Document 2013 3386

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Fee Amount: \$22.00 Revenue Tax:

LISA SMITH RECORDER Madison County, Iowa

INDX 1 ANNO 1 SCAN CHEK

Prepared by: Kathleen Law, 700 Walnut, Suite 1600, Des Moines, IA 50309; 515-283-3116 Return to: Stephen F. Dryden, 6205 Mills Civic Parkway, West Des Moines, IA 50266

# AFFIDAVIT OF SCRIVENER'S ERROR

STATE OF IOWA, POLK COUNTY) SS:

RE:

#### Property 021:

The Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

#### Property 025:

The Southeast Quarter (SE¼) and the North Half of the Southwest Quarter (N1/2 SW¼), and the Southeast Quarter of the Southwest Quarter (SE1/4 SW¼) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

### Property 027:

The East half of the Southwest Fractional Quarter (E1/2 SW Frl 1/4) containing 73.12 acres; and the South half of the West half of the Southwest Fractional Quarter (S1/2 W1/2 SW Frl 1/4) containing 36.56 acres; of Section Seven (7), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

and the Northwest Fractional Quarter of the Southwest Fractional Quarter (NW Frl 1/4 SW Frl 1/4) of Section Seven (7), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, Except Parcel "A" as shown on Plat of Survey recorded July 3, 2006, in Book 2006, Page 2732 and more particularly described as follows:

Commencing at the West Quarter corner of said Section 7; thence North 89 degrees 52 minutes 04 seconds East, 1197.27 feet along the North line of said Fractional Southwest Quarter to the deeded East line of the West One-half of said Fractional Southwest Quarter; thence South 00 degrees 19 minutes 27 seconds East, 746.90 feet along said East line to the point of beginning; thence South 00 degrees 19 minutes 27 seconds East, 307.85 feet along said East line; thence North 87 degrees 37 minutes 12 seconds West, 614.12 feet; thence North 02 degrees 22 minutes 48 seconds East, 307.50 feet; thence South 87 degrees 37 minutes 12 East, 599.60 feet to the point of beginning. Note: For purposes of this

survey, the North line of said Fractional Southwest Quarter was determined to bear North 89 degrees 52 minutes 04 seconds East using GPS.

### Property 028:

The Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Seven (7), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa. And

The South Half of the Northeast Quarter (S1/2 NE1/4) of Section Seven (7), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

#### Property 042:

The Northeast Quarter (NE1/4) of Section Thirteen (13), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa;

Except the East Quarter of the Northeast Quarter of the Northeast Quarter (E1/4 NE1/4 NW1/4 NE1/4), and Except the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW1/4 NE1/4 NE1/4).

### Property 045:

The Northwest Fractional Quarter (NW Frl ½) of Section Eighteen (18) in Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

I, Kathleen Law, state under oath that I am a lawyer admitted to practice in Iowa.

In my capacity as counsel for Macksburg Wind Energy LLC I prepared the documents listed below:

- Unrecorded Amendment to Macksburg Wind Farm Option Agreement by and between Macksburg Wind Energy LLC and Woodson Family Farms LLC (applies to all properties);
- Unrecorded Letter from Madison County Soil & Water Conservation District concerning properties owned by Woodson Family Farms LLC (applies to Properties 025, 027, 042 and 045);
- Unrecorded Macksburg Wind Farm Easement Agreement dated September 30, 2013 by and between Macksburg Wind Energy LLC and Woodson Family Farms LLC (applies to all properties);
- Unrecorded Tenant Subordination, Non-Disturbance and Consent Agreement dated October 1, 2013 by and between Macksburg Wind Energy LLC and Eric Taylor and Dennis Rectenbaugh (applies to Properties 025, 027, 028, 042 and 045);
- Memorandum of Wind Farm Easement Agreement recorded in <u>Book 2013</u>, <u>Page 3075</u> of the Madison County Records (applies to all properties);
- Affidavit Explanatory of Title recorded in <u>Book 2013, Page 3076</u> of the Madison County Records (applies to all properties); and
- Lender Non-Disturbance Agreement recorded in <u>Book 2013, Page 3077</u> of the Madison County Records (applies to Property 025).

Due to scrivener's errors, the legal description in the documents listed above is incorrect as shown in bold and underline as set forth below. The correct legal description is as set forth at the beginning of this affidavit.

# Property 021:

The Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

### Property 025:

The Southeast Quarter ( $\underline{S}\underline{W}^{1/4}$ ) and the North Half of the Southwest Quarter ( $\underline{N}\underline{W}$ 1/2  $\underline{S}W^{1/4}$ ), and the Southeast Quarter of the Southwest Quarter ( $\underline{S}E$ 1/4  $\underline{S}W^{1/4}$ ) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

### Property 027:

The East half of the Southwest Fractional Quarter (E1/2 SW Frl 1/4) containing 73.12 acres; and the South half of the West half of the Southwest Fractional Quarter (S1/2 W1/2 SW Frl 1/4) containing 36.56 acres; of Section Seven (7), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

## **And**

and the Northwest Fractional Quarter of the Southwest Fractional Quarter (NW Frl 1/4 SW Frl 1/4) of Section Seven (7), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, Except Parcel "A" as shown on Plat of Survey recorded July 3, 2006, in Book 2006, Page 2732 and more particularly described as follows:

Commencing at the West Quarter corner of said Section 7; thence North 89 degrees 52 minutes 04 seconds East, 1197.27 feet along the North line of said Fractional Southwest Quarter to the deeded East line of the West One-half of said Fractional Southwest Quarter; thence South 00 degrees 19 minutes 27 seconds East, 746.90 feet along said East line to the point of beginning; thence South 00 degrees 19 minutes 27 seconds East, 307.85 feet along said East line; thence North 87 degrees 37 minutes 12 seconds West, 614.12 feet; thence North 02 degrees 22 minutes 48 seconds East, 307.50 feet; thence South 87 degrees 37 minutes 12 East, 599.60 feet to the point of beginning. Note: For purposes of this survey, the North line of said Fractional Southwest Quarter was determined to bear North 89 degrees 52 minutes 04 seconds East using GPS.

### Property 028:

The Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Seven (7), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa. And

The South Half of the Northeast Quarter (S1/2 NE1/4) of Section Seven (7), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

#### Property 042:

The Northeast Quarter (NE1/4) of Section Thirteen (13), Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa;

Except the East Quarter of the Northeast Quarter of the Northeast Quarter (E1/4 NE1/4 NW1/4 NE1/4), and Except the Northwest Quarter of the Northeast Quarter of the Northeast Ouarter (NW1/4 NE1/4 NE1/4).

Property 045:

The Northwest Fractional Quarter (NW Frl 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.

Kathleen Law

Subscribed and sworn to before me on //- 4 - , 2013 by Kathleen Law.

Julia A. Bardwell Printed Name of Notary

Stamp