

**FOURTH  
SUPPLEMENTAL INDENTURE**

FILED NO. 993

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MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

REC \$ 60.00

AUD \$ \_\_\_\_\_

R.M.F. \$ 1.00

**MIDWEST POWER SYSTEMS INC.**

To

COMPUTER   
RECORDED   
COMPARED

**HARRIS TRUST AND SAVINGS BANK,**

**Trustee**

**Dated as of October 1, 1994**

**Supplemental to General Mortgage Indenture**

**and Deed of Trust**

**Dated as of January 1, 1993**

*Cancellation Doc 8-7-08  
2008-2446*

THIS FOURTH SUPPLEMENTAL INDENTURE, dated as of October 1, 1994, between MIDWEST POWER SYSTEMS INC., an Iowa corporation ("Company"), and Harris Trust and Savings Bank, an Illinois corporation, as successor Trustee under the General Mortgage Indenture and Deed of Trust ("Indenture"), dated as of January 1, 1993, heretofore executed and delivered by the Company to Morgan Guaranty Trust Company of New York, predecessor Trustee, to secure Mortgage Bonds issued by the Company pursuant to the Indenture, unlimited in aggregate principal amount except as therein otherwise provided.

WHEREAS, except for terms defined in this Supplemental Indenture, all capitalized terms used in this Supplemental Indenture have the respective meanings set forth in the Indenture; and

WHEREAS, the Company has heretofore executed and delivered to the Trustee the First, Second and Third Supplemental Indentures dated as of January 1, 1993, January 15, 1993 and May 1, 1993, respectively, creating eleven series of Bonds; and

WHEREAS, effective September 28, 1994, Morgan Guaranty Trust Company of New York resigned as Trustee under the Indenture and Harris Trust and Savings Bank was duly appointed as successor Trustee under the Indenture; and

WHEREAS, the Company desires in and by this Supplemental Indenture to confirm unto the Trustee and record the description of certain property which is subject to the Lien of the Indenture; and

WHEREAS, all acts and things have been done and performed which are necessary to make this Supplemental Indenture, when duly executed and delivered, a valid, binding and legal instrument in accordance with its terms and for the purposes herein expressed; and the execution and delivery of this Supplemental Indenture have been in all respects duly authorized;

NOW THEREFORE, in consideration of the premises and in further consideration of the sum of One Dollar in lawful money of the United States of America paid to the Company by the Trustee at or before the execution and delivery of this Supplemental Indenture, the receipt

whereof is hereby acknowledged, and of other good and valuable consideration, it is agreed by and between the Company and the Trustee as follows:

**DESCRIPTION OF CERTAIN PROPERTY SUBJECT  
TO THE LIEN OF THE INDENTURE**

The Company hereby confirms unto the Trustee and records the description of the property described in *Schedule I* attached hereto and hereby expressly made a part hereof, which property is subject to the Lien of the Indenture in all respects.

**ARTICLE I.**

**THE TRUSTEE**

*Section 1.* The Trustee shall not be responsible in any manner whatsoever for or in respect of the validity or sufficiency of this Supplemental Indenture or the due execution hereof by the Company, or for or in respect of the recitals and statements contained herein, all of which recitals and statements are made solely by the Company.

*Section 2.* Except as herein otherwise provided, no duties, responsibilities or liabilities are assumed, or shall be construed to be assumed, by the Trustee by reason of this Supplemental Indenture other than as set forth in the Indenture; and this Supplemental Indenture is executed and accepted on behalf of the Trustee, subject to all the terms and conditions set forth in the Indenture, as fully to all intents as if the same were herein set forth at length.

**ARTICLE II.**

**MISCELLANEOUS PROVISIONS**

*Section 1.* Except insofar as herein otherwise expressly provided, all the provisions, definitions, terms and conditions of the Indenture, as it may from time to time be amended, shall be deemed to be incorporated in and made a part of this Supplemental Indenture; and the Indenture as supplemented by this Supplemental Indenture is in all respects ratified and confirmed; and the Indenture, as amended, and this Supplemental Indenture shall be read, taken and construed as one and the same instrument.

*Section 2.* This Supplemental Indenture may be executed in any number of counterparts, and each of such counterparts when so executed shall be deemed to be an original; but all such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, MIDWEST POWER SYSTEMS INC. has caused this Supplemental Indenture to be executed by its President or one of its Vice Presidents and duly attested by its Secretary or its Assistant Secretary, and the Trustee has caused the same to be executed by one of its Vice Presidents and its corporate seal to be hereunto affixed, duly attested by one of its Assistant Secretaries, as of the day and year first above written.

MIDWEST POWER SYSTEMS INC.

By *R.E. Christiansen*  
R.E. Christiansen,  
President

Attest:  
*P.J. Leighton*  
P. J. Leighton,  
Secretary

Signed, acknowledged and delivered by Midwest Power Systems Inc. in the presence of:

*J.A. Williams*  
J. A. Williams  
*S.M. Hanson*  
S. M. Hanson

HARRIS TRUST AND SAVINGS BANK,  
TRUSTEE

BY *J. Bartolini*  
J. Bartolini,  
Vice President

[Corporate Seal]

Attest:  
*C. Potter*  
C. Potter  
Assistant Secretary

Signed, sealed, acknowledged and delivered by Harris Trust and Savings Bank in the presence of:

*D. Donovan*  
D. Donovan  
*K. Richardson*  
K. Richardson





**SCHEDULE I**  
to  
**FOURTH SUPPLEMENTAL INDENTURE**  
**MIDWEST POWER SYSTEMS INC.**  
to  
**HARRIS TRUST AND SAVINGS BANK, TRUSTEE**  
Dated as of October 1, 1994

Black Hawk County, Iowa

1. That part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 88 North, Range 12 West of the 5th P.M., Black Hawk County, Iowa, described as follows: Commencing at the Northeast corner of said Section; thence South along the East line of said Northeast Quarter 331.32 feet; thence North 90° West 249.83 feet to the point of beginning; thence North 0° East 60.75 feet; thence North 52° 50'08" East 10.04 feet; thence South 0° West 66.82 feet; thence North 90° West 8.00 feet to the point of beginning.

The East line of the Northeast Quarter of Section 19 is assumed to bear North 0° East in these descriptions.

The above described tract of land is also known as Parcel "B" of the NE 1/4 NE 1/4 of Section 19, Township 88 North, Range 12 West of the 5th P.M., Black Hawk County, Iowa.

2. The West 62.10 feet of Lot 1, Willshire Heights Addition, Elk Run Heights, Iowa, more particularly described as follows: Beginning at the West corner of said Lot 1, thence North 57° 53'30" East 73.32 feet along the Northwesterly line of Lot 1; thence South 0° 00' East 38.97 feet to the South line of Lot 1; thence North 90° 00' West 62.10 feet along said South line to the point of beginning.

Said parcel contains 1210 sq. ft., more or less.

The South line of Lot 1 is assumed to bear North 90° West in this description.

Bremer County, Iowa

Parcel "A" of That part of the Northeast Quarter (NE 1/4) of Section Five (5), Township Ninety-two North (T92N), Range Fourteen

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West (R14W) of the Fifth Principal Meridian, Bremer County, Iowa, described as follows: Beginning at a point on the North line of said Northeast Quarter (NE 1/4) which is One Thousand Three Hundred Twenty-four and Forty-one Hundredths (1324.41) feet East of the Northwest corner of said Northeast Quarter (NE 1/4); thence S0°00'W One Hundred Fifty-three (153.0) feet; thence N90°00'W One Hundred Twenty (120.0) feet; thence N0°00'E One Hundred Fifty-three (153.0) feet to the North line of said Northeast Quarter (NE 1/4); thence N90°00'E One Hundred Twenty (120.0) feet to the point of beginning, containing 0.42 acre, including 0.09 acre of present established roadway easement along the North side thereof.

Buena Vista County, Iowa

All that part of the Northwest Quarter (NW 1/4) of Section Thirty-two (32), Township Ninety-one (91) North, Range Thirty-seven (37) West of the 5th P.M., lying South of the Right of Way of the Illinois Central Railroad Company, except the following parcel: All that part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) lying South of the Illinois Central Railroad Right of Way in Section 32, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa, and being more fully described as follows: Commencing at the Southwest (SW) corner of the Northwest Quarter (NW 1/4) of said Section 32; thence North, on an assumed bearing of North along the West line of said Northwest Quarter (NW 1/4) 455.26 feet to the Point of Beginning, thence continuing North, along the West line of said Northwest Quarter (NW 1/4), 491.57 feet to the South Right of Way line of the Illinois Central Gulf Railroad; thence South 67°48'48" East, along the South line of said railroad, 150.23 feet to a point 8.5 feet measured at right angles from the centerline of a siding track; thence following along a line 8.5 feet from the Centerline of the siding track South 46°28'19" East 55.97 feet; thence South 42°41'04" East, 100.13 feet; thence South 42°08'08" East, 100.11 feet; thence South 49°50'59" East, 99.93 feet; thence South 59°51'15" East, 100.04 feet, here leaving the siding track; thence South 22°16'09" West, 294.79 feet; thence North 69°11'45" West, 391.44 feet to the Point of Beginning. The above described parcel contains 4.15 acres, more or less, and is subject to all easements of record.

Carroll County, Iowa

1. Lot 11, Block 3, Rolling Hills West Subdivision, Carroll, Carroll County, Iowa.

2. A parcel of land in Lot 1 of the Fractional Southwest Quarter of the Northwest Quarter of Section 30, Township 84 North, Range 34 West of the 5th P.M., Carroll County, Iowa, described as beginning at a point 801 feet Northerly and 33 feet East of the Southwest Corner of the Northwest Quarter of said Section 30; thence North  $1^{\circ}20'$  East for 250 feet; thence due East for 292.4 feet; thence due South 150 feet; thence due West 148.2 feet; thence due South 100 feet; thence due West 150 feet to the point of beginning.

3. A tract of land in Lot 1 of the Fractional Southwest Quarter of the Northwest Quarter of Section 30, Township 84 North, Range 34 West of the 5th P.M., in Carroll County, Iowa described as follows: Beginning at the point on the East line of Grant Road, Carroll, Iowa 1101.0 feet North  $1^{\circ}20'$  East of the Southwest Corner of the Northwest Quarter of said Section 30; thence North  $1^{\circ}20'$  East for 100.0 feet; thence due East for 291.3 feet; thence due South for 100.0 feet; thence due West for 291.3 feet to the point of beginning.

4. A tract of land in Lot 1 of the Fractional Southwest Quarter of the Northwest Quarter of Section 30, Township 84 North, Range 34 West of the 5th P.M., in Carroll County, Iowa described as beginning at a point 1051 feet Northerly and 33 feet East of the Southwest Corner of the Northwest Quarter of Section 30; thence North  $1^{\circ}20'$  East for 50 feet; thence due East 291.3 feet; thence due South 50 feet; thence due West 292.4 feet to the point of beginning.

Chickasaw County, Iowa

That part of the Northeast Quarter (NE 1/4) of Section Seventeen (17), Township Ninety-four North (T94N), Range Fourteen West (R14W) of the Fifth Principal Meridian, Chickasaw County, Iowa, described as follows: Beginning at a point on the West line of said Northeast Quarter (NE 1/4) which is One Hundred Seventy-four and Nineteen Hundredths (174.19) feet North of the Southwest corner of the Northwest Quarter (NW 1/4) of said Northeast Quarter (NE 1/4);



thence N85°14'E One Hundred Fifty-three and Thirty-three Hundredths (153.33) feet; thence N0°00'E One Hundred Twenty (120.0) feet; thence N90°00'W One Hundred Fifty-three (153.0) feet to the West line of said Northeast Quarter (NE 1/4); thence S0°00'E One Hundred Thirty and Five Hundredths (130.05) feet to the point of beginning, containing 0.44 acres, including 0.10 acre of present established roadway easement along the West side thereof.

Also known as Parcel "C" of the NE 1/4 of Section 17, Township 94 North, Range 14 West of the 5th P.M., Chickasaw County, Iowa.

#### Crawford County, Iowa

1. Lot One (1) of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section Twenty-two (22), Township Eighty-four (84) North, Range Forty-one (41) West of the 5th P.M., Crawford County, Iowa.

2. Lot One (1) of the SW 1/4 SE 1/4 of Section Sixteen (16), Township Eighty-five (85) North, Range Thirty-nine (39) West of the 5th P.M., Crawford County, Iowa.

#### Madison County, Iowa

1. Commencing at the Northeast Corner of the Southwest Quarter (SW 1/4) of Section 36, and measuring from and along the center of the adjacent county road running east and west, thence West 200 feet, thence South 320 feet, thence East 200 feet, thence North 320 feet to the point of beginning, all in Township 76, Range 27, West of the 5th P.M.

2. Commencing at the NE corner of the Southwest Quarter (SW 1/4) of Section 36, thence west 200 feet, thence south 320 feet, thence east 200 feet, thence north 320 feet to the point of beginning. All in Section 36, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa. Consisting of 2 acres, more or less.

3. Beginning at a point approximately 200 feet West of the NE corner of SW 1/4, thence West 1120 feet, thence South 900 feet, thence East 1320 feet, thence North 580 feet, thence West 200 feet thence North 320 feet to the point of beginning, all in Section 36, Township 76 North, Range 27, West of the 5th P.M.

4. An undivided one-half (1/2) interest in and to the following described real estate: The Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa.

Polk County, Iowa

1. The South Half of the Northwest Quarter of the Southeast Quarter (S 1/2 NW 1/4 SE 1/4) of Section 20, Township 78 North, Range 23 West of the 5th P.M., Polk County, Iowa, (except the west 150 feet of the north 8 rods of the South Half of the Northwest Quarter of the Southeast Quarter (S 1/2 NW 1/4 SE 1/4) of said Section 20).

2. The South Half of Lot 20 in the Official Plat of Government Lots 4, 5 & 6, Section 20, Township 78 North, Range 23 West of the 5th P.M., (except one-half acre occupied by the C.B. & Q. Railroad and except one acre located in the Southeast Corner of said Lot 20, said one acre being equa-distant north and south and east and west, upon which is located the building and tavern known as the "Levy Gun Club", said equa-distant measurements to be made from the Southeast Corner of said Lot 20), Polk County, Iowa.

3. The South 14.08 acres of the North 18.79 acres (except railroad right of way) of Lots Seventeen (17), Eighteen (18) and Nineteen (19) of the Official Plat of Government Lots 4, 5 and 6 in Section 20, Township 78 North, Range 23, West of the 5th P.M., Polk County, Iowa, except legally established highways.

4. The West 150 feet of the North 132 feet of the South Half of the Northwest Quarter of the Southeast Quarter (S 1/2 NW 1/4 SE 1/4) of Section 20, Township 78 North, Range 23 West of the 5th P.M., Polk County, Iowa.

5. The South Half (1/2) of the Southwest Quarter (SW 1/4) of Section 2, Township 79 North, Range 23, West of the 5th P.M., Polk County, Iowa, except roads.

6. Lots 1 through 24 inclusive, in Block A, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.

7. Lots 1 through 24 inclusive, in Block B, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.

8. Lots 1 through 24 inclusive, in Block C, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
9. Lots 1 through 24 inclusive, in Block D, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
10. Lots 1 through 12 inclusive, in Block E, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
11. Lots 1 through 14 inclusive, in Block F, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
12. Lots 1 through 24 inclusive, in Block G, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
13. Lots 1 through 24 inclusive, in Block H, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
14. Lots 1 through 17 inclusive, and Lots 21 through 24 inclusive, in Block I, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
15. Lots 1 and 2 and Lots 11 through 17 inclusive, in Block J, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
16. Lots 3 through 10, Block J, Southeast Riverside, an Official Plat, Polk County, Iowa, subject to zoning ordinances affecting the property, easements of record, mineral reservations, if any, made by former owners and subject to all obligations for any levee repairs or any other encumbrances on the property, and for any special assessments which are now a lien, and for any work in process which could become a lien.
17. Lots 1 through 13 inclusive, Lots 18 through 37 inclusive, and Lots 42 through 51 inclusive, in Block K, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
18. Lots 1 through 52 inclusive, in Block L, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
19. Lots 1 through 34 inclusive, and Lots 37 through 52 inclusive, in Block M, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.
20. Lots 1 through 26 inclusive, in Block N, in Southeast Riverside Addition, an Official Plat, Polk County, Iowa.

Woodbury County, Iowa

Part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-four (24), Township Eighty-nine (89) North, Range Forty-six (46) West of the 5th Principal Meridian, Woodbury County, Iowa, described as follows: Beginning at the Southeast corner of said Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4); thence North Eighty-nine degrees fifty-eight minutes forty-eight seconds (N89°58'48") West along the South line of said Southeast Quarter (SE 1/4) for One hundred fifty-three feet (153.00'); thence North Zero degrees zero minutes zero seconds (N0°0'0") East for One hundred fifty-three feet (153.00'); thence South Eighty-nine degrees fifty-eight minutes forty-eight seconds (S89°58'48") East, for One hundred fifty-three feet (153.00') to the East line of said Southeast Quarter (SE 1/4); thence South Zero degrees zero minutes zero seconds (S0°0'0") West along said East line for One hundred fifty-three feet (153.00') to the point of beginning. Containing five hundred thirty-seven thousandths (0.537) acres including county roadway, and three hundred thirty thousandths (0.330) acres excluding said roadway.

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