

**BK: 2018 PG: 979**  
**Recorded: 1/18/2018 at 1:28:36.0 PM**  
**Fee Amount: \$42.00**  
**Revenue Tax:**  
**Chad C. Airhart Recorder**  
**Dallas County, Iowa**

**AMENDMENT TO EASEMENT FOR RIGHT-OF-WAY**  
**Recorder's Cover Sheet**

**Preparer Information:**

Michael C. Schilken  
c/o Baird Holm, LLP  
1700 Farnam Street, Suite 1500  
Omaha, Nebraska 68102  
(402) 636-8246

**Return Address**

Michael C. Schilken  
c/o Baird Holm, LLP  
1700 Farnam Street, Suite 1500  
Omaha, Nebraska 68102

**Grantor:**

M.I.I.-Crescent Ridge, LLC

**Grantee:**

Apple Tree Properties, LLC

**Legal Description:** See page 2, and Exhibit A

**Document or instrument number of Easement to be Amended:** Book 528, Page 469, and Book 500, Page 368 of the Records of Dallas County, Iowa

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AFTER RECORDING RETURN TO:

Baird Holm LLP  
1700 Farnam Street, Suite 1500  
Omaha, NE 68102  
Attn: Michael C. Schilken

**FIRST AMENDMENT TO EASEMENT FOR RIGHT-OF-WAY**

**THIS FIRST AMENDMENT TO EASEMENT FOR RIGHT-OF-WAY** ("Amendment") is made and entered into effective as of the 17 day of JANUARY, 2018, (the "**Effective Date**") by and between M.I.I.-Crescent Ridge, LLC, a Nebraska limited liability company (the "**Grantor**") and Apple Tree Properties, LLC, an Iowa limited liability company (the "**Grantee**"). The Grantor is the successor in interest to Russell M. Parker and Alvina M. Parker, husband and wife, parties of the first part, and the Grantee is the successor in interest to Walter Elder, Jr., party of the second party, who were the parties described under the Easement for Right-of-Way recorded at Book 528, Page 469, and Book 500, Page 368 of the records of Dallas County, Iowa.

**RECITALS:**

WHEREAS, Grantor is the owner of the property legally described on Exhibit "A", which such Exhibit "A" is made a part hereof and incorporated herein by this reference. The Grantor's property shall herein after be referred to as the "**Burdened Property**";

WHEREAS, Grantee is the owner of the property legally described on Exhibit "B", which such Exhibit "B" is made a part hereof and incorporated herein by this reference. The Grantee's property shall herein after be referred to as the "**Benefited Property**"; and

WHEREAS, a certain Easement for Right-of-Way dated January 8, 1976, was filed at Book 528, Page 469, and which amended the Easement for Right-of-Way dated July 13, 1972 (collectively, the "**Permanent Easement**") which effects the Burdened Property and benefits the Benefited Property. The Permanent Easement created an easement as legally described on the instruments referred to immediately above ("**Easement**"). The Grantor and the Grantee desire to amend the terms and provisions of the Permanent Easement by the terms and provisions of this Amendment, all effective as of the date first above written.

NOW, THEREFORE, for Twenty Thousand Dollars (\$20,000.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor and the Grantee hereto agree as follows:

1. Grantor and Grantee hereby amend, alter and modify the Permanent Easement by the Grantee consenting to vacating the northerly five feet (5') of the Permanent Easement for a portion of the Permanent Easement, all as described on Exhibit "C", which such Exhibit "C" is made a part hereof and incorporated herein by this reference. After each of the Grantor and the Grantee executing this Amendment, that portion of the Permanent Easement which is vacated by the consent of the Grantee shall no longer be subject to, or burdened by, the terms and provisions of the Permanent Easement.

2. Original Permanent Easement. Except as specifically amended herein, the Permanent Easement shall remain in full force and effect as originally executed. This Amendment shall be binding on the heirs, personal representatives, successors and assigns of the parties hereto.

**IN WITNESS WHEREOF**, this Amendment has been executed the day and year first above written.

**GRANTEE:**

Apple Tree Properties, LLC, an Iowa limited liability company

By: 

Name: Matthew O. Peterson

Its: Managing Member

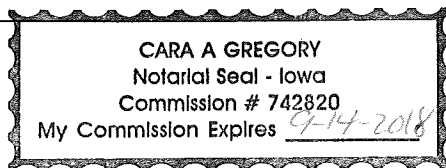
STATE OF Iowa )  
 ) ss.  
COUNTY OF Polk )

The foregoing was acknowledged before me on this 3rd day of January, 2018, by Matt Peterson, managing mbr of Apple Tree Properties, LLC, an Iowa limited liability company, on behalf of said company.

Cara A Gregory  
Notary Public

My Commission Expires: 9-14-2018

[SEAL]



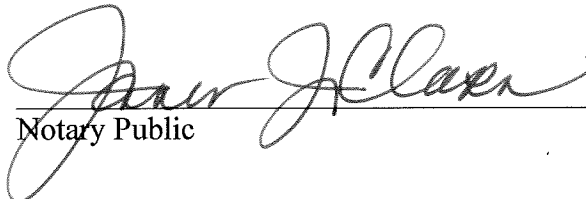
**GRANTOR:**

M.I.I.-CRESCENT RIDGE, LLC, a Nebraska  
limited liability company

By:   
Name: Geoffrey A. McGregor  
Its: Manager

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing was acknowledged before me on this 16 day of JANUARY, 2018, by Geoffrey A. McGregor, its Manager of M.I.I.-Crescent Ridge, LLC, a Nebraska limited liability company, on behalf of said company.

  
Notary Public

My Commission Expires:

8-21-2020  
[SEAL]

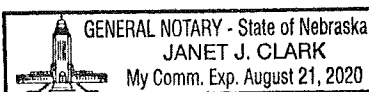


Exhibit "A"

Legal Description of Burdened Property

TRACT B, AS RECORDED IN PLAT OF SURVEY BOOK 2000, PAGE 12483 OF THE DALLAS COUNTY RECORDER'S OFFICE AND BEING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5<sup>TH</sup> P.M., DALLAS COUNTY, IOWA.

Exhibit "B"

Legal Description of Benefited Property

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5<sup>TH</sup> P.M., DALLAS COUNTY, IOWA, THENCE EAST 71 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 155 FEET, THENCE EAST 335 FEET, THENCE SOUTH 155 FEET, THENCE WEST 335 FEET TO THE TRUE POINT OF BEGINNING, CONSISTING OF APPROXIMATELY 1 ACRE MORE OR LESS, NOW KNOWN AS LOT 1 IN AUDITOR'S PLAT OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5<sup>TH</sup> P.M., DALLAS COUNTY, IOWA;

AND

ALL THAT PART OF LOT 2 IN THE AUDITOR'S PLAT OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4 NW 1/4) OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5<sup>TH</sup> P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 60.6 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5<sup>TH</sup> P.M., DALLAS COUNTY, IOWA; THENCE S 0°00'685.0 FEET TO THE POINT OF BEGINNING; THENCE S 89°12' EAST 382.7 FEET; THENCE S 6°12' EAST 130 FEET; THENCE S 1°44' EAST 227.28 FEET TO THE NORTHEAST CORNER OF LOT 1; THENCE S 83°27' WEST ALONG THE NORTH LINE OF LOT 1 A DISTANCE OF 335 FEET; THENCE S 0°00' 155 FEET; THENCE S 83°27' WEST 71 FEET; THENCE N 0°00' 563 FEET TO THE POINT OF BEGINNING, CONTAINING 3.7 ACRES MORE OR LESS;

Exhibit "C"

Description of Vacated Permanent Easement

A PART OF TRACT B, AS RECORDED IN PLAT OF SURVEY BOOK 2000, PAGE 12483, DALLAS COUNTY, IOWA BEING DESCRIBED AS FOLLOWS:

THE NORTH 5.00 FEET OF THE SOUTH 40.00 FEET OF THE WEST 529.43 FEET OF SAID TRACT B AND CONTAINING 0.06 ACRES (2,646 S.F.).