



Document 2013 2548

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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Prepared by: Kathleen Law, 700 Walnut, Suite 1600, Des Moines, Iowa 50309; 515-283-3116
Return to: Stephen F. Dryden, 4800 Mills Civic Parkway, Suite. 207, West Des Moines, IA 50265

**SECOND AMENDMENT TO MACKSBURG WIND FARM
OPTION FOR EASEMENT AGREEMENT AND MEMORANDUM**

Macksburg Wind Energy LLC, an Iowa limited liability company ("Macksburg"), and Curtis G. Downing and Michelle L. Downing, trustees of The Curtis G. Downing and Michelle L. Downing Revocable Trust dated June 24, 2010 two Macksburg Wind Farm Option Agreements (collectively, the "Agreement"), Memoranda of which are recorded at Book 2013, Pages 1416 and 1419, as amended by a First Amendment to Macksburg Wind Farm Option Agreement and Memorandum recorded in Book 2013, Page 1990, ~~and a Second Amendment to Macksburg Wind Farm Option Agreements and Memoranda recorded in Book 2013, Page _____~~ of the Madison County records. (the above Memoranda are together referred to as the "Memorandum"), concerning certain real property described on Exhibit A to the Agreement and to the Memorandum

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MD

This Second Amendment to the Agreement and Memorandum ("Second Amendment") is made for the sole purpose of amending Exhibit A to the Agreement and Exhibit A to the Memorandum to correctly reflect the property subject to the Agreement.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to amend the Agreement and the Memorandum as follows:

- 1. Exhibit A to the Agreement and Exhibit A to the Memorandum are deleted in their entirety and Exhibit A attached to this Second Amendment is inserted in lieu thereof.

In all other respects the Agreement and Memorandum are unchanged and the Agreement remains in full force and effect.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

MACKSBURG WIND ENERGY LLC, an Iowa limited liability company

By: James T. Dimond, Authorized Representative

STATE OF IOWA, Adair COUNTY, ss:

This record was acknowledged before me on August 20, 2013 by James T. Dimond as Authorized Representative of Macksburg Wind Energy LLC, an Iowa limited liability company.



Michelle R Seifert
Michelle R Seifert, Notarial Officer
My commission expires: 12/8/2014

STAMP

[SIGNATURES CONTINUE ON NEXT PAGE]

OWNERS:

Signature:

Curtis G. Downing
Curtis G. Downing (spouse of Michelle L. Downing), individually and as Trustee of The Curtis G. Downing and Michelle L. Downing Revocable Trust dated June 24, 2010

Signature:

Michelle L. Downing
Michelle L. Downing (spouse of Curtis G. Downing), individually and as Trustee of The Curtis G. Downing and Michelle L. Downing Revocable Trust dated June 24, 2010

STATE OF Iowa, Adair COUNTY, ss:

This record was acknowledged before me on August 20, 2013, by Curtis G. Downing (spouse of Michelle L. Downing), individually and as Trustee of The Curtis G. Downing and Michelle L. Downing Revocable Trust dated June 24, 2010 and Michelle L. Downing (spouse of Curtis G. Downing), individually and as Trustee of The Curtis G. Downing and Michelle L. Downing Revocable Trust dated June 24, 2010.



Michelle R Seifert

Michelle R Seifert Notarial Officer

My commission expires: 10/8/2014

STAMP

EXHIBIT A

LEGAL DESCRIPTION OF OWNER'S PROPERTY

Parcel 052:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-three (23) in Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

Net Acreage of Owner's Property per County Assessor's Records: 156.00

Parcel 054:

The West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-four (24), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, Except the following portion thereof: A parcel of land located in the Southwest Quarter of the Southeast Quarter of Section 24, Township 74 North, Range 29 West of the 5th P.M., Madison County, Iowa, as shown on Plat of Survey as Parcel "B" recorded February 17, 1998, in Book 3 of Plat Records, Page 188, more particularly described as follows: Beginning at the South Quarter corner of Section 24, Township 74 North, Range 29 West of the 5th P.M., Madison County, Iowa; thence North 1 degree 00 minutes 13 seconds West along the West line of the Southwest Quarter of the Southeast Quarter of said Section 24, 378.64 feet; thence North 89 degrees 35 minutes 08 seconds East along an existing fenceline, 461.00 feet; thence South 1 degree 00 minutes 13 seconds East, 381.97 feet to a point on the South line of the Southwest Quarter of the Southeast Quarter of said Section 24; thence North 90 degrees 00 minutes 00 seconds West along the South line of the Southwest Quarter of the Southeast Quarter of said Section 24, 461.05 feet to the point of beginning; AND The East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-four (24), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa. And The West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-four (24), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

Net Acreage of Owner's Property per County Assessor's Records: 230.92