

2. State the address of the Reporting Entity:

3. During calendar year 2020, did the Reporting Entity* hold an interest in less than 20 acres of agricultural land in Iowa, with less than \$10,000 of gross revenue produced from all farming on the land? Yes No

If the Reporting Entity answers "Yes" to this question, it is **EXCUSED from completing the remainder of this Report, except when the Reporting Entity is a foreign business, foreign government, or nonresident alien. If excused, you must still complete Item #'s 1 - 3 above and Item # 8 below.*

4. For each person who holds an interest in the Reporting Entity:

Name	Address	Citizenship (if other than U.S.)	% Interest held in the Reporting Entity*

** The % interest held is not required to be reported if the person is a natural person who holds less than 10% interest.*

5. If the Reporting Entity holds an interest in any **OTHER** Reporting Entity:

The <u>NAME</u> of the OTHER Reporting Entity	The <u>% Interest held</u> in the OTHER Reporting Entity	The <u>number of acres</u> of Agricultural Land held by the OTHER Reporting Entity that are " ATTRIBUTABLE " to the Reporting Entity filing this Report

6. a. The total number of acres held by the Reporting Entity in Iowa is _____ acres.

b. The acres are held, located, used and supervised as follows:

County in Iowa	# of acres owned	# of acres leased	# of acres held other than by ownership or lease	TOTAL # of acres held in the County (add columns 2, 3, and 4)	# of acres used for the production of row crops	Name(s) and address(es) of person(s) supervising the daily operations on the agricultural land

7. If the reporting entity is a life science enterprise, as provided in chapter 10C, Code 2005, the total amount of commercial sale of life science products and products other than life science products which are produced from the agricultural land held by the life science enterprise:

Life Science Products	Other than Life Science Products

8. I certify under penalty of perjury that the information provided in this Report is true and correct, and that the Reporting Entity meets all the requirements to lawfully hold agricultural land in the state of Iowa. I agree to provide additional information upon request.

Signature of Authorized Representative

Date

Print Name

Print Title

Address

() _____
Telephone Number

Deliver report to:
SECRETARY OF STATE
Business Services Division
First Floor, Lucas Building
321 E. 12th Street
Des Moines, IA 50319-9029

Phone: 515-281-5204
Fax: 515-242-5953
Website: sos.iowa.gov



**Iowa Secretary of State
Paul D. Pate**

Biennial Agricultural Report

2021 Filing Instructions and Definitions

Due by March 31, 2021

Read the instructions and the Iowa Code definitions carefully before completing the Biennial Agricultural Report.

Instructions are in the left column on the following pages. Iowa Code definitions are in the right column on the following pages.

- This Biennial Agricultural Report must be **filed by March 31, 2021**, by a Reporting Entity, unless that Reporting Entity is exempt.
- All Reporting Entities are identified in Item #1.
- The Report contains all the information required by the Iowa General Assembly under Iowa Code section 10B.4.
- The Report must contain accurate information for calendar year 2020 as of December 31, 2020.
- Attach additional pages to the Report when necessary.
- Any **change of registered agent and/or registered office** must be reported immediately. If you need to change the preprinted information identifying the registered agent and/or the registered office, complete the Statement of Change form (download at <http://sos.iowa.gov/businessforms>), and file it with the Biennial Report or separately.

Deliver Report To:
Secretary of State
321 E. 12th Street
Des Moines, IA 50319

EXEMPTIONS from Reporting Requirements

If the entity is a family farm corporation, family farm limited partnership, family trust, or a family farm limited liability company, please indicate by marking the appropriate box and then proceed to signing the Report in item #8.

DEFINITIONS from the *Iowa Code* relating to the reporting entities are found in the column to the right.

IOWA CODE DEFINITIONS

9H.1(9) "*Family farm corporation*" means a corporation:

- a. Founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related;
- b. All of its stockholders are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts as defined in subsection 13 of this section; and
- c. Sixty percent of the gross revenues of the corporation over the last consecutive three-year period comes from farming.

9H.1(11) "*Family farm limited partnership*" means a limited partnership which meets all of the following conditions:

- a. The limited partnership is formed for the purpose of farming and the ownership of agricultural land in which the general partner and a majority of the partnership interest is held by and the majority of limited partners are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related.
- b. The general partner manages and supervises the day-to-day farming operations on the agricultural land.
- c. All of the limited partners are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts.
- d. Sixty percent of the gross revenues of the partnership over the last consecutive three-year period comes from farming.

9H.1(13) "*Family trust*" means a trust:

- a. In which a majority interest in the trust is held by and the majority of the beneficiaries are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related; and
- b. In which all the beneficiaries are natural persons, who are not acting as a trustee or in a similar capacity for a trust, as defined in subsection 24 of this section, or persons acting in a fiduciary capacity, or nonprofit corporations; and
- c. If the trust is established on or after July 1, 1988, the trust must be established for the purpose of farming and sixty percent of the gross revenues of the trust over the last consecutive three-year period must come from farming.

9H.1(10) "*Family farm limited liability company*" means a limited liability company which meets all of the following conditions:

- a. The limited liability company is founded for the purpose of farming and the ownership of agricultural land in which the majority of the members are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related.
- b. All of the members of the limited liability company are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts.
- c. Sixty percent of the gross revenues of the limited liability company over the last consecutive three-year period comes from farming.

REPORTING REQUIREMENTS

for Reporting Entities

The item numbers below correspond to the item numbers on the Report

A REPORTING ENTITY HOLDS AN INTEREST IN AGRICULTURAL LAND IF IT DIRECTLY OR INDIRECTLY OWNS OR LEASES AGRICULTURAL LAND IN THIS STATE. [Iowa Code § 10B.2]

1. The Reporting Entity holding an interest in agricultural land in Iowa is:

Check one box in item numbers 1a through 1h that describes the Reporting Entity. If the Reporting Entity checks the box in either item numbers 1a or 1e, they must also indicate the "Type" of business entity.

Iowa law carefully defines each of the Reporting Entities listed in item numbers 1a through 1h. For your convenience, the definitions are included in the column to the right.

- 1a. A corporation, other than a family farm corporation means a domestic or foreign corporation [Iowa Code § 10B.1(3)] including an entity organized pursuant to chapter 490, or a nonprofit corporation [Iowa Code § 10B.1(9)], other than a family farm corporation [as defined in section 9H.1(9)]. A family farm corporation qualifies as an exemption. Mark the appropriate box at the top of the report, sign and return the report to the Secretary of State.

An authorized farm corporation [as defined in Iowa Code § 9H.1(3)].

A networking farmers corporation [as defined in Iowa Code § 10.1(15)].

- 1b. A cooperative association [as defined in Iowa Code § 10B.1(2)]

↓ INSTRUCTIONS for Reporting Entities continue on the next page.

IOWA CODE DEFINITIONS

10B.1(3) "*Corporation*" means a domestic or foreign corporation, including an entity organized pursuant to chapter 490, or a nonprofit corporation.

10B.1(9) "*Nonprofit corporation*" means any of the following:

- a. A corporation organized under the provisions of chapter 504, Code 1989, or current chapter 504.
- b. A corporation which qualifies under 26 U.S.C. § 501

9H.1(9) "*Family farm corporation*" means a corporation:

- a. Founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related;
- b. All of its stockholders are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts as defined in subsection 13 of this section; and
- c. Sixty percent of the gross revenues of the corporation over the last consecutive three-year period comes from farming.

9H.1(3) "*Authorized farm corporation*" means a corporation other than a family farm corporation founded for the purpose of farming and the ownership of agricultural land in which:

- a. The stockholders do not exceed twenty-five in number; and
- b. The stockholders are all natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or nonprofit corporations.

10.1(15) "*Networking farmers corporation*" means a corporation, other than a family farm corporation as defined in section 9H.1, organized under chapter 490 if all of the following conditions are satisfied:

a. All of the following apply:

(1) Qualified farmers must hold at least fifty-one percent of all issued shares of the corporation. If more than one class of shares is authorized, qualified farmers must hold at least fifty-one percent of all issued shares in each class.

(2) Qualified persons must hold at least seventy percent of all issued shares of the corporation. If more than one class of shares is authorized, qualified persons must hold at least seventy percent of all issued shares in each class.

b. As used in paragraph "a", "*issued shares*" includes but is not limited to common stock or preferred stock, or each class of common stock or preferred stock, regardless of voting rights or a right to receive dividends or earning distributions. A security such as a warrant or option that may be converted to stock shall be considered as issued shares.

10B.1(2) "*Cooperative association*" means any entity organized on a cooperative basis, including an association of persons organized under chapter 497, 498, or 499; an entity composed of entities organized under those chapters; or a cooperative organized under chapter 501 or 501A.

IOWA CODE DEFINITIONS

1c. A limited partnership, [as defined in *Iowa Code* § 10B.1(8)] other than a family farm partnership [as defined in *Iowa Code* § 9H.1(11)]. A *family farm limited partnership qualifies as an exemption*. Mark the appropriate box at the top of the report, sign and return the report to the Secretary of State.

1d. A trust [as defined in *Iowa Code* § 9H.1(24)], other than a family trust [as defined in *Iowa Code* § 9H.1(13)], including an authorized trust [as defined in *Iowa Code* § 9H.1(5)]. A *family trust qualifies as an exemption*. Mark the appropriate box at the top of the report, sign and return the report to the Secretary of State.

10B.1(8) "*Limited partnership*" means a foreign or domestic limited partnership, including a limited partnership as defined in section 488.102, and a domestic or foreign limited liability limited partnership under chapter 488.

9H.1(11) "*Family farm limited partnership*" means a limited partnership which meets all of the following conditions:

a. The limited partnership is formed for the purpose of farming and the ownership of agricultural land in which the general partner and a majority of the partnership interest is held by and the majority of limited partners are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related.

b. The general partner manages and supervises the day-to-day farming operations on the agricultural land.

c. All of the limited partners are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts.

d. Sixty percent of the gross revenues of the partnership over the last consecutive three-year period come from farming.

9H.1(24) "*Trust*" means a fiduciary relationship with respect to property, subjecting the person by whom the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of a manifestation of an intention to create it. Trust does not include a person acting in a fiduciary capacity, as defined in subsection 15, or a revocable trust. A trust includes a legal entity holding property as trustee, agent, escrow agent, attorney in fact, and in any similar capacity.

9H.1(13) "*Family trust*" means a trust:

a. In which a majority interest in the trust is held by and the majority of the beneficiaries are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related; and

b. In which all the beneficiaries are natural persons, who are not acting as a trustee or in a similar capacity for a trust, as defined in subsection 24 of this section, or persons acting in a fiduciary capacity, or nonprofit corporations; and

c. If the trust is established on or after July 1, 1988, the trust must be established for the purpose of farming and sixty percent of the gross revenues of the trust over the last consecutive three-year period must come from farming.

9H.1(5) "*Authorized trust*" means a trust other than a family trust in which:

a. The beneficiaries do not exceed twenty-five in number; and

b. The beneficiaries are all natural persons, who are not acting as a trustee or in a similar capacity for a trust as defined in subsection 24 of this section, or persons acting in a fiduciary capacity, or nonprofit corporations; and

c. Its income is not exempt from taxation under the laws of either the United States or the state of Iowa.

↓ INSTRUCTIONS for Reporting Entities continue on the next page.

1e. A limited liability company [as defined in *Iowa Code* § 10B.1(7)], other than a family farm limited liability company [as defined in *Iowa Code* § 9H.1(10)]. A family farm limited liability company qualifies as an exemption. Mark the appropriate box at the top of the report, sign and return the report to the Secretary of State.

An authorized limited liability company [as defined in *Iowa Code* § 9H.1(4)].

A networking farmers limited liability company [as defined in *Iowa Code* § 10.1(17)].

A farmers cooperative limited liability company [as defined in *Iowa Code* § 10.1(9)].

1f. A foreign business [as defined in *Iowa Code* § 9I.1(3)].

1g. A foreign government [as defined in *Iowa Code* § 9I.1(4)].

1h. A nonresident alien [as defined in *Iowa Code* § 9I.1(5)].

2. State the address of the Reporting Entity.

3. A Reporting Entity other than a foreign business, foreign government, or nonresident alien need not complete the remainder of this Report if the Reporting Entity holds an interest in less than 20 acres of agricultural land in Iowa and the gross revenue produced from all farming on the land equals less than \$10,000. Answer "Yes" or "No".

If the Reporting Entity answers "Yes" to this question, it is **EXCUSED from completing the remainder of this Report, except when the Reporting Entity is a foreign business, foreign government, or nonresident alien.*

If excused, you must still complete Item #'s 1 - 3 and Item #8.

4. For each person who holds an interest in the Reporting Entity, print their **Name, Address, Citizenship** (if other than U.S.), and the **Percentage Interest Held**.*

The Percentage Interest Held is not required to be reported if the person is a natural person who holds **less than a 10% interest in the Reporting Entity.*

IOWA CODE DEFINITIONS

10B.1(7) "*Limited liability company*" means a foreign or domestic limited liability company, including a limited liability company as defined in section 489.102.

9H.1(10) "*Family farm limited liability company*" means a limited liability company which meets all of the following conditions:

a. The limited liability company is founded for the purpose of farming and the ownership of agricultural land in which the majority of the members are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related.

b. All of the members of the limited liability company are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts.

c. Sixty percent of the gross revenues of the limited liability company over the last consecutive three-year period comes from farming.

9H.1(4) "*Authorized limited liability company*" means a limited liability company other than a family farm limited liability company founded for the purpose of farming and the ownership of agricultural land in which all of the following apply:

a. The members do not exceed twenty-five in number.

b. The members are all natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or nonprofit corporations.

10.1(17) "*Networking farmers limited liability company*" means a limited liability company, other than a family farm limited liability company as defined in section 9H.1, organized under chapter 489 if all of the following conditions are satisfied:

a. Qualified farmers must hold at least fifty-one percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or any class or group as provided in section 489.1201, qualified farmers must hold at least fifty-one percent of all membership interests of each type.

b. Qualified persons must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or any class or group as provided in section 489.1201, qualified persons must hold at least seventy percent of all membership interests of each type.

10.1(9) "*Farmers cooperative limited liability company*" means a limited liability company organized under chapter 489, if cooperative associations hold one hundred percent of all membership interests in the limited liability company. Farmers cooperative associations must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or any class or group as provided in section 489.1201, farmers cooperative associations must hold at least seventy percent of all membership interests of each type.

9I.1(3) "*Foreign business*" means a corporation incorporated under the laws of a foreign country, or a business entity whether or not incorporated, in which a majority interest is owned directly or indirectly by nonresident aliens. Legal entities, including but not limited to trusts, holding companies, multiple corporations and other business arrangements, do not affect the determination of ownership or control of a foreign business.

9I.1(4) "*Foreign government*" means a government other than the government of the United States, its states, territories or possessions.

↓ INSTRUCTIONS for Reporting Entities continue on the next page.

5. If the Reporting Entity holds an interest* in any other Reporting Entity(ies), print the **Name(s)** of all other Reporting Entities, the **Percentage Interest Held**, and the **Number of Acres held by the OTHER Reporting Entity(ies) that are ATTRIBUTABLE**** to the Reporting Entity.

**A Reporting Entity holds an interest in another Reporting Entity according to the provisions of Iowa Code chapter 10. Iowa Code § 10.2(2).*

***To calculate the number of Acres held by the OTHER Reporting Entity(ies) that are **ATTRIBUTABLE** to the Reporting Entity, multiply the total number of acres held by the OTHER Reporting Entity(ies) times the percentage interest held.*

- 6a. Print the total number of acres of agricultural land held by the Reporting Entity in Iowa. This total **INCLUDES** those acres **ATTRIBUTABLE** to the Reporting Entity calculated in #5.

- 6b. Print, by county (column 1), the number of acres of agricultural land owned (column 2), leased (column 3), and held by other than ownership or lease (column 4). Then, by county, total these numbers and print the number of acres held by all three means (column 5). Print the number of those acres used for the production of row crops (column 6) and the name(s) and address(es) of the person(s) supervising* the daily operations on the agricultural land (column 7).

**If the agricultural land is divided and/or supervised by different individuals, list the names and addresses of all supervisors and a description of the land supervised. Attach additional pages if necessary.*

7. If the reporting entity is a life science enterprise, as provided in chapter 10C, Code 2005, the total amount of commercial sale of life science products and products other than life science products which are produced from the agricultural land held by the life science enterprise.

8. Iowa Code § 10B.4(2)"e" requires a **CERTIFICATION** that the Reporting Entity meets all of the requirements to lawfully hold agricultural land in Iowa. The Secretary of State or the Attorney General may require additional information.

Line 8 must be signed as follows. It must state the date signed, the person's name, and the capacity in which the person signed. It must also state the person's address and telephone number.

Corporations and Cooperative Associations: By a person serving as the president or other officer or authorized representative.

Limited Partnership: By a person acting as the general partner.

Trust: By a person acting in a fiduciary capacity or as a trustee.

Limited Liability Companies: By a person who is a member, manager, or authorized representative.

Foreign Business: By a person serving as the president or other officer or authorized representative.

Foreign Governments: By a person authorized to make the report by a foreign government.

Nonresident Aliens: By a nonresident alien or agent, trustee, or fiduciary of the nonresident alien.

IOWA CODE DEFINITIONS

91.1(5) "Nonresident alien" means an individual who is not any of the following:

- a. A citizen of the United States.
- b. A person lawfully admitted into the United States for permanent residence by the United States immigration and naturalization service. An individual is lawfully admitted for permanent residence regardless of whether the individual's lawful permanent resident status is conditional.

10.2(2) A person holds an interest in a farmers entity if the person holds an interest as any of the following:

- a. A shareholder of a networking farmers corporation.
- b. A member of a networking farmers limited liability company.
- c. A member of a farmers cooperative association.
- d. A member of a farmers cooperative limited liability company.

10C.1(9) "Life science enterprise" or "enterprise" means a corporation or limited liability company organized for the purpose or using biotechnological systems or techniques for the production of life science products.