

Recorded: 11/13/2023 at 10:44:49.0 AM
County Recording Fee: \$47.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$50.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2858

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 588; Book 2011, Page 3668

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 31st day of October, 2023, by and between Joan C. Kerns, a single person, (“**Owner**” or “**You**”) and Elk Wind Energy LLC, an Iowa limited liability company (“**Elk**” or “**We**”).

WHEREAS, Elisabeth J. Naber (“**Original Owner**”), and Elk entered into a Wind Farm Easement Agreement dated on or about December 22, 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 11, 2011 at Book 2011, Page 588, and as amended by a certain Supplemental Exhibit recorded in the Recorder’s Office on November 15, 2011 at Book 2011, Page 3668 (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, Your Property was conveyed to You in August of 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

WHEREAS, Owner and Elk entered into an amendment to the Easement on October 31, 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: Joan C. Kerns
 603 N. Washington St.
 Edgewood, IA 52042

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]

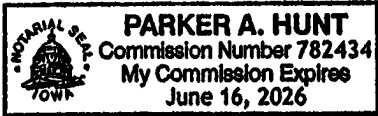
OWNER:

Joan C. Kerns
Joan C. Kerns

ACKNOWLEDGMENT

STATE OF IOWA)
COUNTY OF Delaware) ss.
)

This instrument was acknowledged before me on October 31st, 2023, by Joan C. Kerns, a single person.



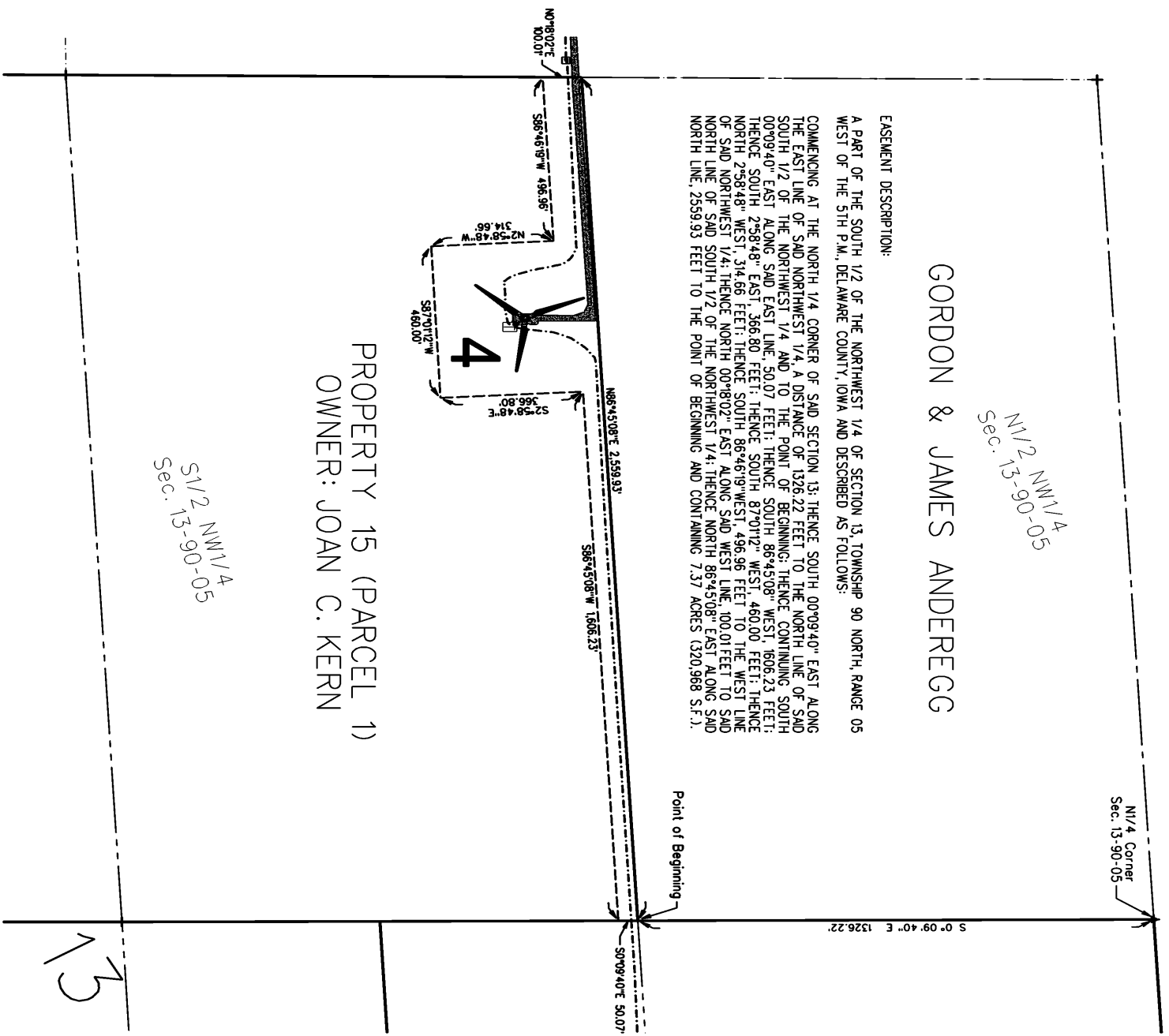
Parker A. Hunt
Signature of Notary Public

EXHIBIT A
LEGAL DESCRIPTION OF YOUR PROPERTY

The Southwest Quarter (SW1/4) and the South one-half (S1/2) of the Northwest Quarter (NW1/4) of Section Thirteen (13), Township Ninety (90) North, Range Five (5), West of the Fifth P.M. AND Commencing at the Southeast corner of the Northeast Quarter (NE1/4) of Section 14; and running thence West 70 rods; thence North 80 rods; thence East 70 rods; thence South 80 rods to the place of beginning; and the East One-Half of the Southeast Quarter (E 1/2 of SE 1/4) of Section 14, except commencing at the Northwest corner thereof, and running thence South 29 rods and 4 links, thence Southeast along the New Wine and State Line Road 11 rods and 15 links, thence North 34 rods and 18 links, thence West 10 rods to the place of beginning, in Section 14, Township 90 North, Range 5 West of the Fifth P.M., Delaware County, Iowa.

Net Acreage of Parcel per Assessor's Records: 345.24

EXHIBIT E



GORDON & JAMES ANDEREGG

N1/2 NW1/4
Sec. 13-90-05

EASEMENT DESCRIPTION:

A PART OF THE SOUTH 1/2 OF THE NORTHWEST 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 EAST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 1326.22 FEET TO THE NORTH LINE OF SAID SOUTH 1/2 OF THE NORTHWEST 1/4 AND TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°09'40" EAST ALONG SAID EAST LINE, 50.07 FEET; THENCE SOUTH 86°45'08" WEST, 1606.23 FEET; THENCE SOUTH 2°58'48" EAST, 366.80 FEET; THENCE SOUTH 87°01'12" WEST, 460.00 FEET; THENCE NORTH 2°58'48" WEST, 314.66 FEET; THENCE SOUTH 86°46'19" WEST, 496.96 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4; THENCE NORTH 00°18'02" EAST ALONG SAID WEST LINE, 100.01 FEET TO SAID NORTH LINE OF SAID SOUTH 1/2 OF THE NORTHWEST 1/4; THENCE NORTH 86°45'08" EAST ALONG SAID NORTH LINE, 2559.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.37 ACRES (320,968 S.F.).

PROPERTY 15 (PARCEL 1)
OWNER: JOAN C. KERN

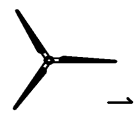
S1/2 NW1/4
Sec. 13-90-05

N1/4 Corner
Sec. 13-90-05

S 0° 09' 40" E 1326.22'

Point of Beginning
N86°45'08" E 2559.93'
S86°45'08" W 1606.23'
S0°09'40" E 50.07'

LEGEND



TURBINE WITH NUMBER

--- EASEMENT LINE

- - - COLLECTION LINE

--- PROPERTY BOUNDARY

▬ ACCESS ROAD/GRAVEL LIMITS

▬ TRANSFORMER

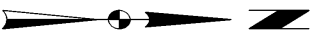
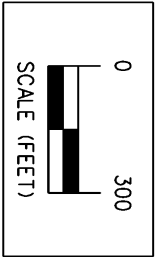
□ JUNCTION BOX

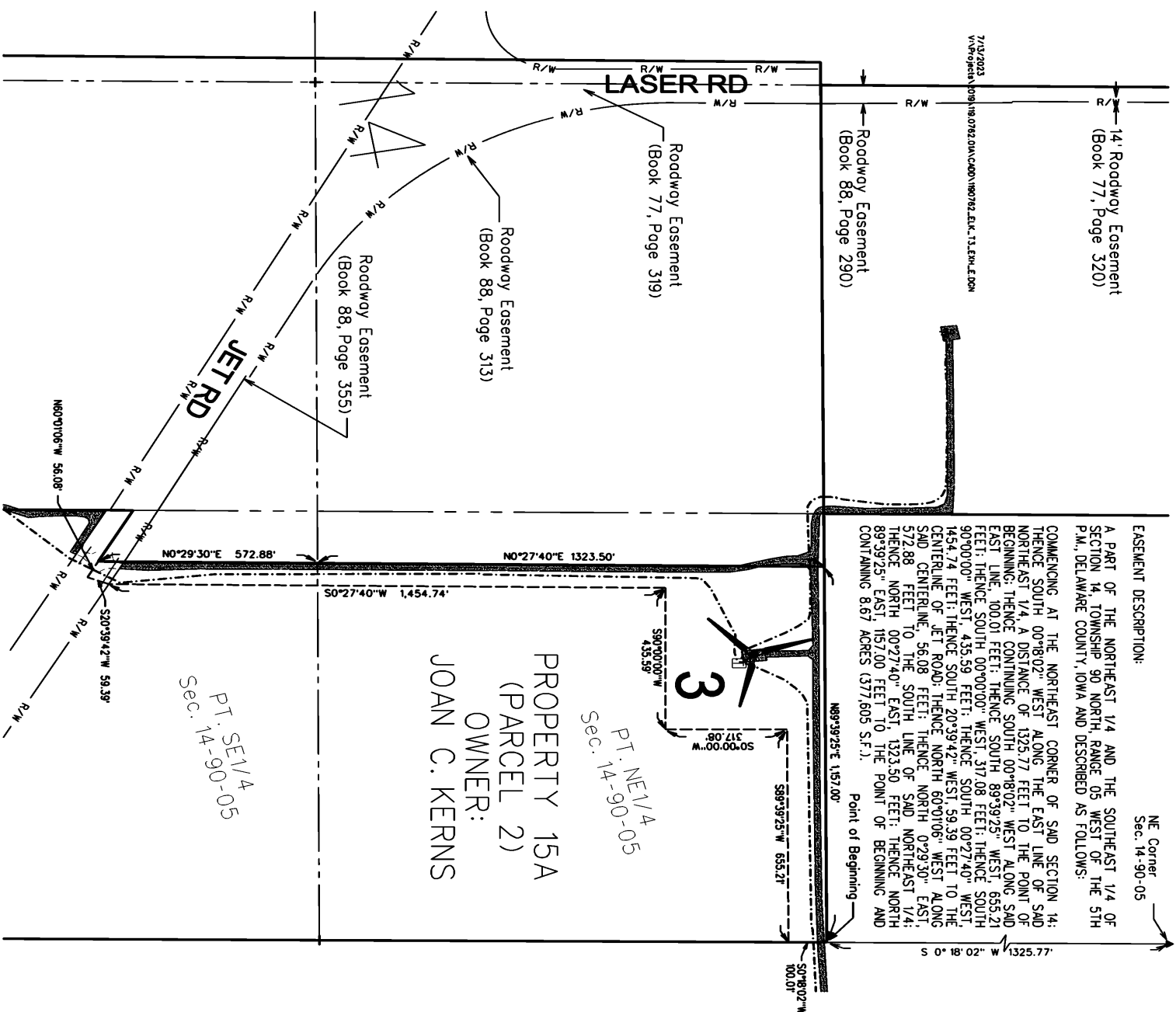
□ COLLECTION LINE SPICE LOCATIONS

• 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.





EASEMENT DESCRIPTION:
 NE Corner
 Sec. 14-90-05

A PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 14, 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 14; THENCE SOUTH 00°18'02" WEST ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1325.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°18'02" WEST ALONG SAID EAST LINE, 100.01 FEET; THENCE SOUTH 89°39'25" WEST 655.21 FEET; THENCE SOUTH 00°00'00" WEST, 317.08 FEET; THENCE SOUTH 90°00'00" WEST, 435.59 FEET; THENCE SOUTH 00°27'40" WEST, 1454.74 FEET; THENCE SOUTH 20°39'42" WEST, 59.39 FEET TO THE CENTERLINE OF JET ROAD; THENCE NORTH 60°01'06" WEST ALONG SAID CENTERLINE, 56.08 FEET; THENCE NORTH 02°29'30" EAST, 572.88 FEET TO THE SOUTH LINE OF SAID NORTHEAST 1/4; THENCE NORTH 00°27'40" EAST 1323.50 FEET; THENCE NORTH 89°39'25" EAST, 1157.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.67 ACRES (377,605 S.F.).

Point of Beginning

PROPERTY 15A
 (PARCEL 2)
 OWNER:
 JOAN C. KERNS

PT. NE 1/4
 Sec. 14-90-05

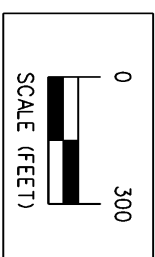
PT. SE 1/4
 Sec. 14-90-05

LEGEND

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

NOTES

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

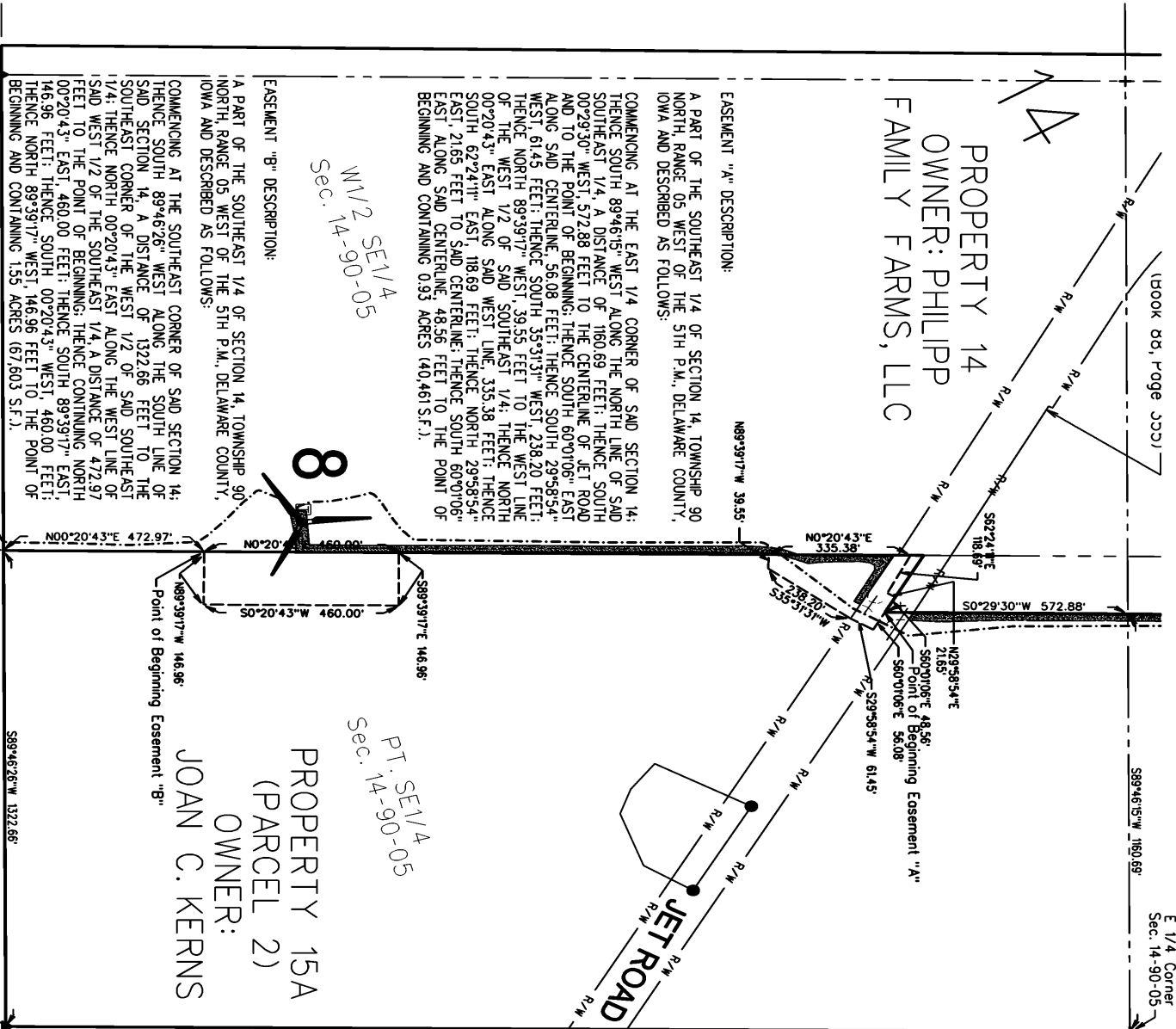


ELK WIND PROJECT		DELAWARE COUNTY, IA	
EXHIBIT E - PROPERTY 15A - JOAN C. KERN		2727 S.W. SNYDER BLVD. ANKENY, IOWA 50023 515-984-2020 www.snyder-associates.com	
SNYDER & ASSOCIATES, INC.		Project No: 1190762	

SNYDER ASSOCIATES

Project No: 1190762
 Sheet 1 of 1

MARK	REVISION	DATE	BY
Engineer:	Checked By: EJM	Scale: 1"= 300'	
Technician: SDB	Date: 04/03/23	Field Bk:	Pg:



PROPERTY 14
OWNER: PHILIPP
FAMILY FARMS, LLC

PROPERTY 15A
(PARCEL 2)
OWNER:
JOAN C. KERNS

EASEMENT "A" DESCRIPTION:
A PART OF THE SOUTHEAST 1/4 OF SECTION 14, 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 14; THENCE SOUTH 89°46'15" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 1160.69 FEET; THENCE SOUTH 00°29'30" WEST 572.88 FEET TO THE CENTERLINE OF JET ROAD AND TO THE POINT OF BEGINNING; THENCE SOUTH 60°07'06" EAST ALONG SAID CENTERLINE, 56.08 FEET; THENCE SOUTH 29°58'54" WEST, 61.45 FEET; THENCE SOUTH 35°31'31" WEST, 238.20 FEET; THENCE NORTH 89°39'17" WEST, 39.55 FEET TO THE WEST LINE OF THE EAST 1/2 OF SAID SOUTHEAST 1/4; THENCE NORTH 00°20'43" WEST ALONG SAID WEST LINE, 335.38 FEET; THENCE SOUTH 62°24'11" EAST 118.69 FEET; THENCE NORTH 29°58'54" EAST, 21.65 FEET TO SAID CENTERLINE; THENCE SOUTH 60°07'06" EAST, 21.65 FEET TO SAID CENTERLINE; 48.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.93 ACRES (40,461 S.F.).

EASEMENT "B" DESCRIPTION:
A PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 90 NORTH, RANGE 05 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 89°46'26" WEST ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 1322.66 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF SAID SOUTHEAST 1/4; THENCE NORTH 00°20'43" EAST ALONG THE WEST LINE OF SAID WEST 1/2 OF THE SOUTHEAST 1/4, A DISTANCE OF 472.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°20'43" EAST, 460.00 FEET; THENCE SOUTH 89°39'17" EAST, 146.96 FEET; THENCE SOUTH 00°20'43" WEST, 460.00 FEET; THENCE NORTH 89°39'17" WEST, 146.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.53 ACRES (67,603 S.F.).

W1/2 SE1/4
Sec. 14-90-05

PT. SE1/4
Sec. 14-90-05

SE Corner
W1/2 SE1/4
Sec. 14-90-05

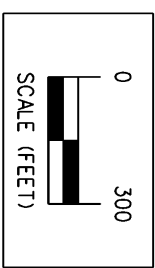
SE Corner
Sec. 14-90-05
BK 1999, PG 1422

LEGEND

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

NOTES

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



ELK WIND PROJECT

EXHIBIT E - PROPERTY 15A - JOAN C. KERNS

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