

11/13/22

BK: 2022 PG: 3640
Recorded: 12/13/2022 at 9:39:39.0 AM
Pages 3
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.32
Combined Fee: \$20.32
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: Eric Woolley 515-281-2914 MIDAMERICAN ENERGY COMPANY P.O. BOX 657 DES MOINES, IA 50303-0657

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

THIS TERMINATION OF WINDPARK EASEMENT AGREEMENT AND MEMORANDUM OF WINDPARK EASEMENT AGREEMENT (this "Termination") is executed as of the 23 day of November, 2022 (the "Effective Date") by MidAmerican Energy Company, an Iowa Corporation ("Developer"), with reference to the following facts:

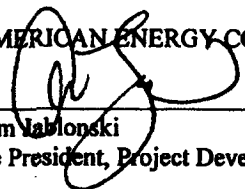
- A. **Morris D. Smith as Trustee of the Morris D. Smith Revocable Trust dated September 14, 2010 (1/2 interest), and Dixie L. Smith as Trustee of the Dixie L. Smith Revocable Trust dated September 14, 2010 (1/2 Interest)** ("Owner") and MidAmerican Energy Company, an Iowa corporation ("Developer") entered into that certain unrecorded Windpark Easement Agreement (the "Agreement") dated as of March 30, 2018, a Memorandum (the "Memorandum") of which was recorded May 1, 2018 in Book 2018, Page 1335, in Official Records of Madison County, Iowa, whereby 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 of the termination of the Agreement and the Memorandum and desires to execute this Termination so as to evidence the termination of the Agreement and the Memorandum.

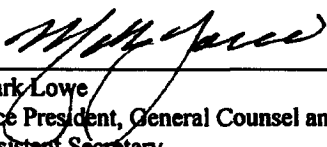
NOW, THEREFORE, effective as of the Effective Date, Developer hereby cancels and terminates the Agreement and the Memorandum. This Termination shall bind and insure to the benefit of the Owner and Developer and their respective heirs, legal representatives, successors and assigns.

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

DEVELOPER

MIDAMERICAN ENERGY COMPANY

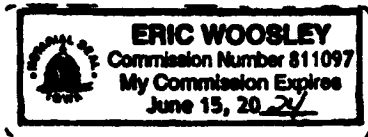
By: 
Adam Jablonski
Vice President, Project Development


By: 
Mark Lowe
Vice President, General Counsel and
Assistant Secretary

ACKNOWLEDGEMENTS

STATE OF IOWA)
) SS
COUNTY OF POLK)

This record was acknowledged before me on November 23, 2022, by Adam Jablonski as Vice President, Project Development for MidAmerican Energy Company.




Signature of Notary Public

STATE OF IOWA)
) SS
COUNTY OF POLK)

This record was acknowledged before me on November 21, 2021, by Mark Lowe as Vice President, General Counsel and Assistant Secretary for MidAmerican Energy Company.

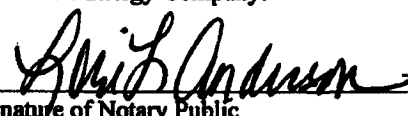

Signature of Notary Public



EXHIBIT A

Tract 1: The Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section One (1), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, including Parcel "B" located therein, containing 3.04 acres, as shown in Plat of Survey filed in Book 2013, Page 2191 on July 25, 2013, in the Office of the Recorder of Madison County, Iowa.

Tract 2: The North Half ($\frac{1}{2}$) of the West Fractional Half ($\frac{1}{2}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Six (6), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

Tract 3: The Northwest Quarter ($\frac{1}{4}$) of the Northeast Fractional Quarter ($\frac{1}{4}$) of said Section One (1); AND the East Half ($\frac{1}{2}$) of the Northeast Fractional Quarter ($\frac{1}{4}$) of said Section One (1), EXCEPTING therefrom the following described tract of land, to wit: Commencing at a point 1,087.5 feet West of the Northeast Corner of said Section One (1), running thence South $1^{\circ}17'$ East 481.9 feet, thence West 227 feet to the West line of the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of said Section One (1), thence North $1^{\circ}17'$ West along said West line 481.9 feet, thence East 227 feet to the point of beginning, and containing 2.5107 acres, AND ALSO EXCEPTING therefrom a tract of land containing 6.803 acres, as shown in Plat of Survey filed in Farm Plat Book 2, Page 15 on November 20, 1985, in the Office of the Recorder of Madison County, Iowa.