

BK: 2023 PG: 3193
Recorded: 12/28/2023 at 9:49:42.0 AM
Pages 8
County Recording Fee: \$42.00
Iowa E-Filing Fee: \$3.78
Combined Fee: \$45.78
Revenue Tax:
BRANDY L. MACUMBER, RECORDER
Madison County, Iowa

Prepared by/Return To:
Shannon M.H. Hasse, Dentons Davis Brown, PC, 215 10th St., Ste. 1300, Des Moines, IA 50309, (515) 288-2500

AFFIDAVIT EXPLANATORY OF TITLE

STATE OF IOWA, POLK COUNTY, ss:

RE: The Northwest Fractional Quarter (1/4) of Section Eighteen (18) in Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa. (the "**Subject Property**").

I, Shannon M.H. Hasse, being first duly sworn on oath, do depose and state as follows:

1. I am a regularly practicing attorney in Des Moines, Iowa.
2. In the course of my practice, I have reviewed a preliminary title opinion prepared by attorney David C. Craig of Finley Law Firm, dated November 10, 2023 (the "**Title Opinion**") based on Madison County Abstract Co. (the "**Abstractor**") abstract number 18742903 (the "**Abstract**"). I have further reviewed the relevant recorded documents referenced herein and am thereby familiar with the Subject Property.
3. The following documents have been filed of record in Madison County, Iowa:
 - a. Memorandum of Wind Farm Option Agreement recorded April 19, 2013 in Book 2013, Page 1108, by and between Woodson Family Farms LLC as Owner/Grantor and Macksburg Wind Energy LLC as Grantee (the "**Memo of Wind Option**").

Exhibit A attached to said Memo of Wind Option includes the following erroneous legal description, which is erroneous as it inadvertently references "Range Twenty-nine (29)" but was intended to reference "Range Twenty-eight (28)":

The Northwest Fractional Quarter (1/4) of Section Eighteen (18) in Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa (the "**Erroneous Legal Description**").

- b. Amendment to Memorandum of Wind Farm Option Agreement recorded September 30, 2013 in Book 2013, Page 2905 (the "**Wind Option Memo Amendment**"), which also contains the Erroneous Legal Description.

- c. Memorandum of Wind Farm Easement Agreement recorded October 10, 2013 in Book 2013, Page 3075 (the “**Memo of Wind Easement**”), by and between Woodson Family Farms LLC and Macksburg Wind Energy LLC, which also contains the Erroneous Legal Description in Exhibit A. However, said Memo of Wind Easement includes a site plan associated with the Erroneous Legal Description labelled as Woodson Family Farms LLC #45 (the “**Wind Easement Site Plan**”) which contains the correct legal description and references “Range 28.”
- d. Assignment and Assumption Agreement recorded October 18, 2013 in Book 2013, Page 3152, entered into between Macksburg Wind Energy LLC as Assignor and MidAmerican Energy Company as Assignee, under which all of the rights of Macksburg Wind Energy LLC under the aforementioned Memo of Wind Option agreement were assigned to MidAmerican Energy Company (the “**Assignment of Wind Option**”). The Assignment of Wind Option does not contain any legal descriptions.
- e. Assignment and Assumption Agreement recorded October 18, 2013 in Book 2013, Page 3153, under which Macksburg Wind Energy LLC assigned to MidAmerican Energy Company all of the rights of Macksburg Wind Energy LLC under the aforementioned Memo of Wind Easement (the “**Assignment of Wind Easement**”). The Assignment of Wind Easement does not contain any legal descriptions.
- f. Assignment and Assumption Agreement (Supplement No. 1) recorded November 14, 2013 in Book 2013, Page 3450, which amends and supplements the aforementioned Assignment of Wind Easement (the “**Assignment Supplement No. 1**”). The Assignment Supplement No. 1 does not contain any legal descriptions.
- g. Assignment and Assumption Agreement (Supplement No. 2) recorded December 19, 2013 in Book 2013, Page 3760, which also supplements the aforesaid recorded documents (the “**Assignment Supplement No. 2**”).

Collectively, the aforementioned documents (a) through (g) are hereinafter referred to as the “**Woodson Family Farms Easement Documents.**”

- 4. As evidenced by the Abstract, Woodson Family Farms LLC, the grantor under said Woodson Family Farms Easement Documents, has never had an ownership interest in the Subject Property.
- 5. Based upon the lack of ownership interest in the Subject Property by Woodson Family Farms LLC and the legal description contained in the Wind Easement Site Plan, the references to the Subject Property in the Woodson Family Farms Easement Documents are erroneous, and the Woodson Family Farms Easement Documents do not and were never intended to affect the Subject Property.
- 6. The legal description covered by said Woodson Family Farms Easement Documents was intended to be and, but for the scrivener’s errors described above, should have been the following:

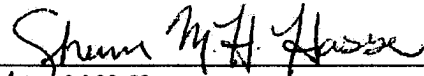
The Northwest Fractional Quarter (1/4) of Section Eighteen (18) in Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

- 7. Attached hereto and marked as Exhibit A is a copy of the Wind Easement Site Plan, which confirms the correct legal description of the real estate that was intended to be covered by the Woodson Family Farm Easement Documents.

8. Attached hereto and marked as Exhibit B is the Wind Farm Easement (Supplemental Exhibit) filed May 27, 2015 in Book 2015, Page 1441, which includes an As-Built site map that replaces the Wind Easement Site Plan, and further confirms the correct legal description of the real estate that was intended to be covered by the Woodson Family Farm Easement Documents.
9. This Affidavit is filed pursuant to Iowa Code Section 558.8 as explanatory of title.

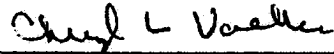
[Signature Page Follows.]

Signed this 27th day of December, 2023.

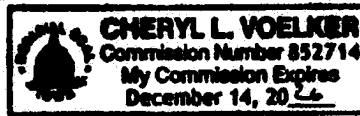


Sharon M.H. Hasse

Signed and sworn to before me, a Notary Public, on this 27th day of December, 2023.

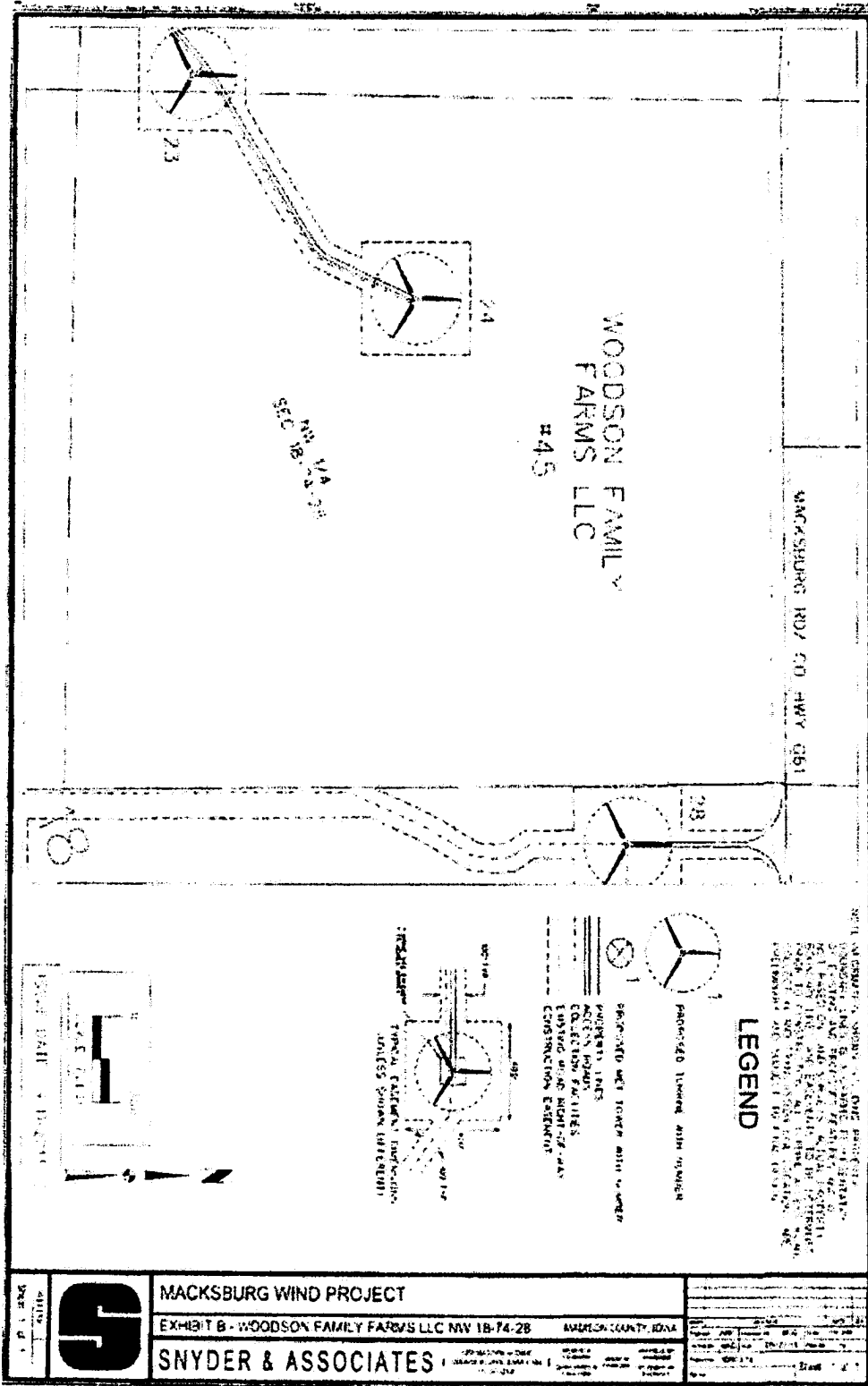


Notary Public in and for the State of Iowa



[Signature Page to Affidavit Explanatory of Title.]

Exhibit A
Wind Easement Site Plan



	MACKSBURG WIND PROJECT	
	EXHIBIT B - WOODSON FAMILY FARMS LLC NW 18-74-28	AMERICAN COUNTY, IDAHO
	SNYDER & ASSOCIATES	

Exhibit B
As-Built Drawing - Wind Farm Easement (Supplemental Exhibit)

(See attached.)



Document 2015 1441

Book 2015 Page 1441 Type 06 047 Pages 2
Date 5/27/2015 Time 3:26:43PM
Rec Amt \$12.00

INDX
ANNO
SCAN
CHEK ✓

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Recorder's Cover Sheet
WIND FARM EASEMENT (Supplemental Exhibit)

Preparer Information:

Steve Dryden, P.O. Box 439, De Soto, IA 50069; 515-834-2059

Taxpayer Information:

N/A

E/ Return Address

MidAmerican Energy Company, Attn: Jamie A. Baker, 4299 Northwest Urbandale Drive,
Urbandale, IA 50322 515-242-3980 *PO BOX 657, DSM, IA 50306*

Grantors:

Woodson Family Farms LLC

Grantees:

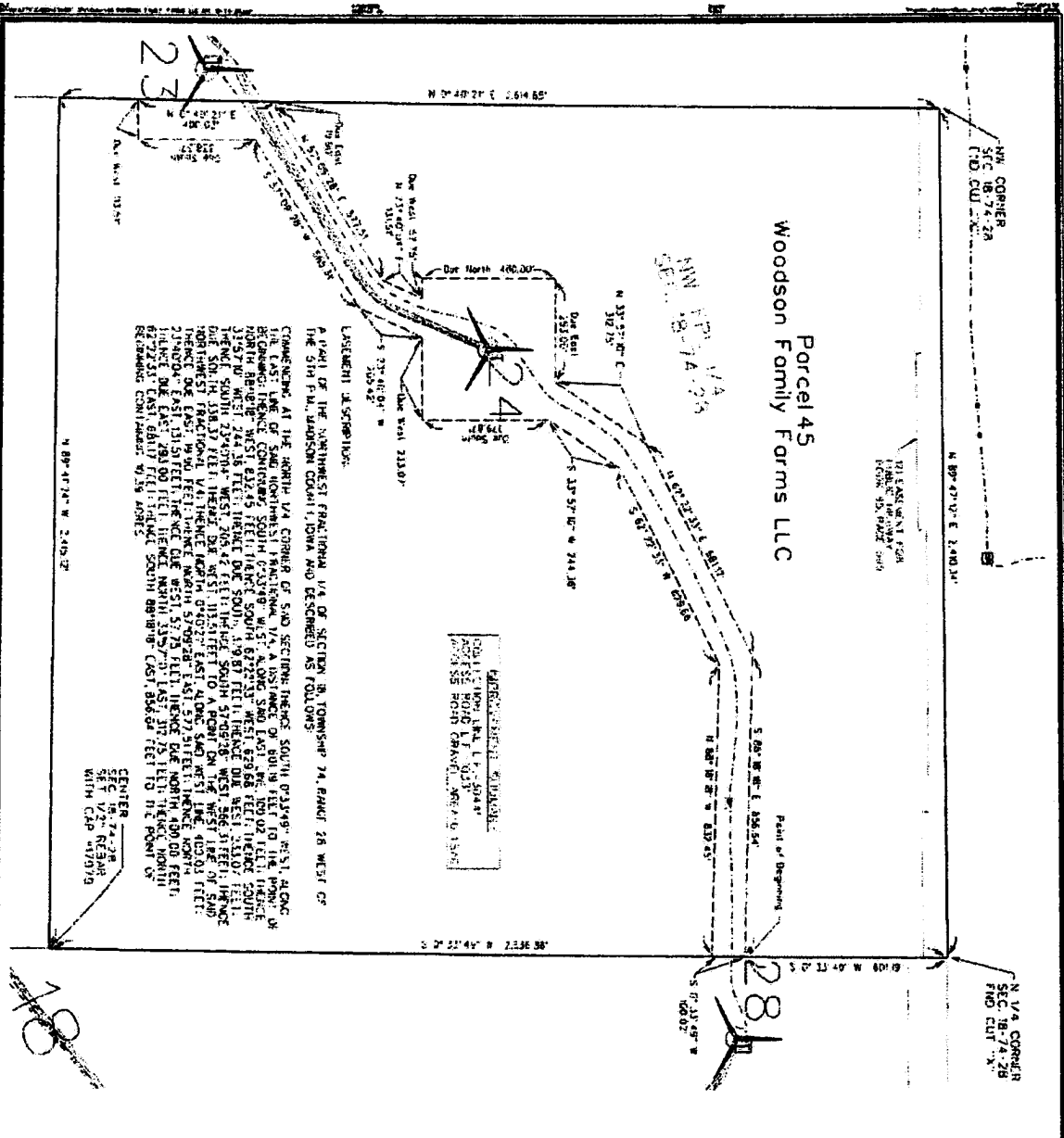
Macksburg Wind Energy LLC

Legal Description: See Easement descriptions on attached As-Built drawings (Exhibit C)

Document or instrument number if applicable:

The attached As-Built drawing is the **Exhibit C** referred to in the Memorandum of Wind Farm Easement Agreement recorded in **Book 2013 at Page 3075** of the Madison County Records, and replaces **Exhibit B** attached to that document.

Property # 45



THIS DRAWING SHALL NOT BE CONSIDERED AS A PROPERTY SURVEY. NEITHER THIS DRAWING NOR THE METERS AND BOUNDS ELEMENT DESCRIPTION CAN BE USED FOR THE PURPOSE OF TRANSFERRING TITLE TO THE LAND HEREIN DESCRIBED.

LEGEND

- TOWER WITH SHADOWS
- ELECTRICAL AREA
- COLLECTOR LINE
- PROPERTY BOUNDARY
- PRELIMINARY ACCESS ROAD
- GRAVEL DRIVE
- TRAPERS CHALK
- WORK TRAIL
- COLLECTOR AND SPUR LINE LOCATIONS
- TRAPERS LOCATION

NOTES

1. DRAWING AND SET ELECTRIC LINES AND TRAPERS TO BE PROVIDED BY ANOTHER CONSULTING ENGINEER. ABOVE DRAWING, TRAPERS, BEYOND AND BEYOND DRAWN BY ME. THE SET POINTS FOR THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.
2. THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.
3. THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.
4. THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.
5. THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.
6. THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.
7. THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.
8. THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.
9. THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.
10. THE TRAPERS ARE TO BE PROVIDED BY THE OTHER CONSULTING ENGINEER.

ISSUE DATE: 04-0-2011