Book 2014 Page 3187
Document 2014 3187 Type 06 006 Pages 4
Date 12/19/2014 Time 3:35:22PM
Rec Amt $22.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by: Kirk Kraft, P.O. Box 439, DeSoto, IA 50069, (641) 529-1602
Return to: Kirk Kraft, P.O. Box 439, DeSoto, IA 50069, (641) 529-1602

MEMORANDUM OF WIND FARM OPTION AGREEMENT

This is a Memorandum ("Memorandum") of a Wind Farm Option Agreement ("Agreement") signed at the same time as this Memorandum between Louis F. & Beverly A. Lyness, husband & wife

whose address for purposes of this Memorandum is 1204 N. 4th Street, Manchester IA 52057, its successors and assigns ("Owner"), as grantor, and Independence Wind Energy LLC, an Iowa limited liability company, whose address for purposes of this Memorandum is 7 Ellefson Drive, P.O. Box 439, De Soto, IA 50069, its successors and assigns ("Independence"), as grantee, pertaining to Owner's Property legally described on the attached copy of **Exhibit A** to the Agreement.

PAGE 4

1. **Easements.** The Agreement is an option with respect to the Owner's Property for a Wind Farm Easement Agreement granted by Owner in favor of Independence including any or all of the following easements: turbine site, meteorological tower site, access, collection facilities, collection line, overhang, construction, wind non-obstruction, sound, and light and shadow and other easements.

2. **Exercise of Options.** Exercise of the Option Agreement as to a portion of Owner's Property and/or exercise to obtain a overhang, construction, wind non-obstruction, sound, and light and shadow easements as to all or a portion of Owner's Property shall not terminate the Option Agreement.

3. **Term of Option.** The term of the Agreement ends December 31, 2017, provided Independence may extend the Agreement for a one year period through December 31, 2018, as more specifically provided in the Agreement.

4. **Record of Termination of Option Agreement.** If the Agreement is terminated or allowed to expire without being exercised or extended, Independence will file a notice of termination of the Agreement in the public records. If Independence, when obligated to do so, fails to file a notice

of termination, then Owner may file Owner's affidavit of termination of the Agreement and proof of service of a copy of the affidavit on Independence according to the notice procedures of the Agreement. Unless Independence files in the public records a written objection or denial of termination within thirty (30) days after service on it of the affidavit, the affidavit shall have the same effect as a notice of termination by Independence.

5. **Assignment.** The Agreement runs with the land. Independence may freely transfer its rights under the Agreement to others. Owner may freely sell, mortgage, or lease Owner's Property to others. Any such assignment, sale, mortgage, lease or other form of transfer shall be subject to the terms and requirements of the Agreement.

INDEPENDENCE:

Independence Wind Energy LLC
an Iowa limited liability company

By _____

KIRK KRAFT, Authorized Representative

STATE OF IOWA, Delaware COUNTY) SS:

This record was acknowledged before me on August 27, 2014 by Kirk Kraft as authorized representative of Independence Wind Energy LLC.

TANYA M OLSON
Notarial Seal - IOWA
Commission No. 224627
My Commission Expires September 20, 2017

STAMP

Tanya M. Olson
Tanya M. Olson Notarial Officer

My commission expires: 9-20-2017

[OWNER'S SIGNATURES BEGIN ON NEXT PAGE]

OWNER: Signature: Louis F. Lyness

Printed Name: Louis F Lyness

OWNER: Signature: Beverly A. Lyness

Printed Name: Beverly A. Lyness

OWNER: Signature: _____

Printed Name: _____

OWNER: Signature: _____

Printed Name: _____

Individual Acknowledgments

STATE OF IOWA, Delaware COUNTY) SS:

This record was acknowledged before me this 27 day of August, 2014 by

Louis F. & Beverly A. Lyness husband & wife.

name(s) of person(s) and marital status

TANYA M OLSON
Notarial Seal - IOWA
Commission No. 224627
My Commission Expires September 20, 2017

STAMP

Tanya M. Olson
Tanya M. Olson
Notarial Officer

My commission expires: 9-20-2017

STATE OF IOWA, _____ COUNTY) SS:

This record was acknowledged before me this ____ day of _____, 20__, by

_____.

name(s) of person(s) and marital status

_____
Notarial Officer

My commission expires: _____

STAMP

EXHIBIT A

LEGAL DESCRIPTION OF OWNER'S PROPERTY

Owner agrees that the following legal description is subject to correction to reflect an accurate legal description to be provided by an abstractor or title insurer based on an accurate representation of the county records and, if necessary, based on a survey obtained at Independence's expense. Acreage is also subject to correction to conform to the accurate legal description.

The Northwest Quarter of Section 33, Township 88 North, Range 6, West of the 5th P.M. except the the East 241 feet of the South 370 feet thereof and the West 420 feet of the North 250 feet of the South 620 feet of the Northeast Quarter of Section 33, Township 88 North, Range 6, West of the 5th P.M.

Acreage of Owner's Property per County Assessor's Records: 154.14

BAL



Parcel ID	260330000100	**Alternate ID**	n/a	**Owner Address**	Lyness, Louis Francis & Beverly
Sec/Twp/Rng	33-88-6	**Class**	A		1204 N 4th St
Property Address		**Acreage**	154.14		Manchester, IA 52057
District	PRAIRIE				
Brief Tax Description	NW 1/4 EX S 370' E 241'				