_\_\_\_\_  
STATE: Nebraska \_\_\_\_\_  
COUNTY: Douglas \_\_\_\_\_

**MEMORANDUM OF LEASE**

**THIS MEMORANDUM OF LEASE** ("Memorandum") is made and entered into this 27<sup>th</sup> day of September, 19 99, by and between Hi-Tec Towers, Inc., a Nebraska corporation ("Landlord") and **AT&T WIRELESS PCS INC.**, a Delaware corporation, by **AT&T WIRELESS SERVICES, INC.**, a Delaware corporation, its Agent, **d/b/a AT&T WIRELESS SERVICES** ("Tenant").

**WITNESSETH:**

**WHEREAS**, Landlord and Tenant have entered into a certain Site Lease Agreement ("Lease") for lease by Tenant from Landlord certain real property ("Premises") described on **Exhibit "A,"** attached hereto and incorporated herein by reference, located in the County of Douglas, State of Nebraska, consisting of approximately 600 square feet of land, which is more particularly described in **Exhibit "B,"** attached hereto and incorporated herein by reference; and

**WHEREAS**, Tenant and Landlord now desire to execute this Memorandum for the purpose of setting forth certain terms and conditions of the Lease and to provide constructive knowledge of Tenant's lease of the Premises.

**NOW, THEREFORE**, in consideration of the foregoing, the parties hereby agree as follows.

1. **Lease of Premises.** Landlord leases to Tenant, and Tenant leases from Landlord, the Premises for a term of fifteen (15) years, commencing on the 1st day of September, 1999 ("Commencement Date") and terminating on the 31<sup>st</sup> day of August, 2014, upon the terms and conditions set forth in the Lease. Tenant shall have the right to renew this Lease for one additional fifteen (15) year term.

2. **Provisions Binding on Landlord.** The Lease shall be binding upon and inure to the benefit of the parties and their respective heirs, successors and assigns, subject to the provisions of the Lease.

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3. **Governing Law.** This Memorandum and Lease will be governed by the laws of the state in which the Premises are located, without regard to conflicts of law

**IN WITNESS WHEREOF**, the parties hereto have executed this Memorandum of Lease on the day and year last signed by the parties.

DATE: 9-28-99

WITNESSES:

\_\_\_\_\_  
*[Signature]*  
Signature of Witness

ROONEY L. VANDUYKE  
Printed Name of Witness

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Printed Name of Witness

**LANDLORD:** *[Signature]*  
Hi-Tec Towers, Inc. *[Signature]*  
*[Arrow pointing to signature]*

BY: \_\_\_\_\_

LEE J. GRASKE  
Printed Name of Officer

ITS: PRESIDENT

ADDRESS: 4432 MCKINLEY  
OMAHA NE 68112

\_\_\_\_\_

DATE: SEPTEMBER 2, 1999

"TENANT"

AT&T WIRELESS PCS INC.,  
a Delaware corporation

By: AT&T Wireless Services, Inc.,  
a Delaware corporation, Its Agent

d/b/a AT&T Wireless Services

[Signature]  
(Signature of Witness)

MICHAEL MARTIN  
(Printed Name of Witness)

[Signature]  
(Signature of Witness)

Dan Burch  
(Printed Name of Witness)

By: [Signature]  
(Officer's Signature)

MICHAEL EBERIS  
(Printed Name of Officer)

Its: DIRECTOR  
(Officer's Title)

**CORPORATE ACKNOWLEDGMENT**

STATE OF WASHINGTON §

COUNTY OF KING §

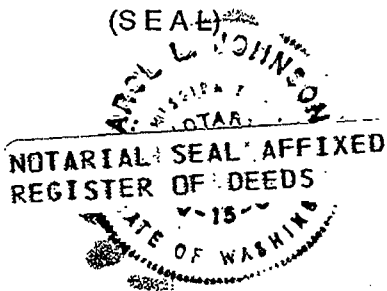
On the 2 day of SEPTEMBER, 1999, before me personally appeared MICHAEL EBERTS, in his capacity as Director of New Market Div. of **AT&T WIRELESS PCS INC.**, a Delaware corporation, by **AT&T WIRELESS SERVICES, INC.**, a Delaware corporation, its Agent, **d/b/a AT&T WIRELESS SERVICES** on behalf of said Corporation, being duly sworn on his oath, deposed and made proof to my satisfaction that:

(a) he is the proper person authorized to sign, seal, and deliver the attached document as Director of **AT&T WIRELESS PCS INC.**, a Delaware corporation, by **AT&T WIRELESS SERVICES, INC.**, a Delaware corporation, its Agent, **d/b/a AT&T WIRELESS SERVICES**;

(b) this document was signed and delivered by the Corporation as its voluntary act and deed [by virtue of authority from its Board of Directors].

*Carol Johnson*

Notary Public in and for the State of WA  
My Commission Expires: Oct. 15, 2000





**PARTNERSHIP ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §  
§

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me personally appeared \_\_\_\_\_, in his/her capacity as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ partnership, which is a general partner of the partnership named in this instrument, on behalf of said Partnership, being duly sworn on his/her oath, deposed and made proof to my satisfaction that:

- (a) he/she is the proper person authorized to sign, seal, and deliver the attached document as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ partnership;
- (b) the proper seal of said Partnership was affixed; and
- (c) this document was signed and delivered by the Partnership as its voluntary act and deed [by virtue of authority from its Board of Directors].

(SEAL)

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §  
§

On the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_ before me the undersigned authority, personally appeared \_\_\_\_\_, who, being duly sworn on his/her/their oath, deposed and made proof to my satisfaction that he/she/they is/are the person(s) named in the within instrument; and I, having first made known to him/her/them the contents thereof, he/she/they did acknowledge that he/she/they signed, sealed and delivered the same as his/her/their voluntary act and deed for the purposes therein contained.

(SEAL)

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**OPTIONAL SECTION**

**THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW:**

Title Type of Document: Memorandum of Lease

Number of Pages: 9 Total

Date of Document: September 23 1999

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

**EXHIBIT "A"**

**TO**

**MEMORANDUM OF LEASE**

**by and between**  
Hi-Tec Towers, Inc.  
 a Nebraska corporation ("Landlord")  
 and  
**AT&T WIRELESS PCS INC.,**  
 a Delaware corporation, by  
**AT&T WIRELESS SERVICES, INC.,**  
 a Delaware corporation, its Agent, d/b/a **AT&T WIRELSS SERVICES** ("Tenant")

**LEGAL DESCRIPTION OF PROPERTY**

The Property is legally described as follows:

APN: 3974-0000-01\_\_\_\_\_

Site Address: 9444 North 72<sup>nd</sup> Street, Omaha\_\_\_\_\_

Book: 1810\_\_\_\_\_ Page Number: 458\_\_\_\_\_

Documentation: Deed\_\_\_\_\_ Date: 8-25-87\_\_\_\_\_

County: Douglas\_\_\_\_\_

State: Nebraska\_\_\_\_\_

Section 23, T16N, R12E, of the Sixth (6) Principal Meridian, Douglas County, Nebraska: The East 133 feet of the North 330 feet of said Section. Except for the East 33 feet and the North 33 feet thereof, which are taken for roadway purposes, and all of the East One Half of said Section except that part lying North and/or east of a line as follows: **Beginning** at a point along the East line of said Section, which is 973.00 feet North of the Southeast corner of the NE 1/4 of said Section; thence, West a distance of 33.00 feet; thence, Northwesterly a distance of 299.30 feet, plus or minus, to a point 280.0 feet West and 1142.0 feet North of the Southeast corner of the NE 1/4 of said Section; thence, West a distance of 165.0 feet; thence, North a distance of 150.0 feet; thence, Northwesterly to the Southwest Corner of the North Half of the SE 1/4 NE 1/4 of said Section, thence, North to the North line of said Section, but **Excepting** the 33.0 feet along the North and West sides of the property which have been taken for Roadway purposes, and the 5.88 acres in the Southeast corner of the property which has been taken for Roadway purposes, and **Except** that part dedicated for street purposes (i.e., access description below), and **Except** that part taken by the State of Nebraska for Highway purposes.



**EXHIBIT "B"**

**TO**

**MEMORANDUM OF LEASE**

**by and between**

Hi-Tec Towers, Inc.,

a Nebraska corporation ("Landlord")

and

**AT&T WIRELESS PCS INC.**,

a Delaware corporation, by

**AT&T WIRELESS SERVICES, INC.**,

a Delaware corporation, its Agent, *d/b/a* **AT&T WIRELSS SERVICES** ("Tenant")

**LEGAL DESCRIPTION OF PREMISES**

The location of the Premises within the Property is more particularly described or depicted as follows:

A land survey will replace this Exhibit "B" upon receipt thereof by Tenant pursuant to Paragraph 1 of the Lease.