

BK: 2019 PG: 1644
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Pages 9
County Recording Fee: \$47.00
Iowa E-Filing Fee: \$3.88
Combined Fee: \$50.88
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

**MEMORANDUM OF FIRST AMENDMENT TO
WINDPARK EASEMENT AGREEMENT**

Recorder's Cover Sheet

Preparer Information:

Jamie Baker
4299 Northwest Urbandale Drive
Urbandale, Iowa, 50322
Phone: (515) 242-3980

Return Document To:

Attn: Right of Way Services
MidAmerican Energy Company
P.O. BOX 657
Des Moines, IA 50303-0657

Grantor: Jack Arthur Kading, a single person, as to a Life Estate interest; and Tara Largent, a married person, Lance Kading, a married person, and Angela Boyle, a married person, being all of the living children of Jack Arthur Kading, and Jack Arthur Kading, as Conservator for the Unborn Children of Jack Arthur Kading, collectively as to all of the Remainder interest

Grantee: MidAmerican Energy Company

Legal Description: See Exhibit A, page 9

**MEMORANDUM OF FIRST AMENDMENT TO
WINDPARK EASEMENT AGREEMENT**

THIS MEMORANDUM OF FIRST AMENDMENT TO WINDPARK EASEMENT AGREEMENT (this "**Memorandum of First Amendment**") is made and entered into as of this 28 day of 05, 2019 by and between Jack Arthur Kading, a single person, as to a Life Estate interest; and Tara Largent, a married person, Lance Kading, a married person, and Angela Boyle, a married person, being all of the living children of Jack Arthur Kading, and Jack Arthur Kading, as Conservator for the Unborn Children of Jack Arthur Kading, collectively as to all of the Remainder interest ("**Owner**"), and MidAmerican Energy Company, an Iowa corporation ("**MidAmerican**").

RECITALS

WHEREAS, Jack Arthur Kading, Life Estate, Tara Largent and Jeff Largent, her husband, and Lance Kading and Megan Kading, his wife, and Angela Boyle and Josh Boyle, her husband, Remainderman ("**Original Grantor**") and MidAmerican entered into that certain Windpark Easement Agreement dated as of January 31, 2018 (the "**Windpark Agreement**"), a Memorandum of which was recorded in the Official Records of Madison County, Iowa ("**Official Records**") on March 2, 2018 in Book 2018, Page 695 (the "**Memorandum**").

WHEREAS, pursuant to the Windpark Agreement, Original Grantor granted to MidAmerican certain easements and related rights on, over, above, under, through and across certain real property located in Boone County, Iowa, as more particularly described in Exhibit A attached hereto.

WHEREAS, the parties have entered into that certain First Amendment to Windpark Easement Agreement dated as of the date hereof (the "**First Amendment**") to modify certain provisions of the Windpark Agreement as more particularly set forth therein.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Owner and MidAmerican hereby agree as follows:

1. Amendments. Owner and MidAmerican hereby acknowledge and agree that the Windpark Agreement has been amended as of the date hereof by the First Amendment as more particularly set forth therein. All of the terms, conditions, provisions and covenants of the First Amendment are hereby incorporated into this Memorandum of First Amendment by reference as though fully set forth herein.

2. Memorandum. The Memorandum is hereby amended as follows:

- a. The definition of "Owner" is hereby deleted in its entirety and replaced with the following:

Jack Arthur Kading, a single person, as to a Life Estate interest; and Tara Largent, a married person, Lance Kading, a married person, and Angela Boyle, a married person, being all of the living children of Jack Arthur Kading, and Jack Arthur Kading, as Conservator for the Unborn Children of Jack Arthur Kading, collectively as to all of the Remainder interest.

- b. The following language is hereby added to the end of Paragraph 1 of the Memorandum:

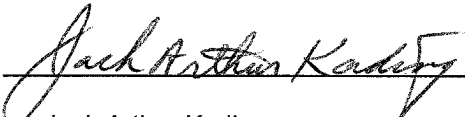
In accordance with the Agreement, Jack Arthur Kading, as Conservator for the Unborn Children of Jack Arthur Kading ("**Joining Party**"), as the holder of part of the Remainder interest in the Property, subject to the life estate of Jack Arthur Kading, grant to

MidAmerican the Easements on, over, under and across the Property, on the terms and conditions set forth in the Agreement. Joining Party hereby agrees to be bound by the terms and conditions of, and to become a party to, the Agreement as if Joining Party had been a party to the Agreement as of the Effective Date.

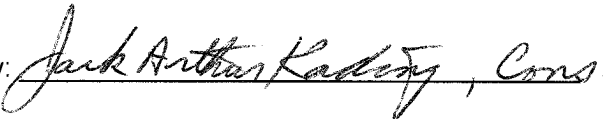
3. Interpretation. Capitalized terms used, but not otherwise defined herein, shall have the meanings ascribed to them in the Windpark Agreement, as amended by the First Amendment (the "**Amended Windpark Agreement**"). This Memorandum of First Amendment is not intended and may not be construed to modify or alter in any way the terms and conditions of the Amended Windpark Agreement. In the event of a conflict or inconsistency between the provisions of this Memorandum of First Amendment and the terms and conditions of the Amended Windpark Agreement, the Amended Windpark Agreement shall control for all purposes.
4. Effect of Amendment and Memorandum. Except as explicitly amended by the First Amendment, the Windpark Agreement and Memorandum and all riders and exhibits thereto are ratified and confirmed in each and every respect, and the Windpark Agreement and Memorandum, as amended, continue to be in full force and effect.
5. Counterparts. This Memorandum of First Amendment may be executed in counterpart copies by one or more parties, each of which shall be deemed an original and all of which, when taken together, shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Memorandum of First Amendment as of the date first above written.

"OWNER"

By: 


Name: Jack Arthur Kading

By:  , Cons.

Name: Jack Arthur Kading, as Conservator for the Unborn Children of Jack Arthur Kading

"MIDAMERICAN"

MIDAMERICAN ENERGY COMPANY

By: 

Name: Adam Jablonski

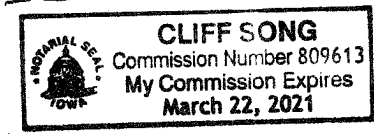
Title: Director, Renewable Energy Department

ACKNOWLEDGMENT

STATE OF Iowa, COUNTY OF Guthrie, ss:

This record was acknowledged before me on 05/28, 2019, by Jack Arthur Kading, a single person, and Jack Arthur Kading, as Conservator for the Unborn Children of Jack Arthur Kading.

Cliff Song
Notary Public in and for said State

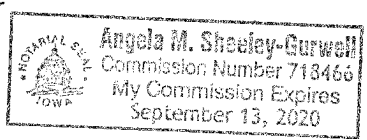


ACKNOWLEDGMENT

STATE OF IOWA, COUNTY OF POLK, ss:

This record was acknowledged before me on June 3, 2019, by Adam Jablonski as the Director, Renewable Energy Department of MidAmerican Energy Company.

Angela M. Sheeley-Gurwell
Notary Public in and for said State



"OWNER"

By: Tara Largent
Name: Tara Largent

By: Jeff Largent
Name: Jeff Largent, spouse of Tara Largent

ACKNOWLEDGMENT

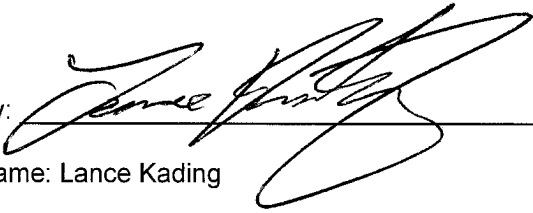
STATE OF Iowa, COUNTY OF Guthrie, ss:

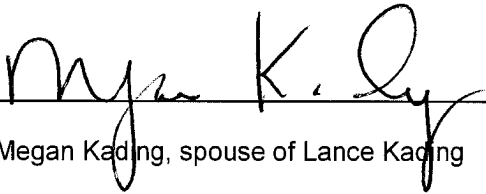
This record was acknowledged before me on 05/28, 2019, by Tara Largent and Jeff Largent, a married couple.

Cliff Song
Notary Public in and for said State



"OWNER"

By: 
Name: Lance Kading

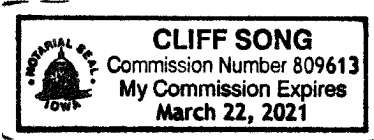
By: 
Name: Megan Kading, spouse of Lance Kading

ACKNOWLEDGMENT

STATE OF Iowa, COUNTY OF Guthrie, ss:

This record was acknowledged before me on 05/28, 2019, by Lance Kading and Megan Kading, a married couple.


Notary Public in and for said State



"OWNER"

By: Angela Boyle

Name: Angela Boyle

By: Josh Boyle

Name: Josh Boyle, Spouse of Angela Boyle

ACKNOWLEDGMENT

STATE OF Iowa, COUNTY OF Guthrie, ss:

This record was acknowledged before me on 05/28, 2019, by Angela Boyle and Josh Boyle, a married couple.

Cliff Song
Notary Public in and for said State



EXHIBIT A

DESCRIPTION OF THE PROPERTY

The North Half (1/2) of the Northwest Quarter (1/4) of Section Thirty-two (32), in Township Seventy-seven (77) North, of Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa