

BK: 2019 PG: 278
Recorded: 1/16/2019 at 3:23:53.0 PM
Pages 2
County Recording Fee: \$12.00
Iowa E-Filing Fee: \$3.22
Combined Fee: \$15.22
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: Ryan K. Gurwell, A&R Land Services, 1609 Golden Aspen Dr., Suite 104, Ames, IA 50010 (515) 337-1197

**AFFIDAVIT OF NON-DEVELOPMENT
OF OIL, GAS AND MINERALS**

STATE OF Iowa, Madison COUNTY: ss

Michael Harold Frey a/k/a Michael H. Frey and Penny Lynn Frey a/k/a Penny L. Frey, husband and wife, being first duly sworn, states that:

1. I am of lawful age and reside in Madison County, Iowa. I am a present owner of the following described real property in Madison County, Iowa, which is described as follows:

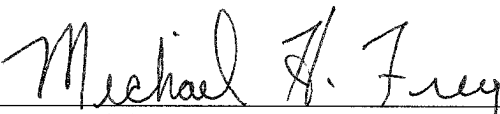
The South Half (S ½) of the Northeast Quarter (NE ¼) and the North Half (N ½) of the Southeast Quarter (SE ¼), and the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼), all in Section 13, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa.

2. I have personal knowledge of the possession, exploration, drilling of wells for, development, and production of oil, gas, casinghead gas, casinghead gasoline, hydrocarbons and other minerals or subsurface materials of every kind (“**Subsurface Materials**”) upon the above described property (the “**Land**”) and I make the following statements, and each of them, from my own personal knowledge.

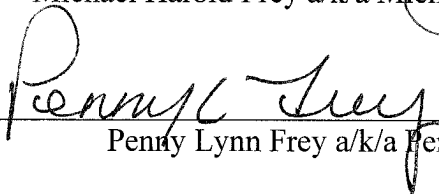
3. The Land is subject to the following Oil and Gas Lease:

Oil and Gas Lease by and between Herbert W. Patience and Mary K. Patience, husband and wife, as lessor, and Benchmark Resources Corporation, as lessee, recorded on April 10, 1985 in Book 36, Page 410, and subsequently assigned to H&H Star Energy, Inc. by Assignment filed May 8, 1985 in Book 36, Page 467 in the Madison County records (the “**Lease**”).

4. No possession, exploration, drilling of wells for, development, or production of Subsurface Materials of any kind has ever taken place upon any portion of the Land, and no production of Subsurface Materials presently exists upon the Land.
5. No Subsurface Materials of any kind have been extracted or mined on the Land during my ownership of the Land, nor has any exploration or drilling taken place on the Land during my ownership thereof.
6. No pooling agreement exists with respect to the Land in which the lessee is a party.
7. No shut-in gas well exists on the Land.
8. No production of Subsurface Materials or well exists upon lands with which the Land has been pooled or is pooled, unitized, or consolidated.
9. No extension of the Lease has ever been granted.
10. No money has been paid to lessor or for lessor's credit as provided under the Lease.
11. The Lease has expired.

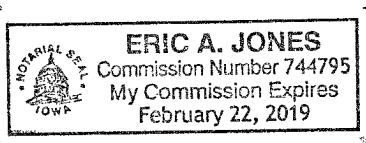


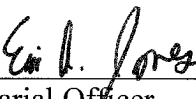
Michael Harold Frey a/k/a Michael H. Frey



Penny Lynn Frey a/k/a Penny L. Frey

Signed and sworn to (or affirmed) before me on 1-10, 2019, by Michael Harold Frey a/k/a Michael H. Frey and Penny Lynn Frey a/k/a Penny L. Frey, husband and wife.





Notarial Officer

STAMP