

BK: 2019 PG: 3674
Recorded: 11/18/2019 at 11:27:17.0 AM
Pages 4
County Recording Fee: \$22.00
Iowa E-Filing Fee: \$3.41
Combined Fee: \$25.41
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

Prepared by and Return to: JAMIE BAKER (515) 242-3980 MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES P.O. BOX 657, DES MOINES, IA 50303-0657

**PARTIAL TERMINATION OF WINDPARK EASEMENT AGREEMENT AND
MEMORANDUM OF WINDPARK EASEMENT AGREEMENT**

THIS PARTIAL TERMINATION OF WINDPARK EASEMENT AGREEMENT AND MEMORANDUM OF WINDPARK EASEMENT AGREEMENT (this "Partial Termination") is executed as of the 15th day of November, 2019 (the "Effective Date") by MidAmerican Energy Company, an Iowa corporation ("Developer"), with reference to the following facts:

- A. J. Paul Marston a/k/a John Paul Marston, a single person ("Owner") and Developer entered into that certain Windpark Easement Agreement (the "Agreement") dated as of January 4, 2018, a Memorandum (the "Memorandum") of which was recorded on February 8, 2018 in Book 2018, Page 428, (the Agreement and Memorandum are all referred to as the "Windpark Easement Agreement"), whereby the Owner granted to Developer certain easement rights and related uses over, under and across certain real property located in Madison County, Iowa as more particularly described in Exhibit A attached hereto (the "Property").
- B. Section 8.3 of the Agreement provides that Developer may terminate the Agreement and the easements therein at any time, as to all or any part of the Property, by giving written notice to Owner.
- C. Developer has provided written notice to Owner and desires to execute this Partial Termination so as to evidence the partial termination of the Windpark Easement Agreement only with respect to that portion of the Property described in Exhibit B attached hereto (the "Excluded Property").

NOW, THEREFORE, effective as of the Effective Date, Developer hereby cancels and terminates the Windpark Easement Agreement only with respect to the Excluded Property described in Exhibit B and attached hereto. Except for the termination of the Windpark Easement Agreement only with respect to the Excluded Property, the Windpark Easement Agreement remains in full force and effect and without modification. This Partial Termination shall bind and inure to the benefit of Owner and Developer and their respective heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, Developer has executed this Partial Termination as of the date of first set forth above.

DEVELOPER

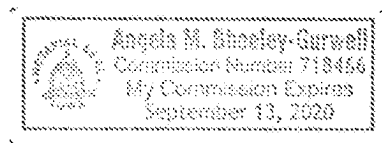
MIDAMERICAN ENERGY COMPANY

By: Michael C. Fehr
Michael C. Fehr
Vice President, Resource Development

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POLK, ss:

This instrument was acknowledged before me on November 15, 2019, by Michael C. Fehr, Vice President, Resource Development, Wind Generation of MidAmerican Energy Company.



Angela M. Sholey-Gurwell
Notary Public, State of Iowa.

EXHIBIT A

DESCRIPTION OF THE PROPERTY

The Southwest Fractional Quarter (SW $\frac{1}{4}$) of Section Thirty (30) and the North 44.90 acres of the Northwest Fractional Quarter (NW $\frac{1}{4}$) of Section Thirty-one (31), in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa (commonly referred to as the "Frederick Farm"), EXCEPT that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty (30), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the Fifth Principal Meridian, Madison County, Iowa, described as follows: Commencing at the Southwest Corner of said Section 30; thence on an assumed bearing of North 00°01'27" West along the West line of said Southwest Quarter (SW $\frac{1}{4}$) 460.10 feet to the point of beginning; thence continuing North 00°01'27" West along said West line 876.79 feet; thence South 88°13'03" East 438.63 feet; thence South 00°38'51" East 608.80 feet; thence South 86°18'31" East 46.91 feet; thence South 00°50'13" East 190.32 feet; thence South 89°15'22" West 184.88 feet; thence South 10°48'24" West 65.65 feet; thence South 88°52'44" West 297.40 feet to the West line of said Southwest Quarter (SW $\frac{1}{4}$) and the point of beginning, AND EXCEPT that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section 30, Township 77 North, Range 28 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows: Commencing at the Southwest Corner of said Section 30; thence on an assumed bearing of North 00°01'27" West along the West line of said Southwest Quarter (SW $\frac{1}{4}$) 460.10 feet; thence South 88°52'44" East 297.40 feet to the point of beginning; thence North 10°48'24" East 65.65 feet; thence North 89°15'22" East 184.88 feet; thence North 00°50'13" West 190.32 feet; thence North 86°18'31" West 46.91 feet; thence North 00°38'51" West 608.80 feet; thence South 88°13'03" East 53.90 feet; thence South 00°50'13" East 871.44 feet; thence North 88°52'44" West 207.34 feet to the point of beginning.

AND

The Northwest Quarter (NW $\frac{1}{4}$) and the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-five (35), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A", located in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 35, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa, more particularly described as follows: Commencing at the Northwest Corner of Section 35, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa; thence North 89°33'27" East along the North line of the Northwest Quarter of said Section 35, 1370.02 feet to the Point of Beginning; thence North 89°33'27" East along the North line of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 35, 508.72 feet; thence South 0°26'33" East, 399.62 feet; thence South 89°33'27" West, 508.72 feet; thence North 0°26'33" West, 399.62 feet to the Point of Beginning. Said parcel contains 4.667 Acres, including 0.377 Acres of county road right-of-way.

EXHIBIT B

EXCLUDED PROPERTY

The Southwest Fractional Quarter (SW $\frac{1}{4}$) of Section Thirty (30) and the North 44.90 acres of the Northwest Fractional Quarter (NW $\frac{1}{4}$) of Section Thirty-one (31), in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa (commonly referred to as the "Frederick Farm"), EXCEPT that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty (30), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the Fifth Principal Meridian, Madison County, Iowa, described as follows: Commencing at the Southwest Corner of said Section 30; thence on an assumed bearing of North 00°01'27" West along the West line of said Southwest Quarter (SW $\frac{1}{4}$) 460.10 feet to the point of beginning; thence continuing North 00°01'27" West along said West line 876.79 feet; thence South 88°13'03" East 438.63 feet; thence South 00°38'51" East 608.80 feet; thence South 86°18'31" East 46.91 feet; thence South 00°50'13" East 190.32 feet; thence South 89°15'22" West 184.88 feet; thence South 10°48'24" West 65.65 feet; thence South 88°52'44" West 297.40 feet to the West line of said Southwest Quarter (SW $\frac{1}{4}$) and the point of beginning, AND EXCEPT that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section 30, Township 77 North, Range 28 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows: Commencing at the Southwest Corner of said Section 30; thence on an assumed bearing of North 00°01'27" West along the West line of said Southwest Quarter (SW $\frac{1}{4}$) 460.10 feet; thence South 88°52'44" East 297.40 feet to the point of beginning; thence North 10°48'24" East 65.65 feet; thence North 89°15'22" East 184.88 feet; thence North 00°50'13" West 190.32 feet; thence North 86°18'31" West 46.91 feet; thence North 00°38'51" West 608.80 feet; thence South 88°13'03" East 53.90 feet; thence South 00°50'13" East 871.44 feet; thence North 88°52'44" West 207.34 feet to the point of beginning.