

TRACT INDEX 0x1  
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State of Nebraska Gage County ss. Entered  
Numerical Index and filed for record the  
22 day of Apr, 2016  
at 11:36 o'clock AM, and recorded as  
INSTRUMENT NO. **2016-01302**

*Olivia S. Mumby*  
Register of Deeds

Pages 14 By PJ  
Recording Fees \$88.00  
Totals Fees \$88.00

2-6-6  
4-6-6  
9-6-6  
10-6-6  
18-6-6  
22-6-6  
27-6-6

After Recording Return To:  
Volkswind USA Inc.  
205 SE Spokane Street, Suite 300  
Portland, OR 97202  
(503) 236 4900

**FIRST AMENDMENT TO EASEMENT AGREEMENT**

THIS FIRST AMENDMENT TO EASEMENT AGREEMENT ("Amendment") dated January 29, 2016 is made and entered into by and among EDWARD E. BALDERSON, Trustee of the Edward E. Balderson Trust under agreement dated February 18, 2015 (collectively "Grantor"), and VOLKSWIND NEBRASKA LAND HOLDINGS LLC, a Nebraska limited liability company ("Grantee").

**RECITALS:**

- A. Grantor's predecessor in interest and Grantee are parties to that certain Easement Agreement dated November 20, 2013 (the "Agreement"), as recorded January 14, 2014 as Instrument No. 2014-0131 in the office of the Gage County, Nebraska Register of Deeds, concerning the real property, consisting of approximately 381.82 acres legally described in Exhibit "A" attached hereto and incorporated by reference herein (the "Original Property").
- B. The parties desire to amend the Agreement as set forth herein.

**AGREEMENT:**

NOW, THEREFORE, in consideration of the foregoing Recitals, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the parties agree as follows:

1. Additional Property. From and after January 29, 2016 (the "Effective Date"), the Property shall be deemed to include all of the real estate consisting of 72.84 acres, as to Parcel 1; 80 acres, as to Parcel 2; 80 acres, as to Parcel 3; 68.98 acres, as to Parcel 4; 80 acres, as to Parcel 5; 77 acres as to Parcel 6; 78 acres as to Parcel 7; and 4 acres as to Parcel 8; as legally described in Exhibit "B" attached hereto and incorporated by reference herein.


2. Amendment of Site Plan. From and after the Effective Date, the Site Plan attached as Exhibit "B" to the Agreement is hereby deleted in its entirety, and the Site Plan attached hereto as Exhibit "C" is hereby substituted in its place.

3. Counterparts. This Amendment may be executed in multiple counterparts, each of which shall be deemed to be an original document, and all of which together shall constitute a single instrument.

4. Ratification/Interpretation/Defined Terms. Except as amended by this Amendment, the Agreement is hereby ratified and affirmed by the parties. In the event of any conflict between the terms and conditions of the Agreement and this Amendment, the terms of this Amendment shall control. The parties hereto acknowledge and agree that the intent and purpose of this Amendment shall be considered and given full effect in any interpretation of the Agreement, and to this end, the Agreement is hereby modified accordingly. Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Agreement.

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

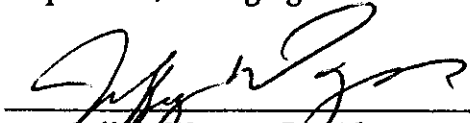
GRANTOR:

  
EDWARD E. BALDERSON, Trustee of the  
Edward E. Balderson Trust under agreement  
dated February 18, 2015

GRANTEE:

VOLKSWIND NEBRASKA LAND  
HOLDINGS LLC, a Nebraska limited  
liability company

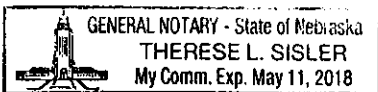
By: Volkswind USA Inc., a Delaware  
corporation, Managing Member

By:   
Jeffrey Wagner, President

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STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF Gage )

The foregoing instrument was acknowledged before me on this 29<sup>th</sup> day of January, 2016 by EDWARD E. BALDERSON, Trustee of the Edward E. Balderson Trust under agreement dated February 18, 2015.



Therese L. Sisler  
NOTARY PUBLIC

STATE OF OREGON, MULTNOMAH COUNTY, ss.

<sup>2016</sup> This instrument was acknowledged before me on this 15<sup>th</sup> day of April, ~~2015~~, by Jeffrey Wagner, as the President of Volkswind USA Inc., a Delaware corporation, as the Managing Member of Volkswind Nebraska Land Holdings LLC, a Nebraska limited liability company, and was signed on behalf of said company by authority of its managers and Jeffrey Wagner acknowledged the execution of this instrument to be the voluntary act and deed of the company by it voluntarily executed.



Mark Meyer Jr  
NOTARY PUBLIC

**EXHIBIT "A"**

**Legal Description Original Property**

**PARCEL 1:**

The North Half of the Northwest Quarter of Section 10, Township 6 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

EXCEPT A tract of land located in the Northwest Quarter of said Section 10, described as follows:

Commencing at Northwest corner of said Northwest Quarter, thence North 89 degrees 36 minutes 43 seconds East (assumed bearing) on the North Line of said Northwest Quarter, a distance of 278.00 feet to the point of beginning; Thence continuing North 89 degrees 36 minutes 43 seconds East on said North line, a distance of 399.00 feet; Thence South 02 degrees 20 minutes 31 seconds West, a distance of 468.51 feet; Thence South 89 degrees 36 minutes 43 seconds West parallel with the North line of said Northwest Quarter, a distance of 372.00 feet; Thence North 00 degrees 57 minutes 41 seconds West, a distance of 468.00 feet to the point of beginning.

AND EXCEPT A tract of land located in the Northwest Quarter of said Section 10, described as follows:

Beginning at the Northwest corner of said Northwest Quarter; Thence North 89 degrees 36 minutes 43 seconds East (assumed bearing) on the North line of said Northwest Quarter, a distance of 278.00 feet; Thence South 00 degrees 57 minutes 41 seconds East, a distance of 468.00 feet; Thence South 89 degrees 36 minutes 43 seconds West, parallel with the North line of said Northwest Quarter, a distance of 284.00 feet to the West line of said Northwest Quarter; Thence North 00 degrees 13 minutes 37 seconds West on said West line, a distance of 467.98 feet to the point of beginning.

**PARCEL 2:**

The South Half of the Northwest Quarter of Section 10, Township 6 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

**PARCEL 3:**

The West Half of the Southwest Quarter of Section 2, Township 6 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Gage County, Nebraska.

**PARCEL 4:**

The South Half of the Southeast Quarter of Section 4, Township 6 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

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EXCEPT a tract more particularly described as:

Commencing at the Southeast Corner of the Southeast Quarter of said Section 4; Thence North 800 feet; Thence West 600 feet; Thence South 800 feet to the South line of said Section 4; Thence East 600 feet to the point of beginning.

PARCEL 5:

The North Half of the Northwest Quarter of Section 9, Township 6 North, Range 6 East of the <sup>6th</sup> ~~1st~~ Principal Meridian, Gage County, Nebraska.

**EXHIBIT "B"**

**Legal Description Property**

**PARCEL 1:**

The North Half of the Northwest Quarter of Section 10, Township 6 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

EXCEPT A tract of land located in the Northwest Quarter of said Section 10, described as follows:

Commencing at Northwest corner of said Northwest Quarter, thence North 89 degrees 36 minutes 43 seconds East (assumed bearing) on the North Line of said Northwest Quarter, a distance of 278.00 feet to the point of beginning; Thence continuing North 89 degrees 36 minutes 43 seconds East on said North line, a distance of 399.00 feet; Thence South 02 degrees 20 minutes 31 seconds West, a distance of 468.51 feet; Thence South 89 degrees 36 minutes 43 seconds West parallel with the North line of said Northwest Quarter, a distance of 372.00 feet; Thence North 00 degrees 57 minutes 41 seconds West, a distance of 468.00 feet to the point of beginning.

AND EXCEPT A tract of land located in the Northwest Quarter of said Section 10, described as follows:

Beginning at the Northwest corner of said Northwest Quarter; Thence North 89 degrees 36 minutes 43 seconds East (assumed bearing) on the North line of said Northwest Quarter, a distance of 278.00 feet; Thence South 00 degrees 57 minutes 41 seconds East, a distance of 468.00 feet; Thence South 89 degrees 36 minutes 43 seconds West, parallel with the North line of said Northwest Quarter, a distance of 284.00 feet to the West line of said Northwest Quarter; Thence North 00 degrees 13 minutes 37 seconds West on said West line, a distance of 467.98 feet to the point of beginning.

**PARCEL 2:**

The South Half of the Northwest Quarter of Section 10, Township 6 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

**PARCEL 3:**

The West Half of the Southwest Quarter of Section 2, Township 6 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Gage County, Nebraska.

**PARCEL 4:**

The South Half of the Southeast Quarter of Section 4, Township 6 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

EXCEPT a tract more particularly described as:

**INSTRUMENT NO. 2016-01302**

Commencing at the Southeast Comer of the Southeast Quarter of said Section 4; Thence North 800 feet; Thence West 600 feet; Thence South 800 feet to the South line of said Section 4; Thence East 600 feet to the point of beginning.

PARCEL 5:

The North Half of the Northwest Quarter of Section 9, Township 6 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Gage County, Nebraska.

PARCEL 6:

The South Half of the ~~Southeast~~<sup>Southwest</sup> Quarter of Section 22, Township 6 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Gage County, Nebraska; EXCEPT those portions conveyed to the State of Nebraska more particularly described in Deed Book 190, Page 489; Deed Book 208, Page 604; and Deed Book 236, Page 593 of the Gage County Register of Deeds Office, Nebraska.

PARCEL 7:

The West Half of the Northwest Quarter of Section 18, Township 6 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Gage County, Nebraska.

PARCEL 8:

A tract of land located in the Northwest Quarter of Section 27, Township 6 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Gage County, Nebraska, described as follows:

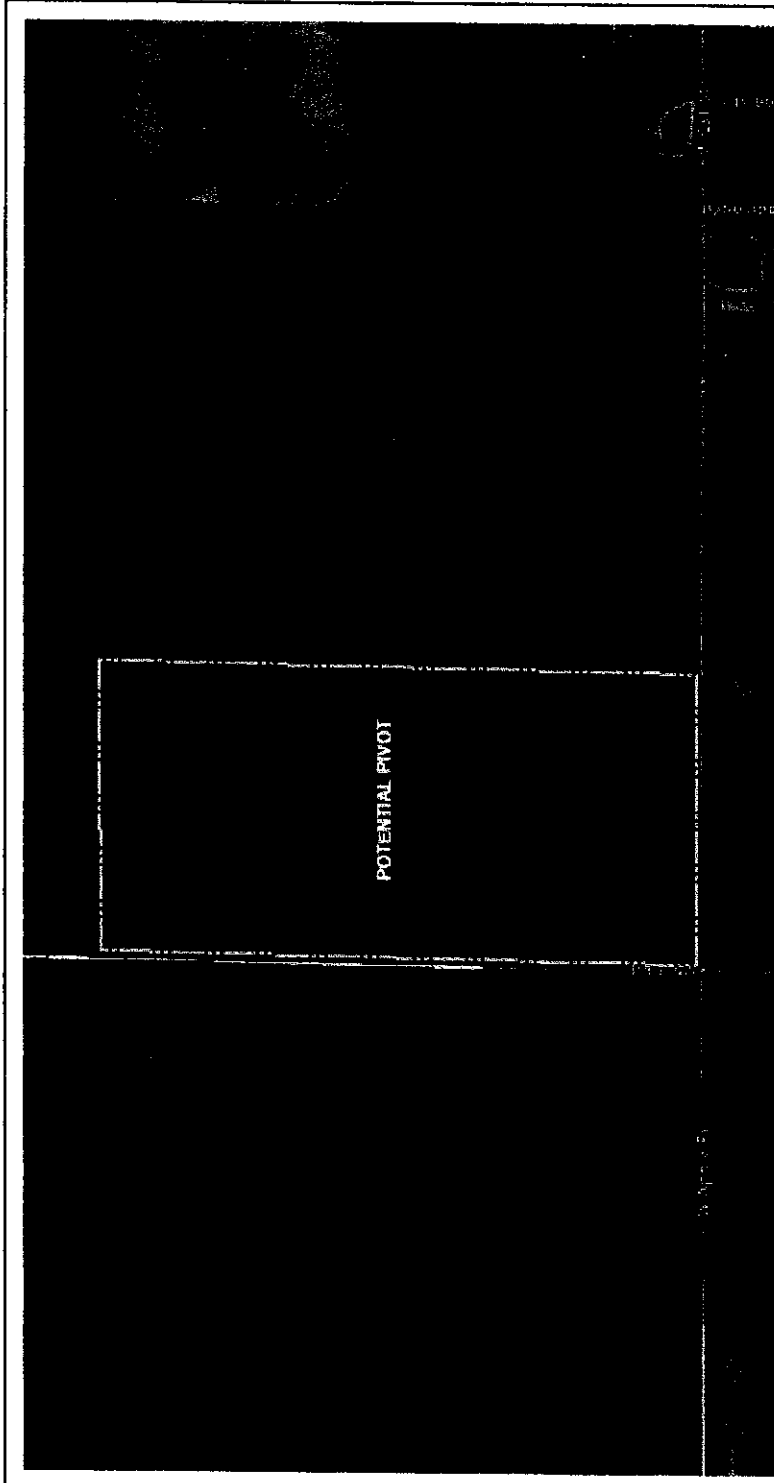
Referring to the Northwest Corner of said Quarter Section;  
Thence Easterly a distance of 1,159.36 feet along the North line of said Quarter Section to the point of beginning; Thence Easterly deflecting 000 degrees, 00 minutes, 00 seconds, a distance of 1,029.53 feet along said line; Thence Westerly deflecting 160 degrees, 24 minutes, 10 seconds Right, a distance of 354.67 feet; Thence Southwesterly deflecting 009 degrees, 09 minutes, 32 seconds Left, a distance of 480.51 feet; Thence Northwesterly deflecting 080 degrees, 41 minutes, 39 seconds Right, a distance of 444.69 feet to the point of beginning.

**EXHIBIT "C"**

**Site Plan**

**INSTRUMENT NO. 2016-01302**



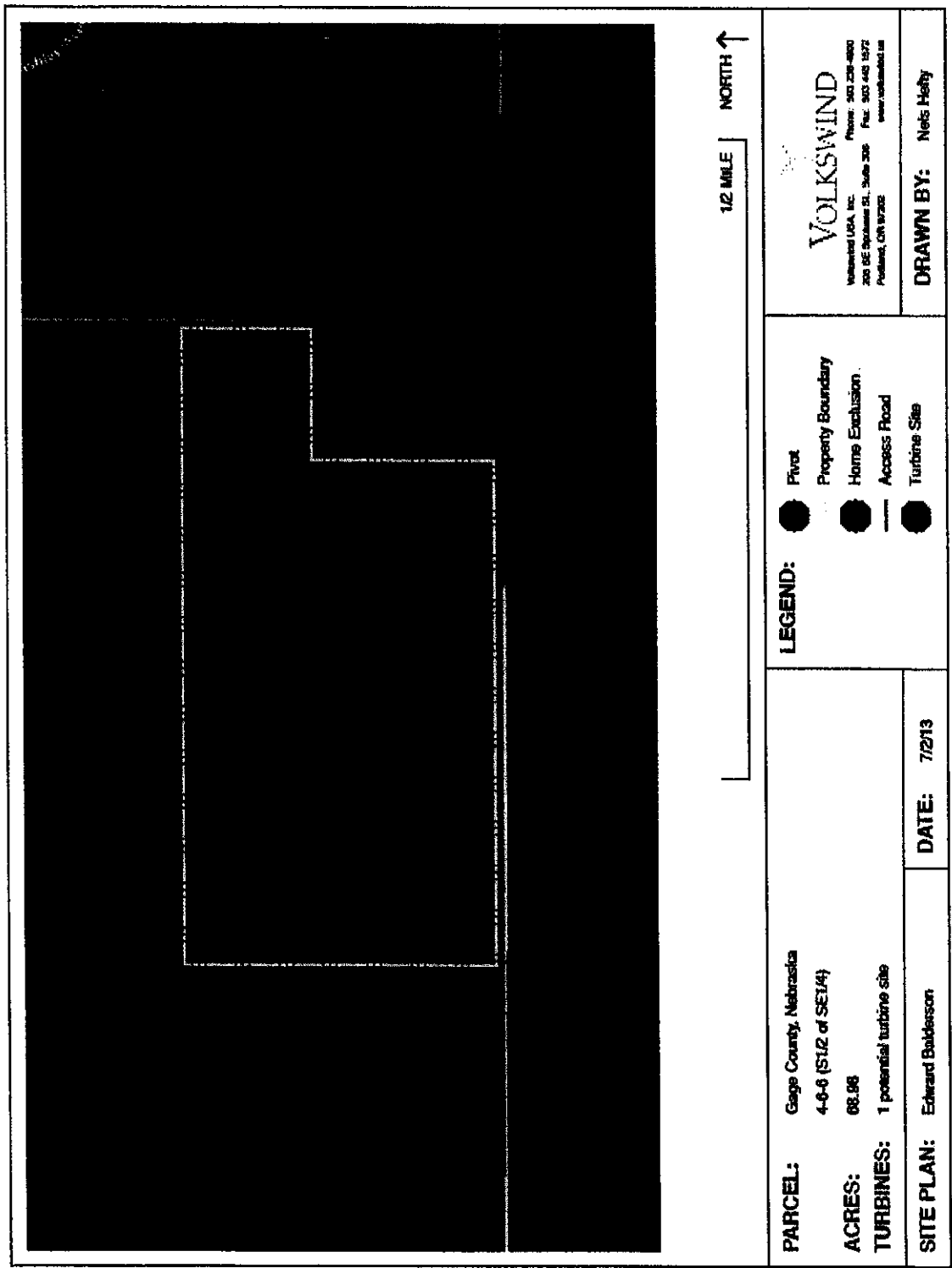


1/2 MILE NORTH ↑

<b>PARCEL:</b> Gage County, Nebraska 2-4-4 (W1/2 of SW1/4) <b>ACRES:</b> 80 <b>TURBINES:</b> 1 potential turbine site	<b>LEGEND:</b> ● Pivot ○ Property Boundary ● Home Exclusion — Access Road ● Turbine Site		<b>VOLKSWIND</b> Volkswagen USA, Inc. 200 NE Eastman Rd., Suite 300 Portland, OR 97202 Phone: 503 238 4900 Fax: 503 445 1012 www.volkswind.us	<b>DRAWN BY:</b> Neils Hefty
	<b>DATE:</b> 7/1/13	<b>DATE:</b> 7/1/13		

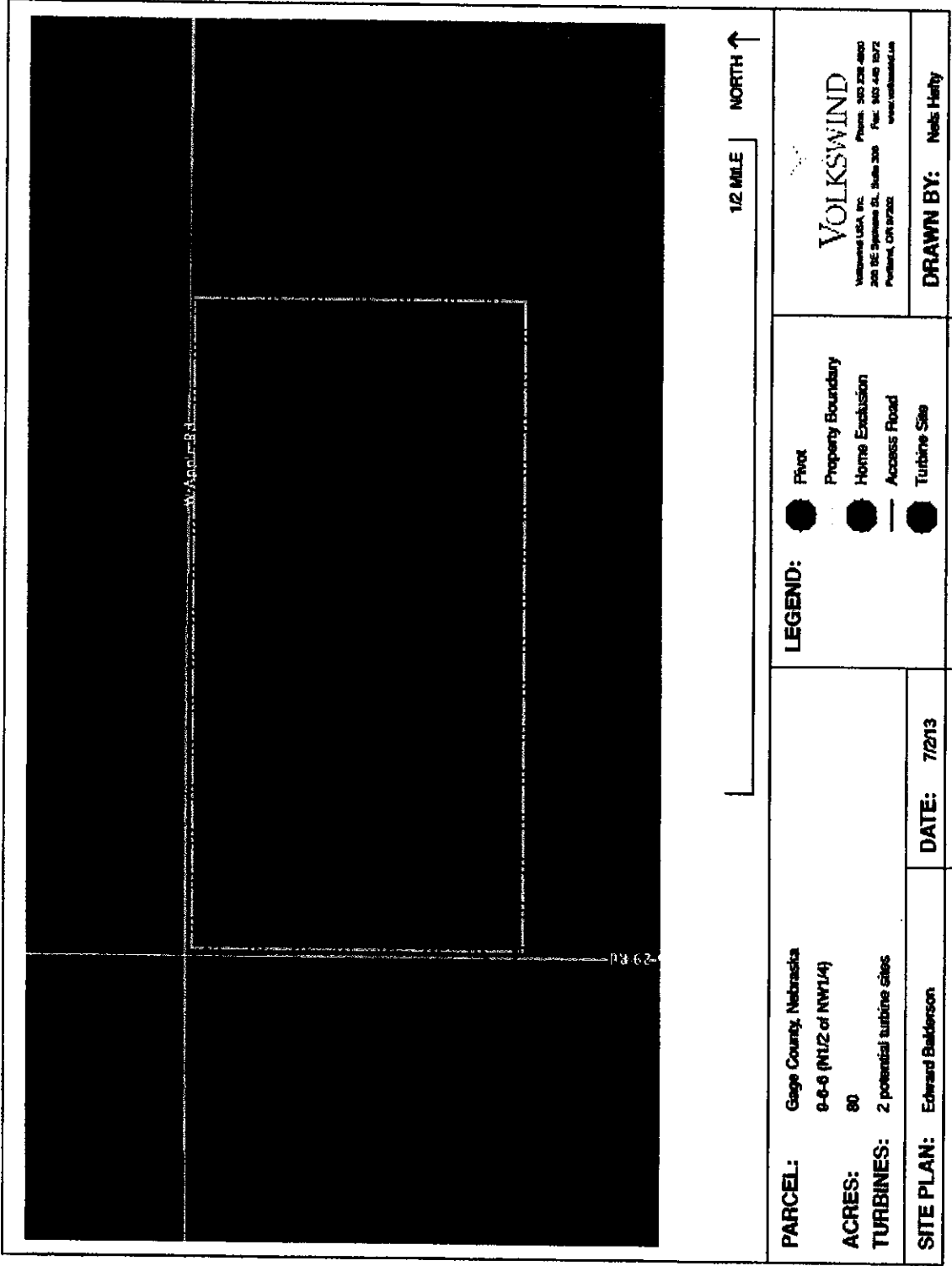
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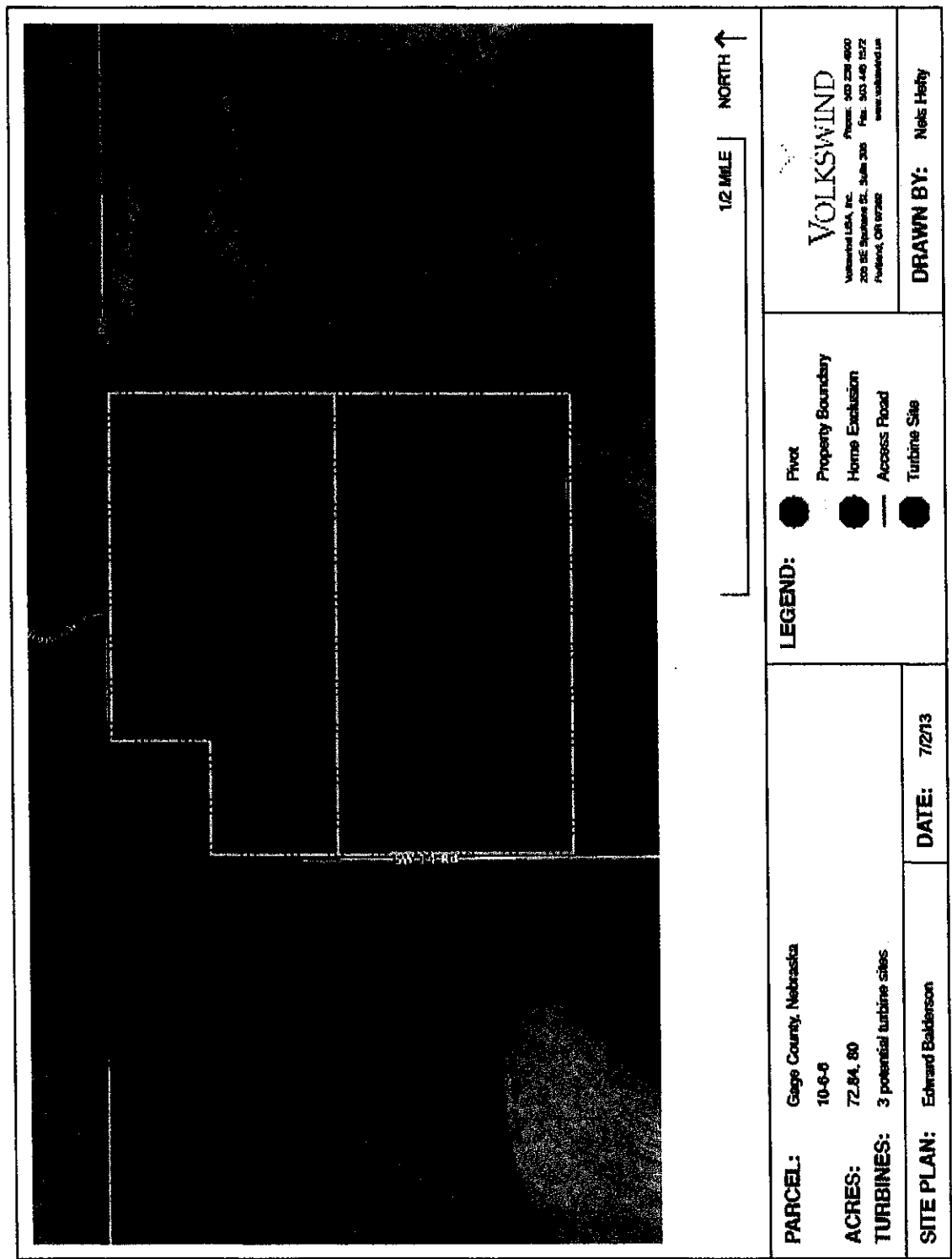


1/2 MILE NORTH ↑

<b>PARCEL:</b> Gage County, Nebraska 9-6-8 (N1/2 of NW1/4)	<b>ACRES:</b> 80 <b>TURBINES:</b> 2 potential turbine sites	<b>LEGEND:</b> ● Fivet ○ Property Boundary ● Home Exclusion — Access Road ● Turbine Site	<b>VOLKSWIND</b> Volkswind USA, Inc. 200 DE Spangue St., Suite 200 Pottsville, PA 17876 Phone: 717.238.4800 Fax: 717.419.1972 www.volkswind.com	<b>DRAWN BY:</b> Neils Healy

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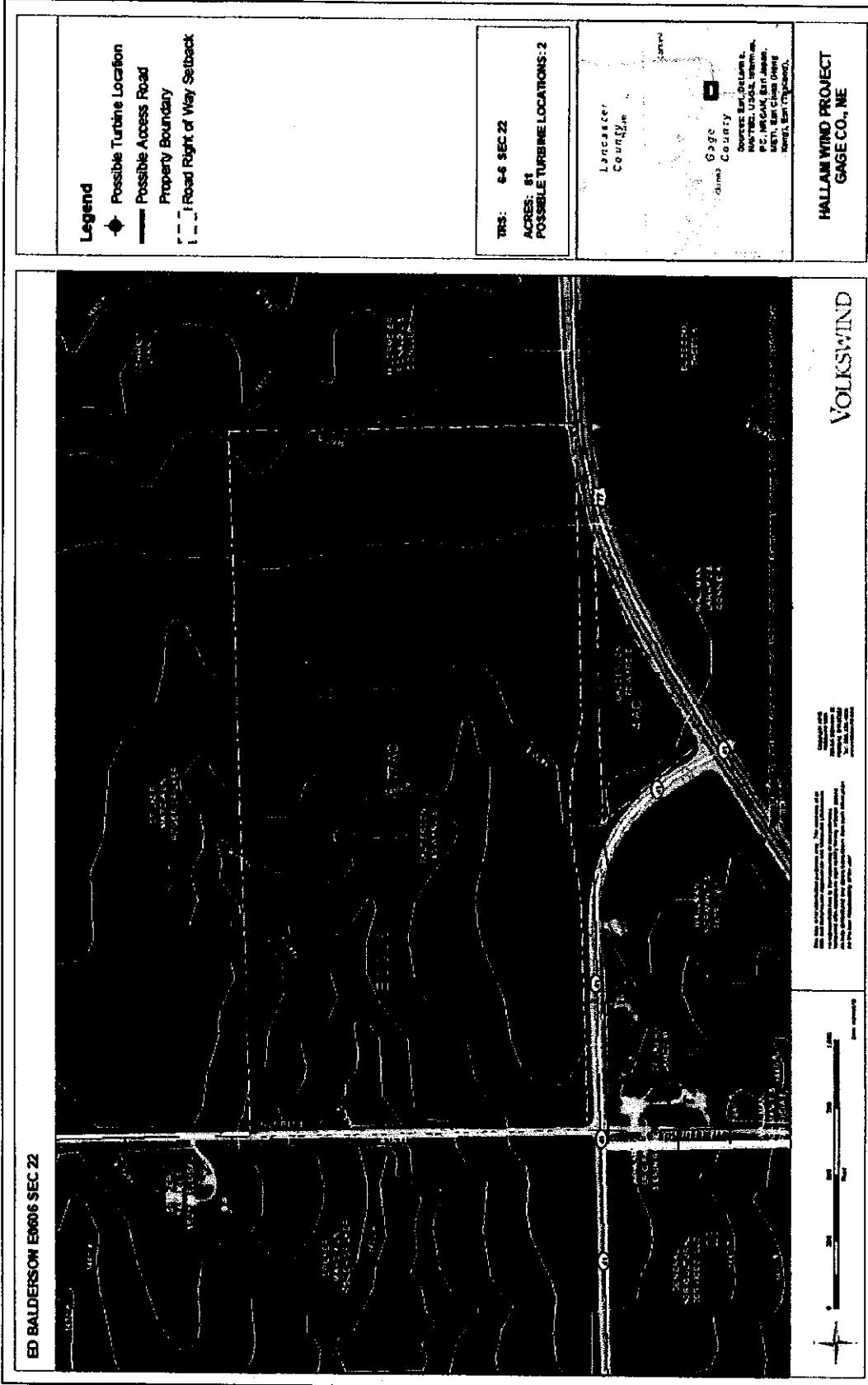


1/2 MILE NORTH ↑

<b>PARCEL:</b> Gage County, Nebraska 10-0-0 <b>ACRES:</b> 72.84, 80 <b>TURBINES:</b> 3 potential turbine sites	<b>LEGEND:</b> ● Pivot ○ Property Boundary ● Home Exclusion --- Access Road ● Turbine Site	<b>VOLKSWIND</b> Volkswagen USA, Inc. 200 SE Spokane St., Suite 300 Portland, OR 97202 Phone: 503 238 4900 Fax: 503 448 1572 www.volkswind.us	<b>DRAWN BY:</b> Nels Heiby
<b>SITE PLAN:</b> Edward Balderson	<b>DATE:</b> 7/2/13		

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