

Recorded: 7/12/2023 at 3:59:00.0 PM
County Recording Fee: \$37.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$40.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 1605

Prepared By: Kelli J. Orton, 666 Grand Avenue, Suite 2000, Des Moines, Iowa 50309; (515) 242-2400
Return To: Mehul Mehta, c/o Greenbacker Renewable Energy Corporation, 230 Park Avenue, Suite 1560, New York, NY 10169

Previously Recorded Documents: Book 2011, Page 421; Book 2011, Page 3681

MEMORANDUM OF FIRST AMENDMENT TO WIND FARM EASEMENT AGREEMENT (Elk Wind Farm)

This Memorandum of First Amendment to Wind Farm Easement Agreement (the "**Memorandum**") is executed this 11th day of July, 2023, by and between Robert E. Beswick and Therese H. Beswick, as Co-Trustees of the Robert E. Beswick Revocable Trust dated February 28, 2020, and Robert E. Beswick and Therese H. Beswick, as Co-Trustees of the Therese H. Beswick Revocable Trust dated February 28, 2020 ("**Owner**" or "**You**") and Elk Wind Energy LLC, an Iowa limited liability company ("**Elk**" or "**We**").

WHEREAS, Joseph G. Engelken and Viola M. Engelken, husband and wife, as joint tenants with full rights of survivorship, and not as tenants in common ("**Original Owner**"), and Elk entered into a Wind Farm Easement Agreement dated on or about January 14, 2011 as evidenced by a certain Memorandum of Wind Farm Easement Agreement recorded in the Office of the Recorder of Delaware County, Iowa (the "**Recorder's Office**"), on January 31, 2011 at Book 2011, Page 421, and as amended by a certain Supplemental Exhibit recorded in the Recorder's Office on November 15, 2011 at Book 2011, Page 3681 (collectively, the "**Agreement**"), covering certain real property referred to in the Agreement as "**Your Property**", as legally described on **Exhibit A**, attached hereto and incorporated herein. Capitalized terms used but not defined in this First Amendment have the meanings given to them in the Agreement; and


WHEREAS, The estate of the Original Owner conveyed Your Property to Robert E. Beswick and Therese Hart Beswick, husband and wife, as tenants in common, in August 2014. Robert E. Beswick and Therese Hart Beswick, husband and wife, conveyed Your Property to You in February 2020, and You are the successor in interest to Original Owner under the Agreement; and

WHEREAS, Under the terms of the Agreement, Elk has constructed the Wind Farm; and

WHEREAS, Elk is planning to perform work at the Wind Farm to upgrade certain components of the Wind Energy Facilities, which may include, without limitation, installing longer turbine blades (the "**Repowering**"). The planning process, market conditions, availability of labor and supplies, and financing are among the factors that influence whether and when Elk will undertake the Repowering. However, Elk currently expects to commence the Repowering before the end of 2023; and

IN WITNESS WHEREOF, the parties hereto have signed this Memorandum on the date first written above.

ELK:
ELK WIND ENERGY LLC,
an Iowa limited liability company

By: 
Name: Charles Wheeler
Title: Authorized Signatory

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF New York)
) ss.
COUNTY OF New York)

On July 11, 2023, before me, Katelyn Esper, a Notary Public, personally appeared Charles Wheeler, 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/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.

I certify under PENALTY OF PERJURY under the laws of the State of New York that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature

[SEAL]

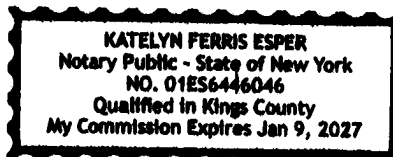


EXHIBIT A
LEGAL DESCRIPTION OF YOUR PROPERTY

The Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) and the East one-half (E1/2) of the Southeast Quarter (SE1/4) of Section Twenty Five (25), Township Ninety (90) North, Range Four (4), West of the Fifth P.M.

Net Acreage of Parcel per Assessor's Records: 115.65

EXHIBIT E

