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Pages 5
County Recording Fee: \$27.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$30.00
Revenue Tax:
BRANDY L. MACUMBER, RECORDER
Madison County, Iowa

Preparer Information: Anna Gray, 505 5th Avenue, STE 444, Des Moines, IA 50309 (515) 288-1846
Return Document: Iowa Natural Heritage Foundation, 505 5th Avenue, STE 444, Des Moines, IA 50309 (515) 288-1846
Taxpayer Information: William Benjamin Johnson, Trustee of the William Benjamin Johnson Revocable Trust, dated April 5, 2022 of 2644 160th Street, Van Meter, Iowa 50261

FIRST AMENDMENT TO DEED OF CONSERVATION EASEMENT

This First Amendment is entered into this 7th day of July, 2023, by and between William Benjamin Johnson, Trustee of the William Benjamin Johnson Revocable Trust, dated April 5, 2022 of 2644 160th Street, Van Meter, Iowa 50261 (hereinafter together with their heirs, personal representatives, successors and assigns collectively referred to as "Grantor") and Iowa Natural Heritage Foundation of 505 5th Ave., Suite 444, Des Moines, IA 50309 ("Grantee"), parties to a Deed of Conservation Easement ("Easement") dated and filed on December 14, 2015 in Book 2015 Page 3677 in the Records Office of Madison County, Iowa. The Property is legally described as follows:

A tract of land located in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) and in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) and in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) excluding Parcel "D", as shown in Plat of Survey recorded on September 24th, 2015, in Book 2015 Page 2810, in the Office of the Madison County Recorder and the Southwest (SW ¼) of the Northeast Quarter (NE ¼) excluding the north 473 feet and excluding Parcel "D", as shown in Plat of Survey recorded on September 24th, 2015, in Book 2015 Page 2810, in the Office of the Madison County Recorder, all in section Thirty (30), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa;

AND

Including an access easement across Parcel "B" and the North 30 feet of Parcel "D" in the Southwest Quarter of the Northeast Quarter of Section 30, Township 76 North, Range 20 West of the 5th P.M., Madison County, Iowa as shown in the Plat of Survey recorded

on September 24th, 2015, in Book 2015 Page 2810, in the Office of the Madison County Recorder.

WHEREAS, Grantor is the owner of the Property, consisting of 132.94 acres, more or less, that is subject to the Easement.

WHEREAS, Internal Revenue Service (IRS) issued IRS Notice 2023-30 on April 10, 2023, setting forth the safe harbor deed language for conservation easement extinguishment clauses required by § 605(d)(1) of the SECURE 2.0 Act of 2022, enacted as Division T of the Consolidated Appropriations Act, 2023, Public Law 117-328, 136 Stat. 4459 (December 29, 2022);

WHEREAS, Grantor is requesting an amendment to the Easement to adopt the IRS safe harbor language provided in IRS Notice 2023-30;

WHEREAS, paragraph 16 of the Easement provides that if circumstances arise under which an amendment to or modification of this Easement meets specific requirements, Grantor and Grantee are free jointly to amend this Easement;

WHEREAS, Grantee has determined that the requested modification as set forth in this amendment is consistent with the conservation purpose. Furthermore, this amendment has a net beneficial effect on the relevant conservation values protected by the Easement.

NOW THEREFORE, Grantor and Grantee hereby amend the Easement to state as follows:

1. Paragraph 9, Paragraph 9.1, and Paragraph 9.2 shall be deleted in their entirety and replaced with:

9. Extinguishment. Pursuant to Notice 2023-30, Grantor and Grantee agree that, if a subsequent unexpected change in the conditions surrounding the property that is the subject of a donation of the perpetual conservation restriction renders impossible or impractical the continued use of the property for conservation purposes, the conservation purpose can nonetheless be treated as protected in perpetuity if (1) the restrictions are extinguished by judicial proceeding and (2) all of Grantee's portion of the proceeds (as determined below) from a subsequent sale or exchange of the property are used by the Grantee in a manner consistent with the conservation purposes of the original contribution.

9.1 Proceeds. Grantor and Grantee agree that the donation of the perpetual conservation restriction gives rise to a property right, immediately vested in Grantee, with a fair market value that is at least equal to the proportionate value that the perpetual conservation restriction, at the time of the gift, bears to the fair market value of the property as a whole at that time. The proportionate value of Grantee's property rights remains constant such that if a subsequent sale, exchange, or involuntary conversion of the subject property occurs, Grantee is entitled to a portion of the proceeds at least equal to that proportionate value of the perpetual conservation restriction, unless state law provides that the donor is

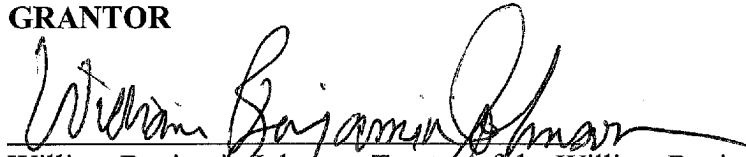
entitled to the full proceeds from the conversion without regard to the terms of the prior perpetual conservation restriction.

2. Terms of this amendment shall be deemed effective as of the original date of the recording of the Easement.
3. Except as specifically provided for in this amendment, the terms and conditions of the Easement remain in full force and effect.

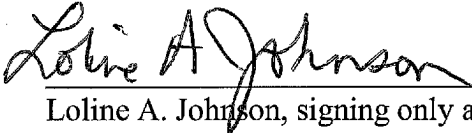
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IN WITNESS WHEREOF, the Grantor and Grantee have executed this First Amendment to Deed of Conservation Easement on this 7th day of July, 2023.

GRANTOR



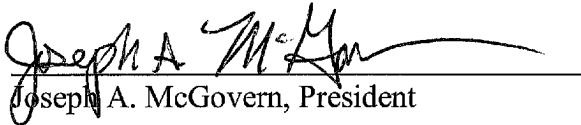
William Benjamin Johnson, Trustee of the William Benjamin Johnson Revocable Trust, dated April 5, 2022, and as original easement Grantor



Loline A. Johnson, signing only as original easement Grantor

GRANTEE

Iowa Natural Heritage Foundation



Joseph A. McGovern, President

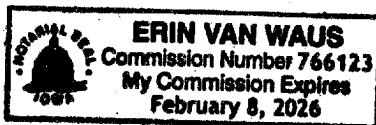
GRANTOR ACKNOWLEDGMENT

STATE OF IOWA COUNTY OF Polk

This record was acknowledged before me on July 7, 2023, by William Benjamin Johnson, Trustee of the William Benjamin Johnson Revocable Trust, dated April 5, 2022 and original easement Grantor.



Notary Public



STATE OF IOWA COUNTY OF POLK

This record was acknowledged before me on July 7, 2023, by Loline A. Johnson,
as original easement Grantor.



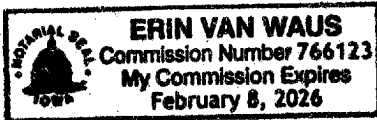
Erin Van Waus

Notary Public

GRANTEE ACKNOWLEDGMENT

STATE OF IOWA COUNTY OF POLK

This record was acknowledged before me on June 30, 2023, by Joseph A.
McGovern, as President, of the Iowa Natural Heritage Foundation.



Erin Van Waus

Notary Public