

Recorded: 11/3/2023 at 10:26:56.0 AM
County Recording Fee: \$42.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$45.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2759

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 410; Book 2011, Page 3665

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

This Memorandum of Second Amendment to Wind Farm Easement Agreement (the “**Memorandum**”) is executed this 22nd day of September, 2023, by and between Joyce A. Klosterman Brennan (formerly known as Joyce A. Klosterman), as Trustee of the Joyce A. Klosterman Revocable Trust Dated May 24th, 1994, and Joyce A. Klosterman Brennan (formerly known as Joyce A. Klosterman), as Trustee of the Richard J. Klosterman Family Trust c/u Richard J. Klosterman Revocable Trust dated May 24th, 1994 (collectively, “**Owner**” or “**You**”) and Elk Wind Energy LLC, an Iowa limited liability company (“**Elk**” or “**We**”).

WHEREAS, An undivided one-half interest in Joyce A. Klosterman as Trustee of the Joyce A. Klosterman Revocable Trust Dated May 24th, 1994, and undivided one-half interest in Joyce A. Klosterman, Trustee of the Richard J. Klosterman Family Trust c/u Richard J. Klosterman Revocable Trust dated May 24th, 1994 (“**Original Owner**”), and Elk entered into a Wind Farm Easement Agreement dated on or about December 17, 2010, 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 410, and as amended by a certain Supplemental Exhibit recorded in the Recorder’s Office on November 15, 2011 at Book 2011, Page 3665 (collectively, the “**Agreement**”), and as amended by a certain First Amendment to Wind Farm Easement Agreement dated July 19, 2022 (the “**First Amendment**”) 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 Second Amendment have the meanings given to them in 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

OWNER:

JOYCE A. KLOSTERMAN REVOCABLE TRUST
DATED MAY 24TH, 1994

By: Joyce Klosterman Brennan
Joyce A. Klosterman Brennan, Trustee

RICHARD J. KLOSTERMAN FAMILY TRUST
C/U RICHARD J. KLOSTERMAN REVOCABLE
TRUST DATED MAY 24TH, 1994

By: Joyce Klosterman Brennan Trustee
Joyce A. Klosterman Brennan, Trustee

ACKNOWLEDGMENT

STATE OF IOWA)
COUNTY OF Delaware) ss.



This instrument was acknowledged before me on 8/15, 2023, by Joyce A. Klosterman Brennan, as Trustee of the Joyce A. Klosterman Revocable Trust Dated May 24th, 1994, and as Trustee of the Richard J. Klosterman Family Trust c/u Richard J. Klosterman Revocable Trust Dated May 24th, 1994.

Mackenzie Engelken
Signature of Notary Public

EXHIBIT A
LEGAL DESCRIPTION OF YOUR PROPERTY

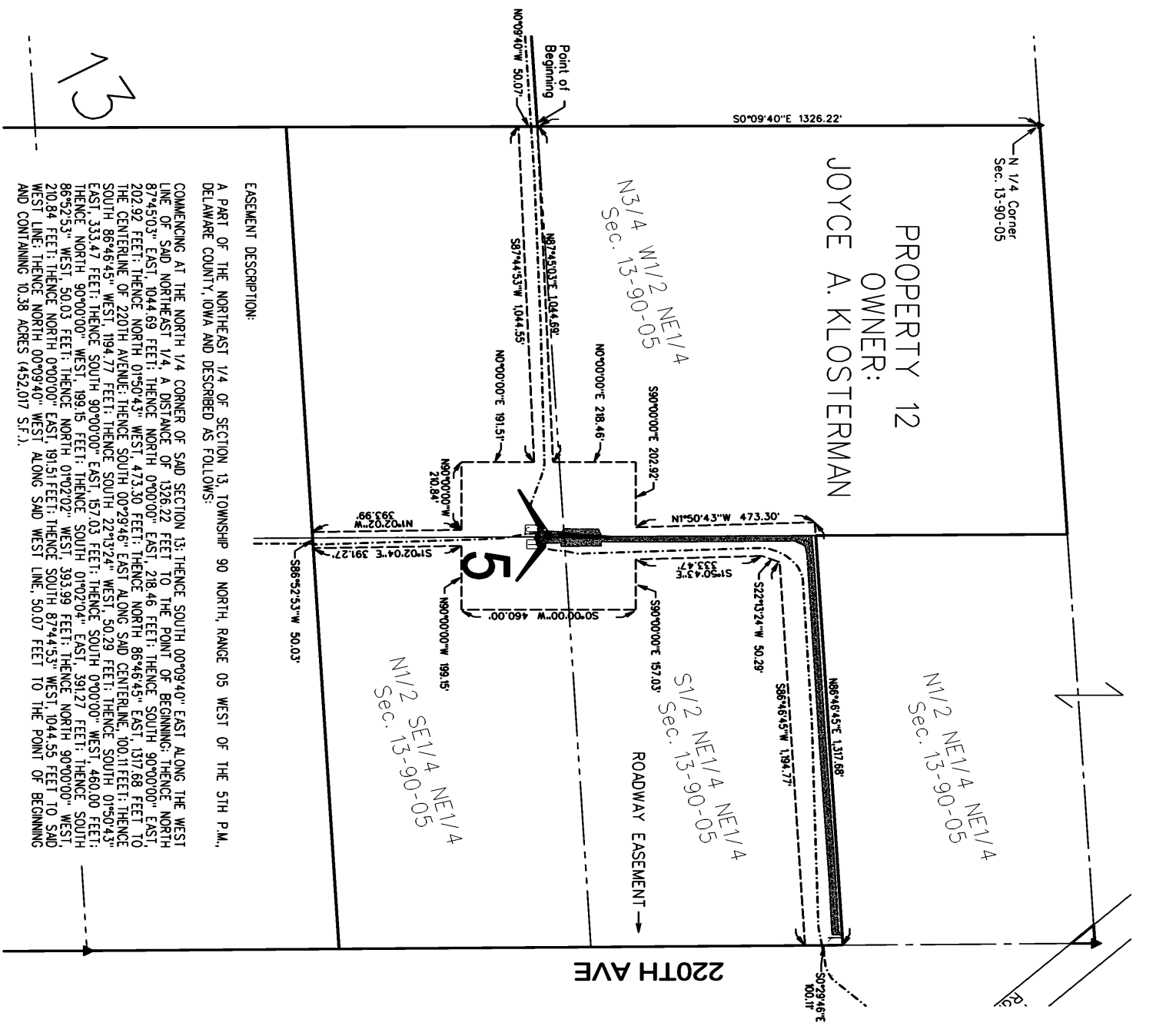
The West Half of the Southeast Quarter (W 1/2 of SE 1/4) of Section 12, Township 90 North, Range 5 West of the 5th P.M., Delaware County, Iowa, including all of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's 100 foot wide right of way across the Northwest of the Southeast Quarter (NW 1/4 of SE 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of said Section 12; EXCEPT that portion of said West Half of the Southeast Quarter (W 1/2 of SE 1/4) lying North of 120th Street.

AND

The South Half of the Northeast Quarter of the Northeast Quarter (S 1/2 of NE 1/4 of NE 1/4) of Section 13; the North Half of the Southeast Quarter of the Northeast Quarter (N 1/2 of SE 1/4 of NE 1/4) of Section 13; and the North Three-fourths of the West Half of the Northeast Quarter (N 3/4 of W 1/2 of NE 1/4) of Section 13, Township 90 North, Range 5 West of the 5th P.M., Delaware County, Iowa.

Net Acreage of Parcel per Assessor's Records: 127.70

EXHIBIT E



EASEMENT DESCRIPTION:
 A PART OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 90 NORTH, RANGE 05 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 13; THENCE SOUTH 00°09'40" EAST ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1326.22 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87°45'03" EAST, 1044.69 FEET; THENCE NORTH 0°00'00" EAST, 218.46 FEET; THENCE SOUTH 90°00'00" EAST, 202.92 FEET; THENCE NORTH 0°50'43" WEST, 473.30 FEET; THENCE NORTH 86°46'45" EAST, 1317.68 FEET TO THE CENTERLINE OF 220TH AVENUE; THENCE SOUTH 00°29'46" EAST ALONG SAID CENTERLINE, 100.11 FEET; THENCE SOUTH 86°46'45" WEST, 194.77 FEET; THENCE SOUTH 22°15'24" WEST, 30.29 FEET; THENCE SOUTH 0°50'43" EAST, 333.47 FEET; THENCE SOUTH 0°00'00" EAST, 151.03 FEET; THENCE SOUTH 0°00'00" WEST, 460.00 FEET; THENCE NORTH 90°00'00" WEST, 199.15 FEET; THENCE SOUTH 0°02'04" EAST, 391.27 FEET; THENCE SOUTH 86°52'53" WEST, 50.03 FEET; THENCE NORTH 0°02'02" WEST, 393.99 FEET; THENCE NORTH 90°00'00" WEST, 210.84 FEET; THENCE NORTH 0°00'00" EAST, 191.51 FEET; THENCE SOUTH 87°44'53" WEST, 1044.55 FEET TO SAID WEST LINE; THENCE NORTH 0°09'40" WEST ALONG SAID WEST LINE, 50.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.38 ACRES (452.017 S.F.).

PROPERTY 12
OWNER:
JOYCE A. KLOSTERMAN

N 1/4 Corner
 Sec. 13-90-05

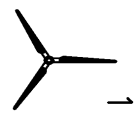
N 1/2 NE 1/4 NE 1/4
 Sec. 13-90-05

N 1/4 NE 1/4
 Sec. 13-90-05

S 1/2 NE 1/4 NE 1/4
 Sec. 13-90-05

220TH AVE

LEGEND



TURBINE WITH NUMBER

EASEMENT LINE

COLLECTION LINE

PROPERTY BOUNDARY

ACCESS ROAD/GRAVEL LIMITS

TRANSFORMER

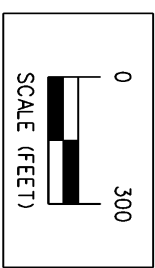
JUNCTION BOX

COLLECTION LINE SPICE LOCATIONS

TILE REPAIR LOCATION

NOTES

1) UNDERGROUND COLLECTION LINES SPICE LOCATIONS AND TILE CROSSINGS WERE PROVIDED BY MP&E LEVEL. THE ABOVE-GROUND JUNCTION BOXES AND TRANSFORMERS WERE FIELD SURVEYED.



ELK WIND PROJECT

EXHIBIT - E - PROPERTY 12 - JOYCE A. KLOSTERMAN DELAWARE COUNTY, IA

SNYDER & ASSOCIATES, INC.

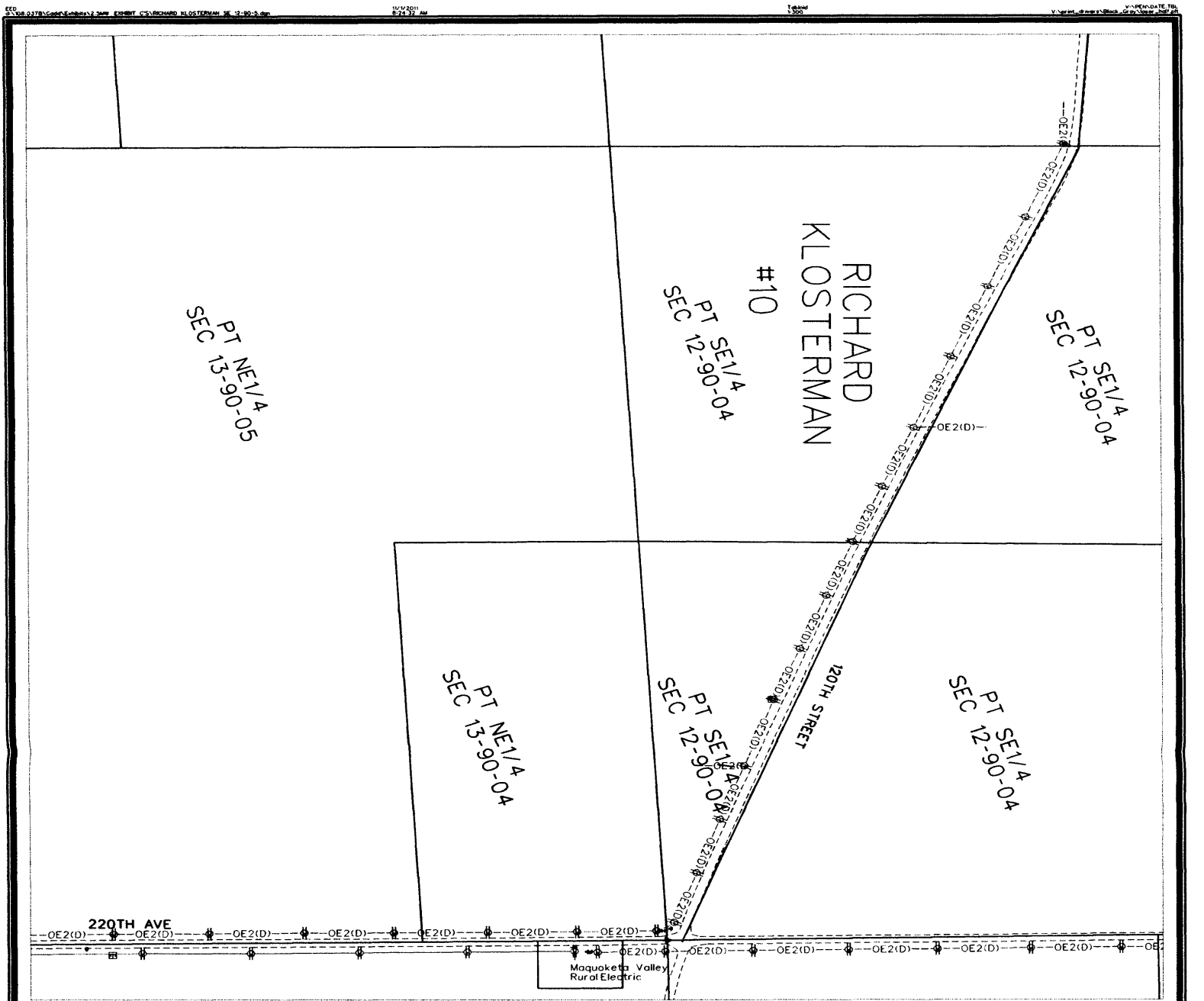
2727 S.W. SNYDER BLVD.
 ANKENY, IOWA 50023
 515-984-2020 | www.snyder-associates.com

MARK	REVISION	DATE	BY

Project No: 1190762 Sheet 1 of 1

SNYDER ASSOCIATES

Project No: 1190762
 Sheet 1 of 1

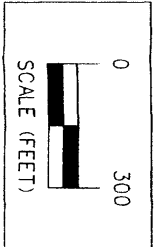


LEGEND

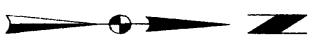
- 1 TURBINE WITH NUMBER
- EASEMENT LINE
- COLLECTION LINE
- PROPERTY BOUNDARY
- ACCESS ROAD/GRAVEL LIMITS
- LINEAL FOOTAGE OF ACCESS ROAD
- TRANSFORMER
- JUNCTION BOX
- COLLECTION LINE SPLICE LOCATIONS
- TILE REPAIR LOCATION

NOTES

- 1) UNDERGROUND COLLECTION LINES, SPLICE LOCATIONS AND TILE CROSSINGS WERE PROVIDED BY MANKLEVEL. THE ABOVE-GROUND JUNCTION BOXES AND TRANSFORMERS WERE FIELD SURVEYED.
- 2) THE DIMENSIONS SHOWN ON THE EXHIBIT C DRAWINGS ARE MEASURED HORIZONTALLY, WITH NO CONSIDERATION TO SLOPE OR ELEVATION.
- 3) THE LINEAL FEET (L.F.) SHOWN ON THE COLLECTION LINE CONTAINS THE CUMULATIVE AMOUNT OF CABLE ON THE PROPERTY SHOWN IN THE EXHIBIT.
- 4) THE ACCESS ROAD IS DIMENSIONED FROM THE TURBINE TO THE PROPERTY LINE OR PUBLIC RIGHT-OF-WAY LINE, AS APPLICABLE.
- 5) THE FIELD SURVEY WAS PERFORMED IN LATE SEPTEMBER AND EARLY OCTOBER OF 2011.



ISSUE DATE: 10-31-2011



RPM ACCESS - ELK WIND PROJECT- EXHIBIT C

RICHARD KLOSTERMAN PT SE 1/4 12-90-05

DELAWARE COUNTY, IOWA

SNYDER & ASSOCIATES

1781 MADISON AVENUE
COUNCIL BLUFFS, IOWA 51503
712-322-3222

ATLANTIC, IA 512-343-6808
CEDAR RAPIDS, IA 515-266-2020
319-382-0294

MARYVILLE, MO 660-682-8888
ST. JOSEPH, MO 816-384-6222

DATE	BY	REVISION

Engineer: EED	Checked By: EJM	Scale: 1"= 300'
Technician: EED	Date: 10-03-2011	Field Bk: Pg:
Project No: 1080378		
File No:		