

BK: 2018 PG: 1742
Recorded: 6/1/2018 at 2:04:11.0 PM
Fee Amount: \$17.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

PLEASE RETURN TO: MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES P.O. BOX 657 DES MOINES, IA 50303-0657
Prepared by: Ryan K. Gurwell, A&R Land Services, 1609 Golden Aspen Dr., Suite 104, Ames, IA 50010 (515)337-1197

**AFFIDAVIT OF NON-DEVELOPMENT
OF OIL, GAS AND MINERALS**

STATE OF IOWA, ADAIR COUNTY: ss

Robert L. Boyle and Marilyn J. Boyle, as Trustees of the Robert L. Boyle Living Trust, dated June 16, 2016, being first duly sworn, states that:

1. I am of lawful age and reside in Adair County, Iowa. I am a present owner of the following described real property in Madison County, Iowa, which is described as follows:

Tract 1: A parcel of land in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section Seven (7), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, more particularly described as: Beginning at the Southeast corner of Section Seven (7), Township Seventy-six (76) North, Range Twenty-nine (29), thence along the East line of the Southeast Quarter (SE 1/4) of said Section, on an assumed bearing of N00°00'00" E a distance of 357.07 feet, thence N89°42'12" W 610.00 feet, thence S00°00'00" 357.07 feet to the South line of said Southeast Quarter (SE 1/4), thence S89°42'12" E 610.00 feet to the point of beginning, containing 5.00 acres, more or less, including public road, and 4.631 acres, more or less, excluding public road; AND

Tract 2: The Southwest Quarter (SW 1/4) of Section Twenty-nine (29), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa; AND

Tract 3: The East 70 1/2 acres of the Southwest Quarter (SW 1/4) and the West 19 acres of the Southeast Quarter (SE 1/4) of Section Nine (9), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

2. I have personal knowledge of the possession, exploration, drilling of wells for, development, and production of oil, gas, casinghead gas, casinghead gasoline, hydrocarbons and other minerals or subsurface materials of every kind ("**Subsurface Materials**") upon the above described property (the "**Land**") and I make the following statements, and each of them, from my own personal knowledge.

3. The Land is subject to the following Oil and Gas Lease:

Oil and Gas Lease dated February 1, 1985, filed April 10, 1985 in Book 36, Page 402, as assigned to H & H Star Energy, Inc. by Assignment of Oil and Gas Leases dated April 1, 1985, filed May 8, 1985 in Book 36, Page 467 providing lessee the exclusive right to use the property for drilling, mining, laying pipelines, and other uses associated with operating and producing oil and gas, and Oil and Gas Lease originally given to Benchmark Resources Corporation, subsequently assigned to H&H Star Energy, Inc., dated February 1, 1985, filed April 10, 1985 in Book 36, Page 400 (the "**Lease**").

4. No possession, exploration, drilling of wells for, development, or production of Subsurface Materials of any kind has ever taken place upon any portion of the Land, and no production of Subsurface Materials presently exists upon the Land.

5. No Subsurface Materials of any kind have been extracted or mined on the Land during my ownership of the Land, nor has any exploration or drilling taken place on the Land during my ownership thereof.

6. No pooling agreement exists with respect to the Land in which the lessee is a party.

7. No shut-in gas well exists on the Land.

8. No production of Subsurface Materials or well exists upon lands with which the Land has been pooled or is pooled, unitized, or consolidated.

9. No extension of the Lease has ever been granted.

10. No money has been paid to lessor or for lessor's credit as provided under the Lease.

11. The Lease has expired.

ROBERT L. BOYLE LIVING TRUST, DATED JUNE 16, 2016

By: Robert L. Boyle

Name: Robert L. Boyle

Title: Trustee

By: Marilyn J Boyle

Name: Marilyn J. Boyle

Title: Trustee

Signed and sworn to (or affirmed) before me on 04/12, 2018, by Robert L. Boyle and Marilyn J. Boyle, as Trustees of the Robert L. Boyle Living Trust, dated June 16, 2016.

Cliff Song
Cliff Song Notarial Officer

My commission expires: March 22, 2021

STAMP

