

**Return Address:**

**Martin R. Boersma**  
Panattoni Law Firm  
8413 Jackson Road, Suite C  
Sacramento, California 95826



200602130140  
Skagit County Auditor

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CHICAGO TITLE IC36649

**Document Title:**

Memorandum of Termination of Lease and Option

**Reference Number(s) of Documents:** Memorandum of Lease, 200506280197, and  
Memorandum of Option, 200506280199

**Grantors:**

**PANATTONI INVESTMENTS, LLC**, a California limited liability company,  
**BRYNESTAD FAMILY LLC**, a Washington limited liability company,  
**DIEPENBROCK WASHINGTON HOLDINGS, LLC**, a Washington limited  
liability company, and **ADVANCED H2O, LLC**, a Delaware limited liability  
company

**Grantee:** ADVANCED H2O, LLC, a Delaware limited liability company.

~~None~~

**Legal description:**

Lots 20 and 22, Hopper Road Business Park Second Revised Binding Site Plan,  
Recorded June 28, 2005, under Auditor's File No. 200506280192

Full legal is on Exhibit "A" of document.

**Assessor's Property Tax Parcel/Account Number(s):**

8024-000-022-000

## MEMORANDUM OF TERMINATION OF LEASE AND OPTION

This Memorandum of Termination of Lease and Option is entered into by and among **ADVANCED H2O, LLC**, a Delaware limited liability company ("Advanced") and **PANATTONI INVESTMENTS, LLC**, a California limited liability company, **BRYNESTAD FAMILY LLC**, a Washington limited liability company, and **DIEPENBROCK WASHINGTON HOLDINGS, LLC**, a Washington limited liability company (collectively "Panattoni") as of the date of its mutual execution ("Effective Date"). Advanced and Panattoni agree as follows:

### 1. Termination of Lease

Advanced, as tenant, and Panattoni, as landlord, are the parties to that certain Lease Agreement dated December 20, 1994 (the "**Lease**") with respect to the real property legally described on **Exhibit "A"** attached hereto and the improvements located thereon (the "**Property**"). A Memorandum of Assignment and Amendment of Ground Lease ("Memorandum of Lease") is recorded under Auditor's File No. 200506280197. The parties acknowledge that the Lease and Memorandum of Lease automatically terminated effective January 16, 2006, and are of no further force or effect.

### 2. Termination of Option

Advanced, as Buyer, and Panattoni, as Seller, entered into that certain Option Agreement dated as of June 28, 2005 (the "**Option**") with respect to the Property. A Memorandum of Option ("Memorandum of Option") is recorded under Auditor's File No. 200506280199. The parties acknowledge that the Option and Memorandum of Option automatically terminated effective January 16, 2006, and are of no further force or effect.

### 3. Purpose of Memorandum

This Memorandum is prepared for the purpose of recordation to give notice of the automatic termination of the Lease, Memorandum of Lease, Option, and Memorandum of Option. It shall not constitute an amendment to or modification of such documents.

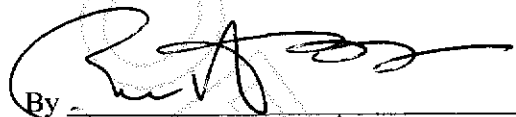
This Memorandum may be executed in one (1) or more counterparts, and all of the counterparts shall constitute but one and the same agreement, notwithstanding that all parties hereto are not signatory to the same or original counterpart.

IN WITNESS WHEREOF, the parties hereby execute this Memorandum of Termination of Lease and Option as of the date first set forth above.



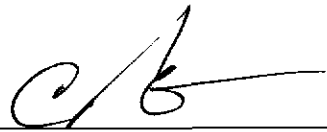
**BUYER:**

**Advanced H2O, LLC**, a Delaware limited liability company


By   
Its president & CEO

**SELLER:**

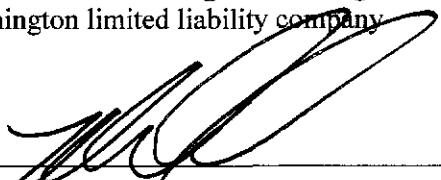
**Panattoni Investments, LLC**, a California limited liability company

By   
Its Trustee of the Panattoni Living Trust, Managing Member

**Brynestad Family LLC**, a Washington limited liability company

By   
Its ~~TREASURER~~ Sole Member

**Diepenbrock Washington Holdings, LLC**, a Washington limited liability company

By   
Its Trustee of the Diepenbrock Family Trust, Sole and Managing Member



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STATE OF WASHINGTON

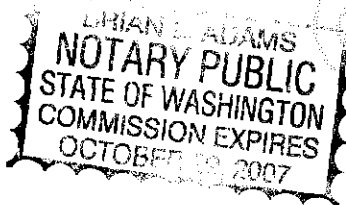
COUNTY King

OF

SS.

I certify that I know or have satisfactory evidence that Bob Abramowitz is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as a member of **Advanced H2O, LLC**, a Delaware limited liability company, to be the free and voluntary act of such limited liability company for the uses and purposes mentioned in the instrument.

Dated this 1/25/06 day of January, 2006.



Brian L. Adams  
(Signature of Notary)

Brian L. Adams  
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington,  
residing at Mercer Island

My appointment expires 10/29/07

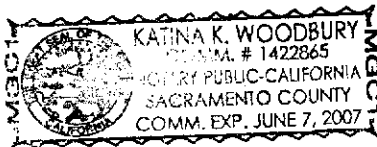
STATE OF California

COUNTY OF Sacramento

SS.

I certify that I know or have satisfactory evidence that CAND Panattoni is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as a member of **Panattoni Investments, LLC**, a California limited liability company, to be the free and voluntary act of such limited liability company for the uses and purposes mentioned in the instrument.

Dated this 6th day of February, 2006.



Katina K. Woodbury  
(Signature of Notary)

Katina K. Woodbury  
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of  
California, residing at Sacramento

My appointment expires June 7, 2007

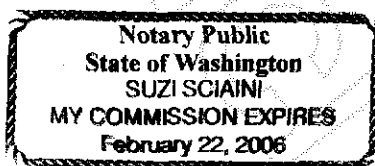


STATE OF WASHINGTON  
COUNTY OF KING

SS.

I certify that I know or have satisfactory evidence that BART BRYNESTAD is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as a member of **Brynestad Family LLC**, a Washington limited liability company, to be the free and voluntary act of such limited liability company for the uses and purposes mentioned in the instrument.

Dated this 26<sup>TH</sup> day of JANUARY, 2006.



[Signature]  
(Signature of Notary)

SUZI SCIANI

(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of WASHINGTON, residing at SAMMAMISH

My appointment expires 2/22/06

STATE OF California  
COUNTY OF Sacramento

SS.

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as a member of **Diepenbrock Washington Holdings, LLC**, a Washington limited liability company, to be the free and voluntary act of such limited liability company for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of \_\_\_\_\_, residing at \_\_\_\_\_

My appointment expires \_\_\_\_\_



200602130140

Skagit County Auditor

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Sacramento

} ss.

On February 7, 2006 before me,

Tammy L. Caro

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

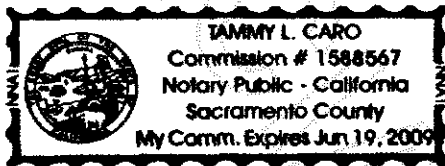
personally appeared

Michael E. Diepenbrock

Name(s) of Signer(s)

☒ personally known to me

☐ 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/she/they 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.

Tammy L. Caro  
Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

☐ Individual

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

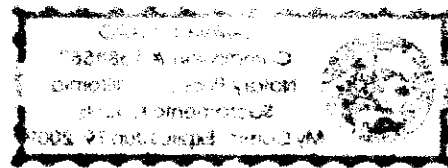
RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here



200602130140

Skagit County Auditor

UNOFFICIAL DOCUMENT



**EXHIBIT "A"**  
to Memorandum

Legal Description

Lots 20 and 22, Hopper Road Business Park Second Revised Binding Site Plan, as recorded June 28, 2005, under Auditor's File No. 200506280192, records of Skagit County, Washington.

