

Recorded: 11/3/2023 at 10:27:04.0 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: 2767

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 624; Book 2011, Page 3675

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## **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 Debra Sue Robinson (“**Owner**” or “**You**”) and Elk Wind Energy LLC, an Iowa limited liability company (“**Elk**” or “**We**”).

WHEREAS, Charles V. Robinson and Debra Sue Robinson, 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 December 20, 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 February 15, 2011 at Book 2011, Page 624, and as amended by a certain Supplemental Exhibit recorded in the Recorder’s Office on November 15, 2011 at Book 2011, Page 3675 (collectively, the “**Agreement**”), and as amended by a certain First Amendment to Wind Farm Easement Agreement dated July 11, 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 on Original Owner’s real property legally described on **Exhibit A** attached thereto (the “**Existing Property**”). The Existing Property is a portion of the real property referred to as “**Your Property**” in the Agreement, legally described on **Exhibit A** attached hereto. The Existing Property was conveyed to You pursuant to that certain Affidavit of Surviving Spouse for Change of Title to Real Estate, dated as of December 10, 2015 at Book 2015, Page 3344. Except as specifically set forth herein, any reference in this First Amendment or to the Agreement to “**Your Property**” shall be deemed to mean the Existing Property.

WHEREAS, Your Property was conveyed to You in December of 2015, 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

WHEREAS, Owner and Elk entered into an amendment to the Easement on September 22, 2023 (the “**Second Amendment**”).

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Exhibit E**, attached hereto and incorporated herein, shall replace Exhibit C.
2. The “Term” of the Turbine Site Easement and the Met Tower Site Easement has been extended for one additional 25 year term (the “Renewal Term”) to begin at the end of the Term. The Construction Easement, Access Easement, Collection Facilities Easement, Overhang Easement, Wind Non-Obstruction Easement, Noise Easement, Light and Shadow Easement and Studies Easement shall continue so long as any of the Wind Energy Facilities in the Wind Farm exist, including replacements, unless terminated earlier in writing by Elk.
3. All notices or other communications required or permitted by the Agreement shall be made to the addresses below:

If to Owner:                      Debra Sue Robinson  
   2246 Jet Rd.  
   Greeley, IA 52050

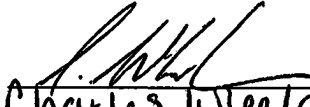
If to Elk:                              Elk Wind Energy LLC  
   c/o Greenbacker Renewable Energy Corporation  
   230 Park Avenue, Suite 1560  
   New York, NY 10169  
   Attention: General Counsel

4. Other terms of the Amendment are as set forth in the Amendment.
5. This Memorandum may be executed in one or more counterparts or using counterpart signature and acknowledgment pages, all of which, when taken together, shall constitute one instrument.

[Remainder of page left intentionally blank; signature pages follow]

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 Person

**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.

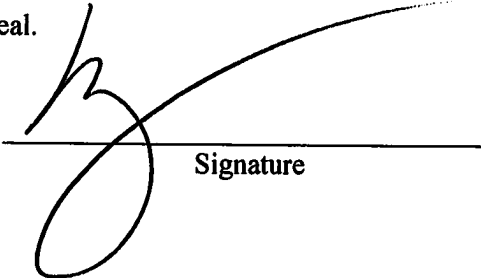
STATE OF New York )  
 COUNTY OF New York ) ss.

On Sept 6 2023, before me, Maria Rojas, 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.

MARIA ROJAS  
 NOTARY PUBLIC, STATE OF NEW YORK  
 Registration No. 01RO0005486  
 Qualified in New York County  
 My Commission Expires 04/13/2027  
 [SEAL]

  
 \_\_\_\_\_  
 Signature

OWNER:

Debra Sue Robinson  
Debra Sue Robinson

**ACKNOWLEDGMENT**

STATE OF IOWA )  
COUNTY OF Delaware ) ss.  
)

This instrument was acknowledged before me on July 31, 2023, by Debra Sue Robinson.

Kelli J. Orton  
Signature of Notary Public



**EXHIBIT A  
LEGAL DESCRIPTION**

**Your Property:**

The South One-Half of the Northwest Quarter (S 1/2 of NW 1/4), and the North One-Half of the Southwest fractional Quarter (N 1/2 of SW frl 1/4) and the Southwest fractional Quarter of the Southwest Quarter (SW frl 1/4 of SW 1/4) of Section 19, Township 90 North, Range 4 West of the 5th P.M., Delaware County, Iowa.

**Net Acreage of Parcel per Assessor's Records: 195.86**

**Existing Property:**

The South One-Half of the Northwest Quarter (S 1/2 of NW 1/4), and the North One-Half of the Southwest fractional Quarter (N 1/2 of SW frl 1/4) and the Southwest fractional Quarter of the Southwest Quarter (SW frl 1/4 of SW 1/4) of Section 19, Township 90 North, Range 4 West of the 5th P.M., Delaware County, Iowa.

EXCEPT

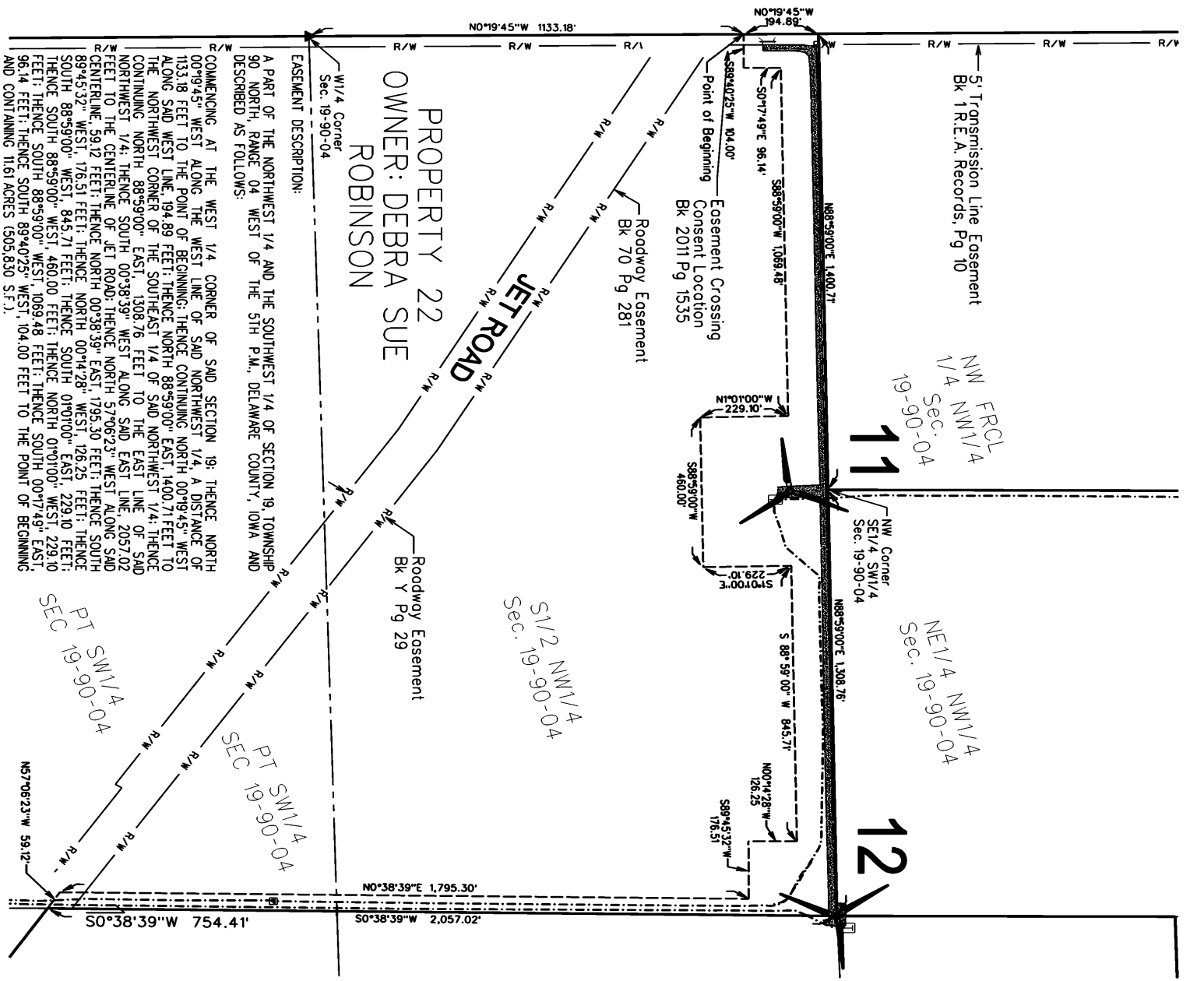
Parcel 2017-46 in the Northeast Quarter of the Southwest Quarter in Section 19, Township 90 North, Range 4 West of the 5th P.M., Delaware County, Iowa according to plat recorded in Book 2017, Page 1980.

AND EXCEPT

Parcel 2017-47 in the Northeast Quarter of the Southwest Quarter in Section 19, Township 90 North, Range 4 West of the 5th P.M., Delaware County, Iowa according to plat recorded in Book 2017, Page 1980.

**Net Acreage of Parcel per Assessor's Records: 186.46**

**EXHIBIT E**

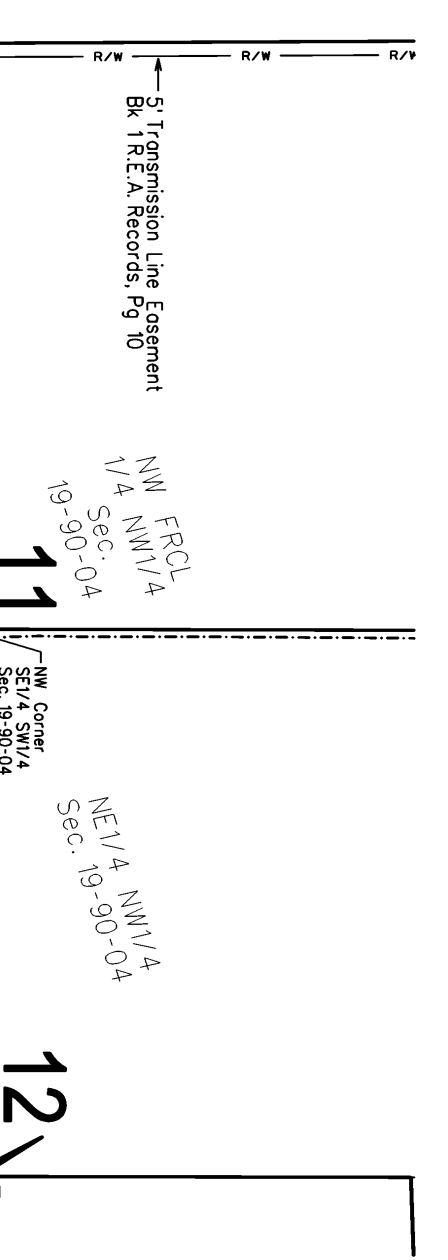


**PROPERTY 22**  
**OWNER: DEBRA SUE ROBINSON**

**EASEMENT DESCRIPTION:**  
 A PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 90 NORTH, RANGE 04 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

**COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 19; THENCE NORTH 00°19'45\"/>**

**SEC 19-90-04**  
 PT SW 1/4  
 SEC 19-90-04  
 PT SW 1/4  
 SEC 19-90-04

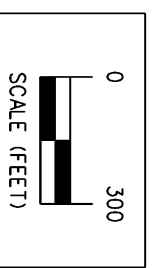


**NOTES**

- 1) UNDERGROUND COLLECTION LINES SPICE LOCATIONS AND TILE CROSSINGS WERE PROVIDED BY MPANEL/EVEL. THE ABOVE-GROUND JUNCTION BOXES AND TRANSFORMERS WERE FIELD SURVEYED.

**LEGEND**

- TURBINE WITH NUMBER
- EASEMENT LINE
- COLLECTION LINE
- PROPERTY BOUNDARY
- ACCESS ROAD/GRAVEL LIMITS
- TRANSFORMER
- JUNCTION BOX
- COLLECTION LINE SPICE LOCATIONS
- TILE REPAIR LOCATION



**ELK WIND PROJECT**  
**EXHIBIT E - PROPERTY 22 - DEBRA SUE ROBINSON** 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

(Publicly Dedicated)

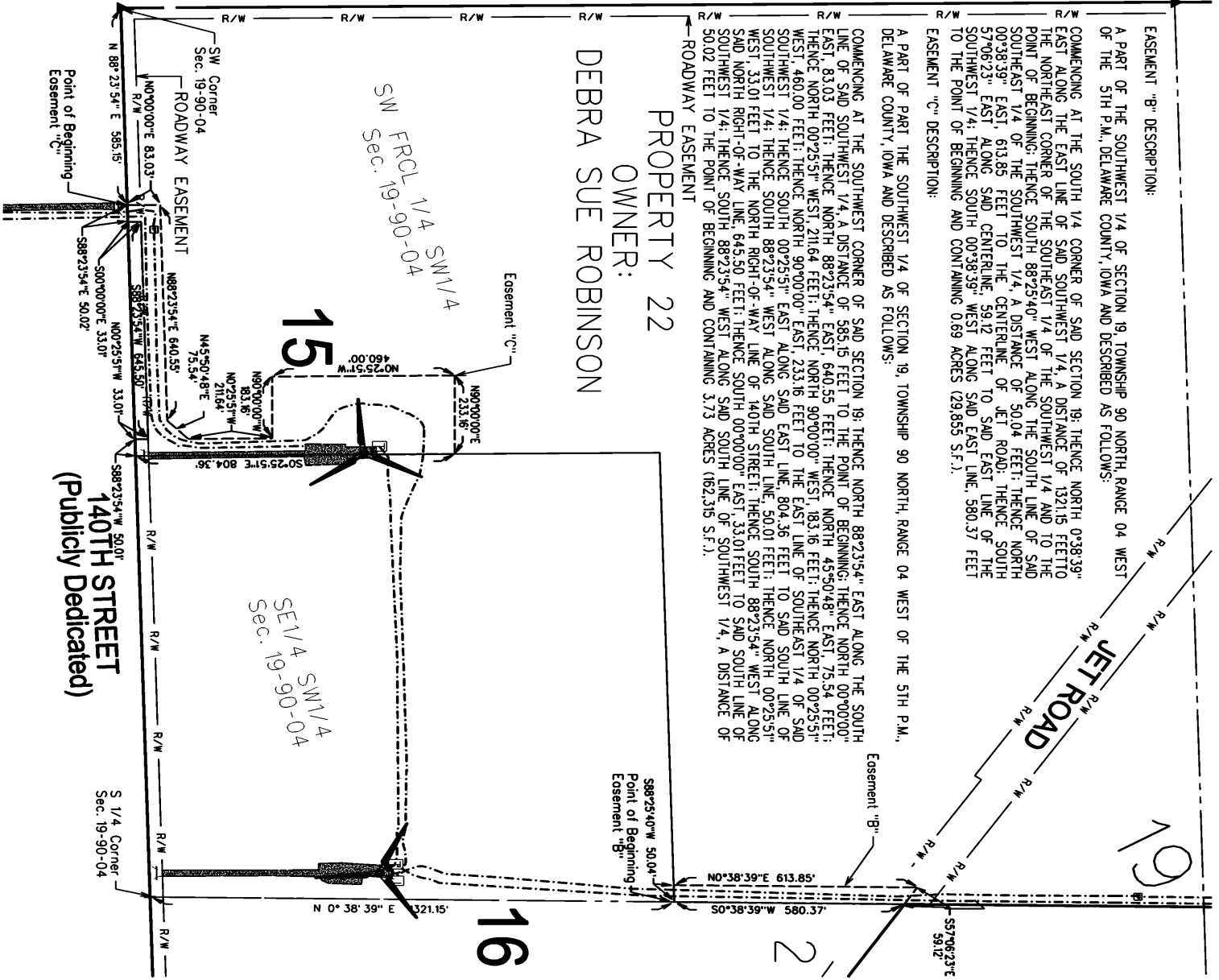
**EASEMENT "B" DESCRIPTION:**  
 A PART OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 90 NORTH, RANGE 04 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF S&D SECTION 19; THENCE NORTH 0°38'39" EAST ALONG THE EAST LINE OF S&D SOUTHWEST 1/4, A DISTANCE OF 1321.15 FEET TO THE NORTH-EAST CORNER OF THE SOUTHEAST 1/4 AND TO THE POINT OF BEGINNING; THENCE SOUTH 88°25'40" WEST ALONG THE SOUTH LINE OF S&D SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 50.04 FEET; THENCE NORTH 00°38'39" EAST, 613.85 FEET TO THE CENTERLINE OF JET ROAD; THENCE SOUTH 57°08'23" EAST ALONG S&D CENTERLINE, 59.12 FEET TO S&D EAST LINE OF THE SOUTHWEST 1/4; THENCE SOUTH 00°38'39" WEST ALONG S&D EAST LINE, 580.37 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.69 ACRES (29,855 S.F.).

**EASEMENT "C" DESCRIPTION:**  
 A PART OF PART THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 90 NORTH, RANGE 04 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF S&D SECTION 19; THENCE NORTH 88°23'54" EAST ALONG THE SOUTH LINE OF S&D SOUTHWEST 1/4, A DISTANCE OF 585.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" EAST, 83.03 FEET; THENCE NORTH 88°23'54" EAST, 640.55 FEET; THENCE NORTH 45°50'48" EAST, 75.54 FEET; THENCE NORTH 00°25'51" WEST, 211.64 FEET; THENCE NORTH 90°00'00" WEST, 183.16 FEET; THENCE NORTH 00°25'51" WEST 480.00 FEET; THENCE NORTH 90°00'00" EAST, 233.16 FEET TO THE EAST LINE OF SOUTHEAST 1/4 OF S&D SOUTHWEST 1/4; THENCE SOUTH 00°25'51" EAST ALONG S&D EAST LINE, 804.36 FEET TO S&D SOUTH LINE OF SOUTHWEST 1/4; THENCE SOUTH 88°23'54" WEST ALONG S&D SOUTH LINE, 50.01 FEET; THENCE NORTH 00°25'51" WEST, 33.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 140TH STREET; THENCE SOUTH 88°23'54" WEST ALONG S&D NORTH RIGHT-OF-WAY LINE, 645.50 FEET; THENCE SOUTH 00°00'00" EAST, 33.01 FEET TO S&D SOUTH LINE OF SOUTHWEST 1/4; THENCE SOUTH 88°23'54" WEST ALONG S&D SOUTH LINE OF SOUTHWEST 1/4, A DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.73 ACRES (162,315 S.F.).

**PROPERTY 22**  
**OWNER:**  
**DEBRA SUE ROBINSON**

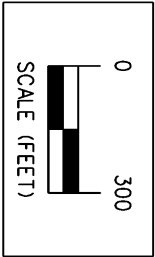


**LEGEND**

- 1 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 MPRA/ELEVEL. THE ABOVE-GROUND JUNCTION BOXES AND TRANSFORMERS WERE FIELD SURVEYED.



**ELK WIND PROJECT**  
**EXHIBIT E - PROPERTY 22 - DEBRA SUE ROBINSON** DELAWARE COUNTY, IA

**SNYDER & ASSOCIATES, INC.**

MARK	REVISION	DATE	BY
Engineer:	Checked By: EJM	Scale: 1"= 300'	
Technician: SDB	Date: 04/03/23	Field Bk:	Pg:
Project No: 190762		Sheet 1 of 1	

**SNYDER & ASSOCIATES**

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

Project No: 190762  
 Sheet 1 of 1