Book 2011 Page 673
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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

CMG
ELK

Prepared by: Antonio Colacino, 700 Walnut, Suite 1600, Des Moines, IA 50309 (515)-283-3171
Return to: Steve Dryden, 4800 Mills Civic Pkwy, Ste. 207, West Des Moines, IA 50265

# CONSENT TO DRAIN TILE CROSSING

WHEREAS, James C. Funke and Kathleen E. Funke, husband and wife, Martha Klosterman, a single person, Richard J. Klosterman and Joyce A. Klosterman, husband and wife, Francis K. Funke and Mildred J. Funke, husband and wife, Paul W. Vaske and Helen C. Vaske, husband and wife, Bernard Funke, a single person, and Edward L. Funke and Lou Mae Funke, husband and wife, made and entered into that certain Drain Tile Agreement filed April 21, 1970 and recorded in Miscellaneous Book M at Page 135 of the Delaware County Records (the "Drain Tile Agreement"), which agreement provided for the construction and maintenance of drain tile lines across certain property as therein described; and

WHEREAS, Joyce A. Klosterman as Trustee of the Klosterman Trusts is successor in interest to the named second parties; Daniel J. Funke and Julie Marie Funke are successors in interest to the named third parties; Steve J. Schuman and Donna M. Schuman are successors in interest to the named fourth parties; and Rick L. Funke and Mary A. Funke are successors in interest to the named fifth parties; and

WHEREAS, Elk Wind Energy LLC ("Elk Wind") has obtained an easement from Rick Funke and Mary Funke across a portion of the property subject to the Drain Tile Agreement, to be evidenced by that certain Memorandum of Wind Farm Easement Agreement that will be recorded together with this document in the Delaware County Records (the "Easement").

WHEREAS, Elk Wind wishes to obtain the consent from the parties to the Drain Tile Agreement for the crossing and repair of the drain tile.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the undersigned acknowledge and agree as follows:

1. In furtherance of its construction of facilities pursuant to the Easement, Elk Wind may cross and cut the tile lines which are the subject of the Drain Tile Agreement, but Elk Wind shall promptly repair and restore any damaged tile lines as provided in the Easement.
2. If the activity of Elk Wind causes damage to the tile line, Elk Wind shall repair all such damage at its expense.
3. This agreement shall inure to and be binding upon Elk Wind, all parties hereto, and their respective heirs, representatives, successors and assignees.
4. This agreement may be executed in one or more counterparts, but shall constitute one agreement.

IN WITNESS WHEREOF, the undersigned acknowledge their agreement and consent as set forth above.

James C. Funke

James C. Funke

Kathleen E. Funke

Kathleen E. Funke

STATE OF Arizona, COUNTY OF Pinal

This instrument was acknowledged before me on Feb 10th, 2011, by James C. Funke and Kathleen E. Funke, husband and wife.

Sally Nicks

Sally Nicks, Notary Public
A.T.

OFFICIAL SEAL
SALLY NICKS
NOTARY PUBLIC - ARIZONA
PINAL COUNTY
My Comm. Expires 03-29-2013

IN WITNESS WHEREOF, the undersigned acknowledge their agreement and consent as set forth above.

Joyce A. Klosterman

[Joyce A. Klosterman]
Trustee of the Joyce A. Klosterman Revocable Trust dated May 24, 1994

Joyce A. Klosterman

[Joyce A. Klosterman]
Trustee of the Richard J. Klosterman Family Trust c/u Richard J. Klosterman Revocable Trust dated May 24, 1994

STATE OF IOWA, COUNTY OF: Linn

This instrument was acknowledged before me on February 5, 2011, by Joyce A. Klosterman as Trustee of the Joyce A. Klosterman Revocable Trust dated May 24, 1994, AND as Trustee of the Richard J. Klosterman Family Trust c/u Richard J. Klosterman Revocable Trust dated May 24, 1994.

Susan J. Montag A.T., Notary Public

Susan J Montag
Notarial Seal - State of Iowa
Commission Number 731759
My Commission Expires 12-1-2013

IN WITNESS WHEREOF, the undersigned acknowledge their agreement and consent as set forth above

Daniel J. Funke

Julie Marie Funke

STATE OF IOWA, COUNTY OF Delaware

This instrument was acknowledged before me on February 3rd, 2011, by Daniel J. Funke and Julie Marie Funke, husband and wife.

Aaron Theisen, Notary Public

NOTARIAL SEAL IOWA
AARON THEISEN
COMMISSION NO. 764858
MY COMMISSION EXPIRES
9/27/11

IN WITNESS WHEREOF, the undersigned acknowledge their agreement and consent as set forth above

Steve J. Schuman 2-17-11
Steve J. Schuman

Donna M. Schuman 2-7-11
Donna M. Schuman

STATE OF IOWA, COUNTY OF Delaware

This instrument was acknowledged before me on February 7th & 17th, 2011, by Steve J. Schuman and Donna M. Schuman, husband and wife.

Aaron Theisen, Notary Public

NOTARIAL SEAL IOWA
AARON THEISEN
COMMISSION NO. 764858
MY COMMISSION EXPIRES
9/27/11

IN WITNESS WHEREOF, the undersigned acknowledge their agreement and consent as set forth above

Rick L. Funke 2/3/11
Rick L. Funke

Mary M. Funke 2/7/11
Mary M. Funke

STATE OF IOWA, COUNTY OF Delaware

This instrument was acknowledged before me on February 3rd & 7th, 2011, by Rick L. Funke and Mary M. Funke, husband and wife.

Aaron Theisen, Notary Public

NOTARIAL SEAL IOWA
AARON THEISEN
COMMISSION NO. 764858
MY COMMISSION EXPIRES
9/27/11