

Recorded: 11/3/2023 at 10:27:12.0 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: 2774

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; Book 2023, Page 1605

## **CORRECTIVE**

# **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, 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



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 )

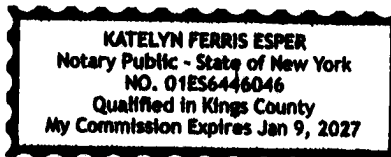
On July 11, 2023, before me, Katelyn Esper, a Notary Public, personally appeared Charles Wheeler, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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.

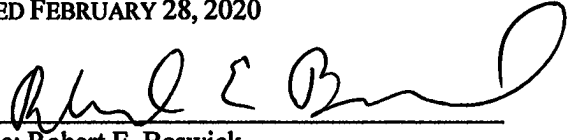
WITNESS my hand and official seal.

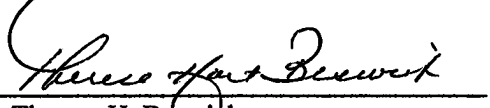
  
Signature

[SEAL]

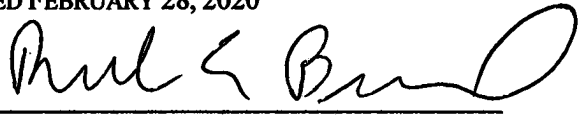


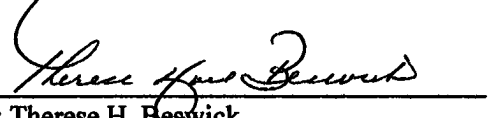
**OWNER:**  
ROBERT E. BESWICK REVOCABLE TRUST  
DATED FEBRUARY 28, 2020

By:   
Name: Robert E. Beswick  
Its: Co-Trustee

By:   
Name: Therese H. Beswick  
Its: Co-Trustee

THERESE H. BESWICK REVOCABLE TRUST  
DATED FEBRUARY 28, 2020

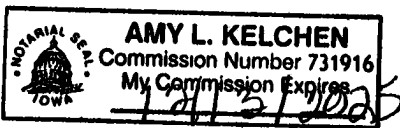
By:   
Name: Robert E. Beswick  
Its: Co-Trustee

By:   
Name: Therese H. Beswick  
Its: Co-Trustee

**ACKNOWLEDGMENT**

STATE OF IOWA )  
 ) ss.  
COUNTY OF IOWA )

This instrument was acknowledged before me on June 8, 2023, by 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.



  
Signature of Notary Public

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

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) and the East One-half (E 1/2) of the Southeast Quarter (SE 1/4) of Section Twenty-Five (25), Township Ninety (90) North, Range Five (5), West of the Fifth P.M.

**Net Acreage of Parcel per Assessor's Records: 115.65**

**EXHIBIT E**

140TH STREET

SEC 25-90-05  
PT NE 1/4

EASEMENT DESCRIPTION

A PART OF THE SOUTHEAST 1/4 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 EAST 1/4 CORNER OF SAID SECTION 25, THENCE SOUTH 87° 53' 13" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 336.21 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 87° 53' 13" WEST ALONG SAID SOUTH LINE 50.13 FEET, THENCE NORTH 02° 02' 48" EAST TO 252.82 FEET, THENCE NORTH 00° 39' 45" WEST, 107.44 FEET TO THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, THENCE NORTH 87° 38' 41" EAST ALONG SAID NORTH LINE 50.03 FEET, THENCE SOUTH 00° 39' 44" EAST, 107.732 FEET, THENCE SOUTH 02° 02' 48" WEST, 250.17 FEET TO THE POINT OF BEGINNING AND CONTAINING 152 ACRES (66.370 S.F.)

SEC 25-90-05  
PT NE 1/4

JOSEPH  
ENGELKEN  
et ux

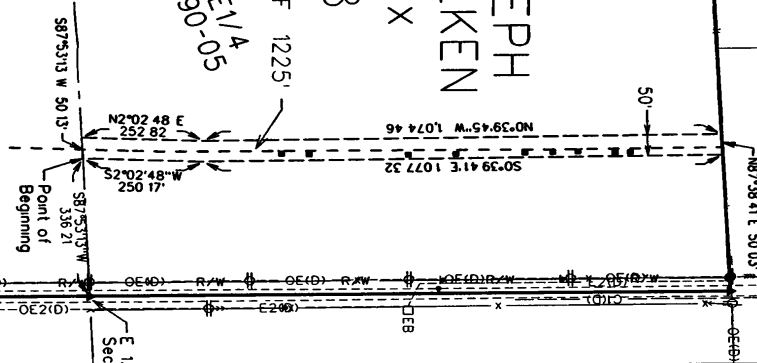
#28

Collection Line L F 1225'

SEC 1/4 NE 1/4  
SEC 25-90-05

SEC 25-90-05  
PT NE 1/4

220TH AVE

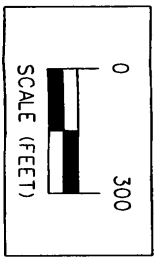


**LEGEND**

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

**NOTES**

- 1) UNDERGROUND COLLECTION LINES, SPICE LOCATIONS, AND TILE CROSSINGS WERE PROVIDED BY AMNEXLEVEL. 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 10-19-2011

**RPM ACCESS - ELK WIND PROJECT- EXHIBIT C**

JOSEPH ENGELKEN et ux NE 25-90-05

DELAWARE COUNTY, IOWA

**SNYDER & ASSOCIATES**

1751 MADISON AVENUE  
COUNCIL BLUFFS, IOWA 51603  
712.322.3202

ATLANTIC IA 712.243.6605  
CEDAR RAPIDS IA 319.365.0094

ARNEY IA 515.464.2020

MARYVILLE MO 660.682.8888  
ST. JOSEPH MO 816.364.6222

MARK	REVISION	DATE	BY
2	ADD EASEMENT/DESCRIPTIONS	10/16/11	SLG
1	REVISIONS PER MATT GARWOOD	10/10/11	SLG

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



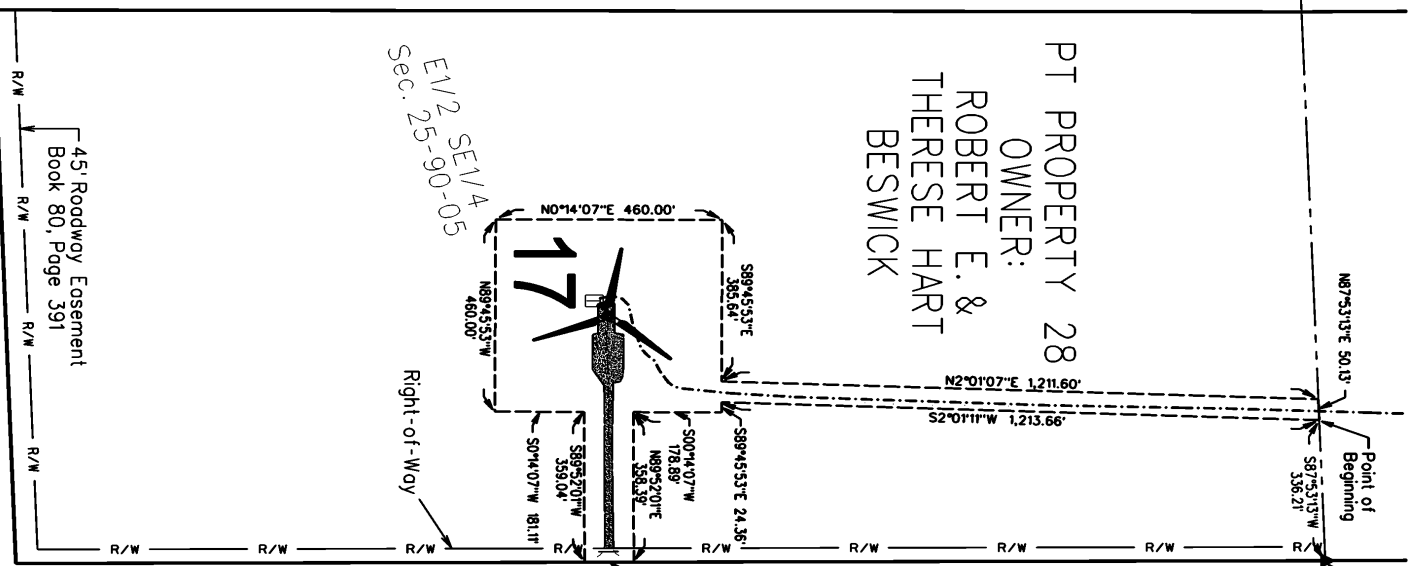
25

N1/2 SE1/4  
Sec. 25-90-05

EASEMENT DESCRIPTION:  
A PART OF THE EAST 1/2 OF THE SOUTHEAST 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 EAST 1/4 CORNER OF SAID SECTION 25; THENCE SOUTH 87°53'13" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 336.21 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°01'11" WEST, 1213.66 FEET; THENCE SOUTH 89°45'53" EAST, 24.36 FEET; THENCE SOUTH 00°14'07" WEST, 178.89 FEET; THENCE NORTH 89°52'01" EAST, 358.39 FEET TO THE EAST LINE OF SAID SOUTHEAST 1/4; THENCE SOUTH 00°07'59" EAST ALONG SAID EAST LINE, 100.00 FEET; THENCE SOUTH 89°52'01" WEST, 359.04 FEET; THENCE SOUTH 00°14'07" WEST, 181.11 FEET; THENCE NORTH 89°45'53" WEST, 460.00 FEET; THENCE NORTH 00°14'07" EAST, 460.00 FEET; THENCE SOUTH 89°45'53" EAST, 385.64 FEET; THENCE NORTH 02°01'07" EAST, 1211.60 FEET TO SAID NORTH LINE; THENCE NORTH 87°53'13" EAST ALONG SAID NORTH LINE, 50.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.07 ACRES (308.090 S.F.).

150TH STREET  
(Publicly Dedicated)

PT PROPERTY 28  
OWNER:  
ROBERT E. &  
THERESE HART  
BESWICK



N1/2 SE1/4  
Sec. 25-90-05

45' Roadway Easement  
Book 80, Page 391

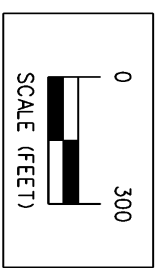
220TH AVE  
(Publicly Dedicated)

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.



0 300  
SCALE (FEET)

ELK WIND PROJECT

EXHIBIT E - PROPERTY 28 - ROBERT E. & THERESE HART BESWICK 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
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**

Project No: 190762  
Sheet 1 of 1