EDGEWOOD FEED MILL
BOX 366
EDGEWOOD, IA. 52040-0366

343-405

Prepared by: Eldon L. McAfee, 321 E. Walnut, Suite 200, Des Moines, Iowa 50309 515-237-1188

WAIVER OF SEPARATION DISTANCE

STATE OF IOWA )
) ss:
COUNTY OF DELAWARE )

RE: The South one-half (S 1/2) of the Southwest Quarter (SW 1/4) of Section Seven (7), Township Eighty Nine (89) North, Range Four (4), West of the Fifth P.M., and the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Twelve (12), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M, in Delaware County Iowa, EXCLUDING a parcel of land legally described as: COMMENCING at the Southeast (SE) Corner of the Southeast Quarter (SE 1/4) of Section Twelve (12), Township Eighty-nine North (T89N), Range Five West (R5W), of the Fifth Principal Meridian, Delaware County, Iowa; THENCE along the Southerly Line of said Southeast Quarter (SE 1/4) South 89° 57' 50" West 446.00 feet to the POINT OF BEGINNING;
THENCE continuing along said Southerly Line South 89° 57' 50" West 560.00 feet;
THENCE North 00° 02' 10" West 305.00 feet;
THENCE North 89° 57' 50" East 560.00 feet;
THENCE South 00° 02' 10" East 305.00 feet to the POINT OF BEGINNING;
Containing a total of 3.92 acres including 0.42 acres of public road right of way.

The undersigned, Patrick C. Maloney and Carolyn L. Maloney, husband and wife, are titleholders to the above described land ("benefitted land").

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Kevin J. Perrinjaquet, with Margaret Perrinjaquet, his wife; are titleholders of land legally described as:

COMMENCING at the Southeast (SE) Corner of the Southeast Quarter (SE 1/4) of Section Twelve (12), Township Eighty-nine North (T89N), Range Five West (R5W), of the Fifth Principal Meridian, Delaware County, Iowa;
THENCE along the Southerly Line of said Southeast Quarter (SE 1/4) South 89° 57' 50" West 446.00 feet to the POINT OF BEGINNING;
THENCE continuing along said Southerly Line South 89° 57' 50" West 560.00 feet;
THENCE North 00° 02' 10" West 305.00 feet;
THENCE North 89° 57' 50" East 560.00 feet;
THENCE South 00° 02' 10" East 305.00 feet to the POINT OF BEGINNING;

Containing a total of 3.92 acres including 0.42 acres of public road right of way.

Kevin J. Perrinjaquet and Margaret Perrinjaquet, plan to construct two swine confinement buildings on their land with formed manure storage and with total animal weight capacity of not more than 600,000 pounds. Pursuant to Iowa Code §455B.162 (1997), a separation distance of 750 feet is required between the confinement buildings and the undersigned's residence. Pursuant to Iowa Code §455B.165(3), the undersigned as titleholders to the benefitted land hereby waive the enforcement of this separation distance requirement between their residence and the confinement buildings. The waiver shall apply only to these buildings, with the type of manure storage and animal weight capacity as set out in this waiver, shall be perpetual, and shall run with the land.

Dated: Aug. 4, 1997.

Patrick C. Maloney

Carolyn L. Maloney

STATE OF IOWA, DELAWARE COUNTY, ss:

On this 4th day of August, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Patrick C. Maloney and Carolyn L. Maloney, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

RICHARD H. HOOD Iowa NOTARY PUBLIC

Richard H. Hood Notary Public

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