

### SETBACK WAIVER

THIS SETBACK WAIVER ("**Agreement**") is granted this 13<sup>th</sup> day of September, 2019 ("**Effective Date**") by Barbara E. Anderson, Trustee of the Barbara E. Anderson Revocable Trust dated September 9, 2000 whose address for notices is 2291 Americas Boulevard, W. #7, Clearwater, FL 33763 ("**Grantor**") and Ashtabula Wind I, LLC, a Delaware limited liability company, its successors and assigns, whose address for notices is: 700 Universe Blvd, Attn: Land Services, Juno Beach, FL 33408 ("**Grantee**").

Grantor owns property in Barnes County, North Dakota, described on the attached **Exhibit A** and incorporated by reference ("**Property**"). Grantee has rights to land in the vicinity of the Property for the construction, operation and maintenance of wind energy conversion facilities. For good and valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby waives any and all benefits of North Dakota Century Code Section 49-22-05.1 and North Dakota Administrative Code Section 69-06-08-01, and all amendments thereto or replacements thereof, which provide that areas less than one and one-tenth times the height of a turbine from the property line of a non-participating landowner must be excluded from consideration of a site for a wind energy conversion area; and agrees that such facilities may be constructed at the location as depicted on a map provided to Grantor, which facilities are less than one and one-tenth times the height of a turbine from Grantor's property line. The term of this Agreement shall commence on the Effective Date and shall continue and remain in full force and effect with respect to all and each part of the Property until all facilities are removed from the vicinity of the Property. Grantor represents that Grantor is the owner of the Property within the meaning of North Dakota Century Code Section 49-22-05.1 and North Dakota Administrative Code Section 69-06-08-01, and that the further consent of any third parties is not required. Grantor further acknowledges that the waiver given hereby is a covenant running with the Property and applies to succeeding and subsequent owners of the Property described herein, and is intended for the benefit of Grantee and its successors and assigns. Grantor consents to Grantee recording this Agreement in the Office of the Barnes County Recorder to provide notice of this Agreement to succeeding and subsequent owners of the Property. This Agreement may be executed by the parties hereto in one or more counterparts, all of which, taken together, shall constitute one and the same instrument.





**EXHIBIT A**

**Legal Description of Property**

The Northeast Quarter (NE¼) of Section 29, Township 142, Range 57, Barnes County, North Dakota.