

Recorded: 11/3/2023 at 10:27:09.0 AM  
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: 2771

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 629; Book 2011, Page 3678

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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 Thomas R. Tauke aka Thomas Raymond Tauke and Joan A. Tauke aka Joan Agnes Tauke, husband and wife (“**Owner**” or “**You**”) and Elk Wind Energy LLC, an Iowa limited liability company (“**Elk**” or “**We**”).

WHEREAS, You and Elk entered into a Wind Farm Easement Agreement dated on or about December 16, 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 629, and as amended by a certain Supplemental Exhibit recorded in the Recorder’s Office on November 15, 2011 at Book 2011, Page 3678 (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

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:                    Thomas R. Tauke & Joan A. Tauke  
   1405 210th Ave.  
   Greeley, IA 52050

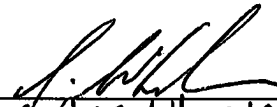
If to Elk:                        Elk Wind Energy LLC  
   c/o Greenbacker Renewable Energy Corporation  
   230 Park Avenue, Suite 1560  
   New York, NY 10169  
   Attention: General Counsel

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**

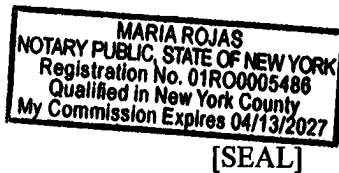
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

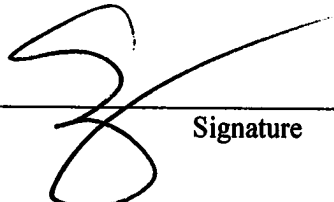
STATE OF New York )  
 ) ss.  
 COUNTY OF New York )

On Sept 16, 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.



  
 Signature

OWNER:

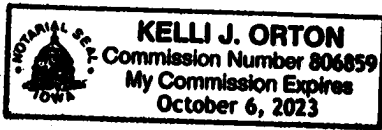
Thomas R. Tauke  
Thomas R. Tauke

Joan A. Tauke  
Joan A. Tauke

**ACKNOWLEDGMENT**

STATE OF IOWA )  
COUNTY OF Delaware ) ss.  
)

This instrument was acknowledged before me on July 31, 2023, by Thomas R. Tauke and Joan A. Tauke, husband and wife.



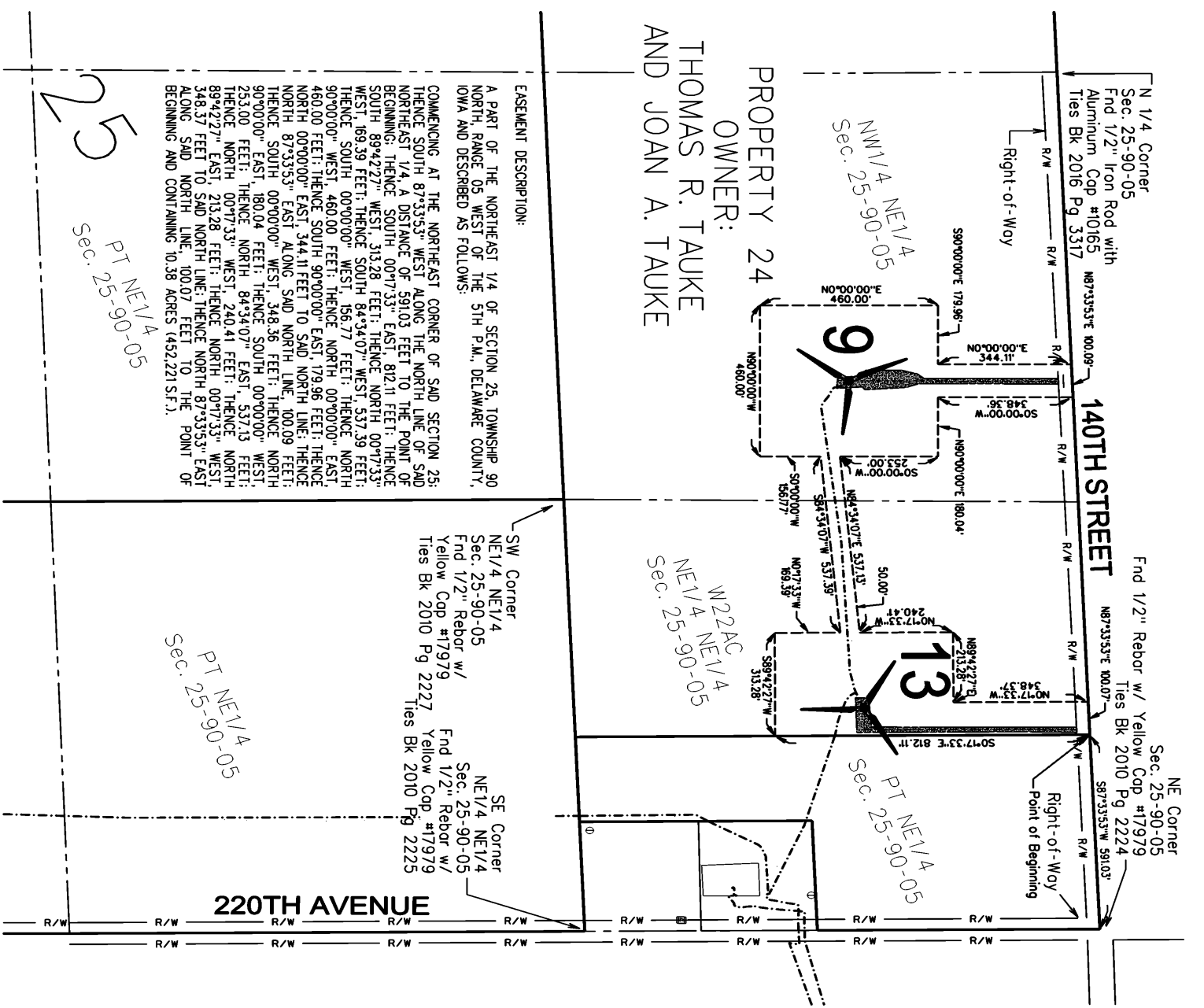
Kelli Orton  
Signature of Notary Public

**EXHIBIT A**  
**LEGAL DESCRIPTION OF YOUR PROPERTY**

The West twenty-two fortieths (W 22/40) of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4), and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4), and that part of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) lying East of 210th Avenue, all in Section Twenty-five (25), Township Ninety (90) North, Range Five (5) West of the 5th P.M., in Delaware County, Iowa.

**Net Acreage of Parcel per Assessor's Records: 89.60**

**EXHIBIT E**



**EASEMENT DESCRIPTION:**  
 A PART OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 90 NORTH, RANGE 05 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE SOUTH 87°33'53" WEST ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 591.03 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°17'33" EAST, 812.11 FEET; THENCE SOUTH 89°42'27" WEST, 313.28 FEET; THENCE NORTH 00°17'33" WEST, 169.39 FEET; THENCE SOUTH 84°34'07" WEST, 537.39 FEET; THENCE SOUTH 00°00'00" WEST, 156.77 FEET; THENCE NORTH 90°00'00" WEST, 460.00 FEET; THENCE NORTH 00°00'00" EAST, 460.00 FEET; THENCE SOUTH 90°00'00" EAST, 179.96 FEET; THENCE NORTH 00°00'00" EAST, 344.11 FEET TO SAID NORTH LINE; THENCE NORTH 87°33'53" EAST ALONG SAID NORTH LINE, 100.09 FEET; THENCE SOUTH 00°00'00" WEST, 348.36 FEET; THENCE NORTH 90°00'00" EAST, 180.04 FEET; THENCE SOUTH 00°00'00" WEST, 253.00 FEET; THENCE NORTH 84°34'07" EAST, 537.13 FEET; THENCE NORTH 00°17'33" WEST, 240.41 FEET; THENCE NORTH 89°42'27" EAST, 213.28 FEET; THENCE NORTH 00°17'33" WEST, 348.37 FEET TO SAID NORTH LINE; THENCE NORTH 87°33'53" EAST ALONG SAID NORTH LINE, 100.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.38 ACRES (452,221 S.F.).

**PROPERTY 24**  
**OWNER:**  
**THOMAS R. TAUKE**  
**AND JOAN A. TAUKE**

PT NE 1/4  
 Sec. 25-90-05

PT NE 1/4  
 Sec. 25-90-05

SW Corner  
 NE 1/4 NE 1/4  
 Sec. 25-90-05  
 Fnd 1/2" Rebor w/  
 Yellow Cap #17979  
 Ties Bk 2010 Pg 2227

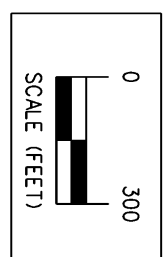
SE Corner  
 NE 1/4 NE 1/4  
 Sec. 25-90-05  
 Fnd 1/2" Rebor w/  
 Yellow Cap #17979  
 Ties Bk 2010 Pg 2225

**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 MPNELEVEL. THE ABOVE-GROUND JUNCTION BOXES AND TRANSFORMERS WERE FIELD SURVEYED.



**ELK WIND PROJECT**

**EXHIBIT E - PROPERTY 24 - THOMAS R. TAUKE AND JOAN A. TAUKE 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: 190762      Sheet 1 of 1

**SNYDER & ASSOCIATES**

Project No: 190762  
 Sheet 1 of 1