DELAWARE COUNTY IOWA
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DEBORAH L. PEYTON
DELAWARE CO. RECORDER
6.00

(X) Do not write above this line - recorder use only.

RETURN TO PREPARER: Farm Credit Services, 907 West Main, Manchester, IA 52057 — Dorothy Palmer (319)927-3159

5156 (1-98)

Farm Credit Services

WAIVER AND CONSENT TO CONSTRUCTION AND/OR OPERATION OF LIVESTOCK FACILITY

The undersigned are the titleholder(s) of the following described parcel of real estate upon which there exists a residence, to wit:

NW 1/4 SE 1/4, Section 18, T88N, R5W, Delaware County, Iowa.

The undersigned acknowledges that Larry D. Diercksen and Susan Schiess Diercksen, husband and wife, are titleholders of the following described tract of real estate, who plan to construct and/or operate a livestock feeding facility together with waste storage structures thereon, to wit:

Parcel C of Plat of Survey of Parcel C located in the Northwest Quarter of the Southeast Quarter of Section 18, Township 88 North, Range 5, West of the 5th P.M., according to Plat recorded in Book 8 Plats, Page 124 of the records of the Delaware County Recorder.

and Mortgagor's interest in and to an easement for ingress and egress from the County Road located East of Parcel C over and across that portion of the Northwest Quarter of the Southeast Quarter of Section 18, Township 88 North, Range 5, West of the 5th P.M. and legally described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 18; thence South 00°04'34" West 666.73 feet along the East line of said Northwest Quarter of the Southeast Quarter to the point of beginning; thence North 89°06'21" West 472.58 feet; thence North 00°04'34" East 80.00 feet; thence South 89°06'21" East 472.58 feet; thence South 00°04'34" West 80.00 feet to the point of beginning.

The undersigned hereby acknowledges and consents to the proposed construction and/or operation of a livestock feeding facility on the above described premises, waives any separation distance required by law, and agrees to hold the owners and operators of said premises and facility, and their heirs, successors and assigns, harmless, both in contract and tort, for the operation of said facility. This agreement shall constitute a covenant binding on the above tracts of real estate, shall be perpetual, and shall run with the land.

This waiver and consent shall be unconditional and irrevocable unless otherwise indicated herein and shall be recorded in the office of the Register of Deeds of the county in which the undersigned's land is located.

Larry D. Diercksen
Larry D. Diercksen

Susan E. Diercksen
Susan E. Diercksen

Date: July 13, 1998

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 13th day of July, 1998, before me, a Notary Public, personally appeared Larry D. Diercksen and Susan E. Diercksen to me known to be the person(s) named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Mark H Engelbrecht
Mark H. Engelbrecht - Notary Public

NOTARIAL SEAL IOWA
MARK H. ENGELBRECHT
MY COMMISSION EXPIRES

My commission expires December 8, 1999

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