

Region: Southwest  
Area: Rocky Mountain  
Market: Utah

Site Name: Bear Canyon  
Site Number: UT-383A  
Date Prepared: 10-15-01

**CLERK:** Please return this document to:  
NEXTEL WEST CORP., a Delaware corporation  
d/b/a Nextel Communications  
4643 S. Ulster, Ste. 500  
Denver, CO 80237  
Attn: Property Manager

PID Number: 00-0020-0001

#### MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into on this 26<sup>th</sup> day of October, 2001, by and between STEVEN H. AND CONNIE H. AULT, tenants in common, with an office at 341 North 1100 East American Fork, Utah 84003, (hereinafter referred to as "Lessor") and NEXTEL WEST CORP., a Delaware corporation, d/b/a Nextel Communications, with an office at 4643 S. Ulster, Ste. 500, Denver, CO 80237, (hereinafter referred to as "Lessee").

1. Lessor and Lessee entered into a Communications Site Lease Agreement (Ground) ("Agreement") on the 26<sup>th</sup> day of October, 2001, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing are set forth in the Agreement.
2. The term of the Agreement is for five (5) years commencing on the start of construction of Lessee Facilities or eighteen (18) months after full execution of the Agreement, whichever first occurs ("Commencement Date"), and terminating on the fifth (5<sup>th</sup>) anniversary of the Commencement Date with five (5) successive five (5) year options to renew.
3. The Land which is the subject of the Agreement is described in Exhibit A annexed hereto. The portion of the Land being leased to Lessee (the "Premises") is described in Exhibit B annexed hereto.

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

**LESSOR:**  
STEVEN H. AND CONNIE H. AULT  
tenants in common

By: Steven H. Ault

Name: Steven H. Ault  
Title: Tenant in common

Date: 10-25-01

By: Connie H. Ault

Name: Connie H. Ault  
Title: Tenant in common

Date: 10/25/01

**LESSEE:**  
NEXTEL WEST CORP., a Delaware corporation,  
d/b/a Nextel Communications

By: Edward J. Harris

Name: Edward J. Harris  
Title: Director of Engineering

Date: 10-26-01

Ent 239113 Bk 0531 Pg 0296-0300  
ELIZABETH PARCELL, Recorder  
WASATCH COUNTY CORPORATION  
2001 NOV 26 10:58am Fee 19.00 MWC  
FOR NEXTEL

**ORIGINAL**

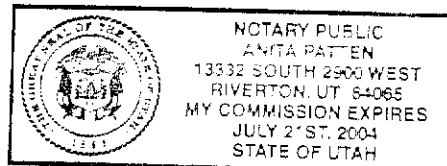
STATE OF UTAH

COUNTY OF UTAH

On OCTOBER 25<sup>th</sup> 2001 before me, ANITA PATTEN, Notary Public, personally appeared Steven H. Ault, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Anita Patten (SEAL)  
Notary Public  
My commission expires: JULY 21<sup>st</sup> 2004



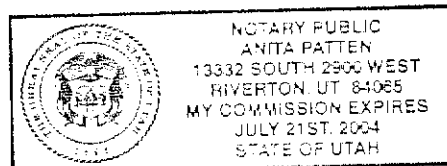
STATE OF UTAH

COUNTY OF UTAH

On OCTOBER 25<sup>th</sup> 2001 before me, ANITA PATTEN, Notary Public, personally appeared Connie H. Ault, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Anita Patten (SEAL)  
Notary Public  
My commission expires: JULY 21<sup>st</sup> 2004



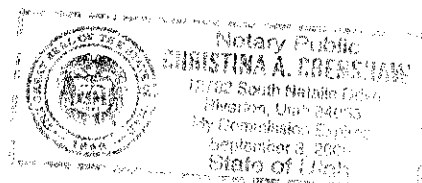
STATE OF Utah

COUNTY OF Salt Lake

On October 26<sup>th</sup> 2001 before me, Christina Crenshaw, Notary Public, personally appeared Edward J. Harris, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Christina Crenshaw (SEAL)  
Notary Public  
My commission expires: Sept 3, 2005



ORIGINAL

Region: Southwest  
Area: Rocky Mountain  
Market: Utah

Site Name: Bear Canyon  
Site Number: UT-383A  
Date Prepared: 6.27.01

**EXHIBIT A**

**DESCRIPTION OF LAND**

to the Communications Site Lease Agreement (Ground) dated October 26<sup>th</sup>, 2001, by and between STEVEN H. AND CONNIE H. AULT, tenants in common, as Lessor, and NEXTEL WEST CORP., a Delaware corporation, d/b/a Nextel Communications, as Lessee.

The Land is described and/or depicted as follows:

APN #: 00-0020-0001\_

The Southwest quarter of the Northwest quarter of Section 19, Township 5 South, Range 4 East, Salt Lake Base and Meridian, County of Wasatch, State of Utah.

Lessor's Initials: SHA CHA

Lessee's Initials: EW

**ORIGINAL**

Region: Southwest  
Area: Rocky Mountain  
Market: Utah

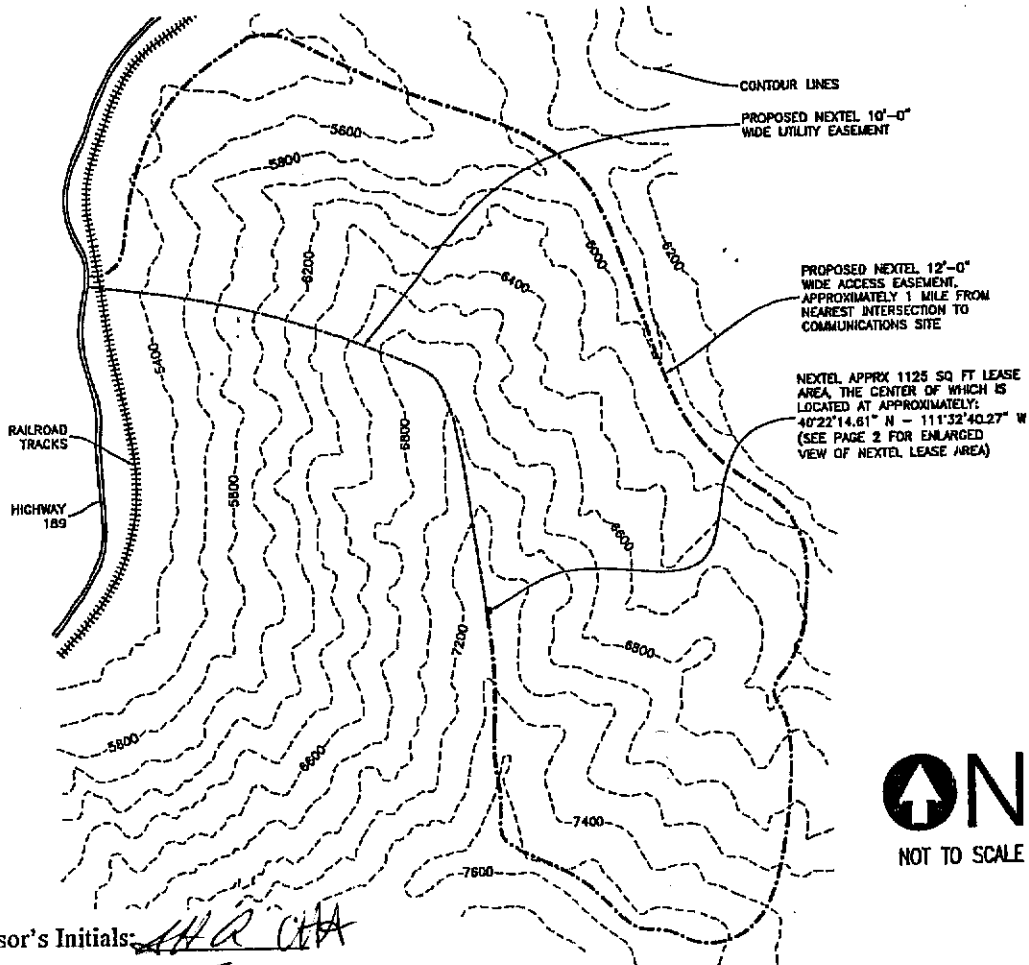
Site Name: Bear Canyon  
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EXHIBIT B  
Page 1 of 2

DESCRIPTION OF PREMISES

to the Communications Site Lease Agreement (Ground) dated October 26<sup>th</sup>, 2001, by and between STEVEN H. AND CONNIE H. AULT, tenants in common, as Lessor, and NEXTEL WEST CORP., a Delaware corporation, d/b/a Nextel Communications, as Lessee.

The Premises are described and/or depicted as follows:



Lessor's Initials: SHA CHA

Lessee's Initials: ELH

Notes:

1. This Exhibit may be replaced by a land survey of the Premises once it is received by Lessee.
2. Setback of the Premises from the Land's boundaries shall be the distance required by the applicable governmental authorities.
3. Width of Access Road shall be the width required by the applicable governmental authorities, including police and fire departments, but in no event shall such Access Road be less than 12 feet wide.
4. The type, number and mounting positions and locations of antennas and transmission lines are illustrative only. Actual types, numbers, mounting positions may vary from what is shown above.
5. The location of the Premises, Access Road and utility easement are approximations, and are therefore subject to adjustment by Lessee.

ORIGINAL

E 239113 B 0531 P 0299

Region: Southwest  
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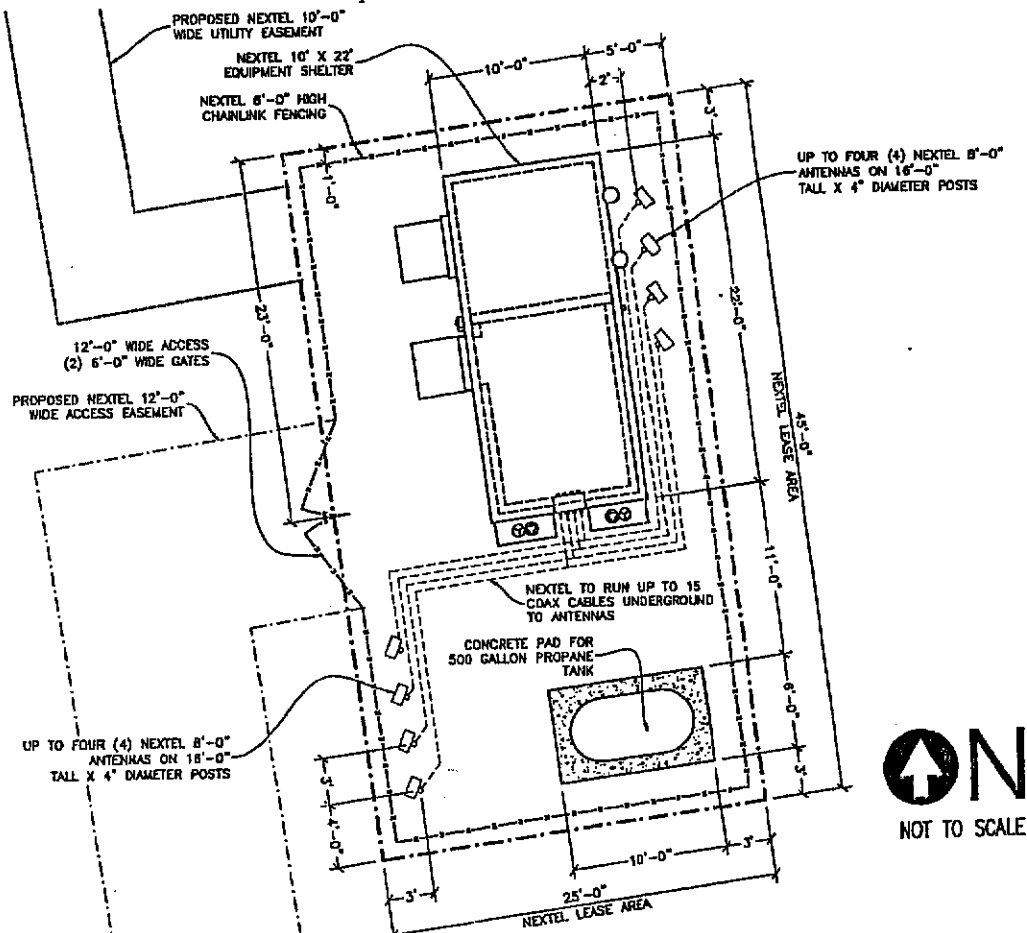
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EXHIBIT B  
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DESCRIPTION OF PREMISES

to the Communications Site Lease Agreement (Ground) dated October 26<sup>th</sup>, 2001, by and between STEVEN H. AND CONNIE H. AULT, tenants in common, as Lessor, and NEXTEL WEST CORP., a Delaware corporation, d/b/a Nextel Communications, as Lessee.

The Premises are described and/or depicted as follows:



Lessor's Initials: SHA CHA

Lessee's Initials: EH

Notes:

1. This Exhibit may be replaced by a land survey of the Premises once it is received by Lessee.
2. Setback of the Premises from the Land's boundaries shall be the distance required by the applicable governmental authorities.
3. Width of access road shall be the width required by the applicable governmental authorities, including police and fire departments, but in no event shall such Access Road be less than 12 feet wide.
4. The type, number and mounting positions and locations of antennas and transmission lines are illustrative only. Actual types, numbers, mounting positions may vary from what is shown above.
5. The location of the Premises, Access Road and utility easement are approximations, and are therefore subject to adjustment by Lessee.

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ORIGINAL