

APPENDIX D
Setback Waivers

Turbine#	Turbine Host Agreement #	Affected Property Agreement #	Agreement Name	Lease # or Type of Waiver	Documentation
3	1816900	1779700	Sterk, LeRoy E. & Florence K.	Lease 131	Please see Appendix B
4	1779700	1783900	Cecil W. Vest Testamentary Trust	Setback Waiver	Please see attached
10	1790500	1809100	Pitman, Randal J. & Julia M.	Lease 201	Please see Appendix B
21	1531600	1561200	M. Laverne and Ila Alexander Living Trust	Lease 053	Please see Appendix B
31	1672700	1921600	The Williams Family Revocable Living Trust	Lease 218	Please see Appendix B
34	1921000	1801700	Haworth, Robert J. & Gladys J.	Lease 212	Please see Appendix B
39	1278200	1196500	Harlan et al & Rempp	Lease 027	Please see Appendix B
42	1668700	1805200	Ochs, Rita A.	Lease 141	Please see Appendix B
43	2958200	1340900	McKee, Rodney G. & Roxann M.	Lease 035	Please see Appendix B
50	1920200	1920600	Lynch, William A. & Kathryn	Setback Waiver	Please see attached
51	1806200	1800200	Cowling, Linda Sue & John	Lease 135	Please see Appendix B
52	1225500	1806100	De Vries, Dennis L. & Karen A.	Lease 124	Please see Appendix B
55	1801700	1284600	M & L Farms Inc	Lease 042	Please see Appendix B
56	1801700	1982800	Ranfald, Melvin L. & Mary C.	Lease 173	Please see Appendix B
59	1259200	1795300	McWilliams, Dean R. & Harriett M.	Lease 142	Please see Appendix B
64	1260100	1966700	JORBROS, INC.	Lease 207	Please see Appendix B
70	1789900	1794700	Kitzman, Larry, et al.	Lease 242	Please see Appendix B
83	3597500	1781900	Fern M. Taylor Revocable Trust, et al.	Lease 270	Please see Appendix B
84	1801800	3429700	Taylor, Fern M. (Life Estate), et al.	Lease 271	Please see Appendix B
85	1800700	1801800	Morrison Farms Partnership	Lease 276	Please see Appendix B
88	3597500	1806400	Dierenfeld, Franklin H.	Lease 258	Please see Appendix B

ENGLISH FARMS

SETBACK WAIVER

Cecil W. Vest Testamentary Trust

(Edward D. Vest, Trustee)

RECORDER'S COVER SHEET

Name of Document: Memorandum of Setback Waiver Agreement

Preparer Information:

Matt Gilhousen
English Farms Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Taxpayer Information (name and complete address)

The Testamentary Trust established
Under the Will of Cecil W. Vest, deceased

Return Document to:

Matt Gilhousen
English Farms Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Affected Landowner: The Testamentary Trust established Under the Will of Cecil W. Vest,
deceased

Project: ENGLISH FARMS WIND PROJECT, LLC, a Delaware limited liability company

Legal Description: See Next Page

Document or instrument number of previously recorded document: None

MEMORANDUM OF SETBACK WAIVER AGREEMENT

English Farms Wind Project, LLC ("English Farms") is developing the English Farms Wind Project ("Project"), a wind energy facility, in Poweshiek County, Iowa. English Farms plans to submit an application for a Commercial Wind Energy Conversion System Conditional Use Permit ("C-WECS CUP") for the Project pursuant to Article XX, Section 5 of the Poweshiek County Zoning Ordinance ("Zoning Ordinance"). English Farms also plans to implement a project design that incorporates certain setbacks that require waivers as set forth in the Zoning Ordinance.

In developing the Project, English Farms is proposing to install wind turbine(s) and associated facilities on property adjacent to the property described below (the "Property"):

Legal Description:

Tract 1:

The South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty (20); the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty (20); and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty (20); all in Township Seventy-eight (78), North, Range Fourteen (14), West of the 5th P.M., Poweshiek County, Iowa, subject to Easement heretofore granted to Poweshiek County, Iowa, for road purposes, recorded in Book 223 at Page 551, in the Office of the County Recorder of Poweshiek County, Iowa, more particularly described as follows: Beginning at the NW Corner of Section 29, T78N, R14W of the 5th P.M., thence east 1324.5 ft. along the north line of the NW $\frac{1}{4}$ of said Section 29, thence S0°06'E 1910.5 ft., thence west 40 ft., thence N0°06'W 1672.1 ft., thence west 10 ft., thence northeasterly 296.2 ft. along a 188.8 ft. radius curve concave southwesterly and tangent to the following course, thence west 1086.2 ft., thence north 50 ft. to the point of beginning and containing 1.00 acre, more or less, exclusive of present established roads, excepting railroad right of way. Also beginning at the SW Corner of Section 20, T78N, R14W of the 5th P.M., thence N0°07'E 1323.2 ft., thence east 40 ft., thence S0°07'W 1084.0 ft., thence southeasterly 312.6 ft. along a 198.8 ft. radius curve concave northeasterly with a long chord bearing S44°56 $\frac{1}{2}$ 'E, thence east 1085.2 ft., thence south 40 ft., thence west 1324.5 ft. along the south line of the SW $\frac{1}{4}$ of said Section 20 to the point of beginning and containing 0.61 acres, more or less, exclusive of the present established roads.

Tract 2:

The East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty (30), and the East Fifty-six Acres (E 56 A) of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty (30); all in Township Seventy-eight (78), North, Range Fourteen (14), West of the 5th P.M., Poweshiek County, Iowa.

Tract 3:

The East Half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section Fifteen (15), Township Seventy-eight (78) North, Range Fourteen (14) West of the 5th P.M., Poweshiek County, Iowa.

Tract 4:

The West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Twenty-nine (29); all in Township Seventy-eight (78), North, Range Fourteen (14), West of the 5th P.M., Poweshiek County, Iowa.

Tract 5:

The Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-nine (29), Township Seventy-eight (78), North, Range Fourteen (14), West of the 5th P.M., Poweshiek County, Iowa.

Article XX, Section 5 of the Zoning Ordinance requires setbacks of wind turbines from property lines, residences and specified other structures unless a written waiver agreement is executed by the affected landowner and recorded with the Poweshiek County Recorder's Office. By signing this Setback Waiver Agreement, the undersigned affected landowner(s) of the Property (collectively, "Affected Landowner") voluntarily waives the required zoning setback requirements set forth in Article XX, Section 5 of the Zoning Ordinance and agrees that English Farms may locate wind turbine(s) less than the specific setbacks from such property lines, residences or structures.

English Farms has delivered a payment in the amount of One Dollar (\$1.00) and other good and valuable consideration to Affected Landowner. English Farms and Affected Landowner acknowledge said payment to be full consideration for this Setback Waiver Agreement.

!SIGNATURES FOLLOW ON SEPARATE SHEETS!

AFFECTED LANDOWNER:

**TESTAMENTARY TRUST ESTABLISHED
UNDER THE WILL OF CECIL W. VEST, DECEASED**

By: *Edward D Vest*
Name: Edward D Vest,
Trustee(s)

STATE OF District of Columbia
COUNTY OF N/A) ss.

Subscribed and sworn to before me this 12th day of May, 2017 by
Edward D Vest
Trustee(s) of The Testamentary Trust established Under the Will of Cecil W. Vest, deceased, to
me personally known, who being by me duly sworn did say that he/~~she~~/they is the
Trustee(s) of The Testamentary Trust established Under the Will of Cecil W.
Vest, and that said instrument was signed and delivered not in his/~~her~~/their individual
capacity(ies), but on behalf of said Trust and that said Trustee(s) acknowledged
said instrument to be his/~~her~~/their free act and deed.

MY COMMISSION EXPIRES: _____

Brenda D Edwards
Notary Public

Print Name: _____
BRENDA D. EDWARDS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 14, 2020



ENGLISH FARMS

SETBACK WAIVER

Lynch, William A. & Kathryn

(William A. Lynch and Kathryn Lynch)

RECORDER'S COVER SHEET

Name of Document: Memorandum of Setback Waiver Agreement

Preparer Information:

Matt Gilhousen
English Farms Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Taxpayer Information (name and complete address)

William A. Lynch and Kathryn Lynch
P.O. Box 172
Victor, Iowa 52347

Return Document to:

Matt Gilhousen
English Farms Wind Project, LLC
16105 W. 113th Street, Ste. 105
Lenexa, Kansas 66219-2305
Phone: 913-888-9463

Affected Landowner: William A. Lynch and Kathryn Lynch, husband and wife

Project: ENGLISH FARMS WIND PROJECT, LLC, an Iowa limited liability company

Legal Description: See Next Page

Document or instrument number of previously recorded document: None

MEMORANDUM OF SETBACK WAIVER AGREEMENT

English Farms Wind Project, LLC (“English Farms”) is developing the English Farms Wind Project (“Project”), a wind energy facility, in Poweshiek County, Iowa. English Farms plans to submit an application for a Commercial Wind Energy Conversion System Conditional Use Permit (“C-WECS CUP”) for the Project pursuant to Article XX, Section 5 of the Poweshiek County Zoning Ordinance (“Zoning Ordinance”). English Farms also plans to implement a project design that incorporates certain setbacks that require waivers as set forth in the Zoning Ordinance.

In developing the Project, English Farms is proposing to install wind turbine(s) and associated facilities on property adjacent to the property described below (the “Property”):

Legal Description:

Tract 1:

The Southeast Quarter; and the South Sixty Acres of the Northeast Quarter; all in Section Nineteen, Township Seventy-eight North of Range Thirteen, West of the 5th P.M., Poweshiek County, Iowa.

Article XX, Section 5 of the Zoning Ordinance requires setbacks of wind turbines from property lines, residences and specified other structures unless a written waiver agreement is executed by the affected landowner and recorded with the Poweshiek County Recorder’s Office.

The undersigned affected landowner of the Property (collectively, “Affected Landowner”) voluntarily executed a Setback Waiver Agreement dated May 5, 2017 and does hereby acknowledge waiving the required zoning setback requirements set forth in Article XX, Section 5 of the Zoning Ordinance, and agreeing that English Farms may locate wind turbine(s) less than the specific setbacks from such property lines, residences, or structures.

[SIGNATURES FOLLOW ON SEPARATE SHEETS]

