DELAWARE COUNTY IOWA
FILED
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BOOK 2000 PAGE 2729
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$21.00

Daniel H. Swift	108 N. Madison Street	Manchester	319-927-4901
Preparer's Name	Street Address	City	Phone No.

WAIVER OF SEPARATION DISTANCE

State of Iowa, County of Delaware, ss:

RE: The West one-half (W ½) of the Southwest fractional Quarter (SWfr1/4) of Section Eighteen (18), Township Ninety (90) North, Range Four (4), West of the Fifth P.M.; and the South one-half (S ½) of the South one-half (S ½) of the Northeast Quarter (NE ¼), and the North one-half (N ½) of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼), and the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section Thirteen (13), Township Ninety (90) North, Range Five (5), West of the Fifth P.M.; the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Twelve (12), Township Ninety (90) North, Range Five (5), West of the Fifth Principal Meridian

Edward L. Funke and Lou Mae Funke are contractor vendors relating to said real estate. Rick L. Funke and Mary Funke are contract vendees relating to said real estate. Said Real Estate Contract is dated December 28th, 1992 and filed of record on the 31st day of December, 1992 in Book 130, Page 309 in the records of the Delaware County Recorder.

Community Savings Bank is contract assignee for security purposes, relating to said real estate.

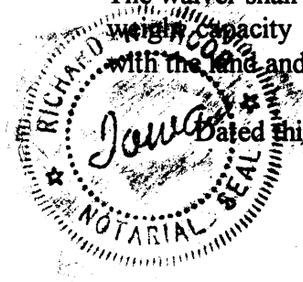
Rick L. Funke and Mary Funke are title holders to the above-described real land ("benefited land").

Nicklos J. Andersen and Leandra M. Andersen, husband and wife, are title holders of the following described real estate, to-wit:

That part of the Northwest Quarter of the Southwest Quarter of Section 18, Township 90 North, Range 4 West of the Fifth P.M., Delaware County, Iowa, described as follows:

Beginning at the West Quarter Corner of said Section 18; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing) along the North line of the Southwest Quarter of said Section 18, a distance of 1,376.44 feet to the East line of the Northwest Quarter of the Southwest Quarter of said Section 18, thence South 00 degrees 35 minutes 58 seconds West along said East line 350.00 feet; thence North 90 degrees 00 minutes 00 seconds West 600.00 feet; thence North 00 degrees 35 minutes 58 seconds East 290.00 feet; thence North 90 degrees 00 minutes 00 seconds West 777.03 feet to the West line of the Southwest Quarter of said Section 18; thence North 01 degrees 09 minutes 43 second East along said West line 80.01 feet to the point of beginning containing 5.90 acres, more or less

Nicklos J. Andersen and Leandra M. Andersen plan to construct two swine confinement buildings on their land with formed manure storage and with total animal weight capacity of not more than 625,000 pounds. Pursuant to Iowa Code Section 455B.162 (1999), a separation distance of 750 feet is required between the confinement buildings and the undersigneds' residence. Pursuant to Iowa Code Section 455B.165(3), the undersigned as title holders to the benefited 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. This Waiver shall be perpetual and shall run with the land and is binding upon the parties hereto, their heirs, successors and assigns.



Dated this 2 day of September, 2000.

Edward L. Funke

Edward L. Funke

Lou Mae Funke

Lou Mae Funke

Subscribed and sworn to before me this 2 day of September, 2000, by Edward L. Funke and Lou Mae Funke.

Richard W. Hood

Notary Public in and for the State of Iowa

Rick L. Funke

Rick L. Funke

Mary Funke

Mary Funke

RICHARD H HOOD NOTARIAL SEAL

Subscribed and sworn to before me this 2 day of September, 2000, by Rick L. Funke and Mary Funke.

Notary Public in and for the State of Iowa

Nicklos J. Andersen

Nicklos J. Andersen

Leandra M. Andersen

Leandra M. Andersen

Subscribed and sworn to before me this 6th day of September, 2000, by Nicklos J. Andersen and Leandra M. Andersen.

TERESA GERST NOTARY IOWA PUBLIC BLACK HAWK COUNTY

Notary Public in and for the State of Iowa 5/27/01

COMMUNITY SAVINGS BANK

By Brian L. Pralle

Brian L Pralle

THE IOWA STATE BAR ASSOCIATION Official Form No. 182	Daniel H. Swift ISBA # 5400	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

STATE OF IOWA, COUNTY OF Delaware, ss:

On this 11th day of September, 2000, before me, the undersigned, a Notary Public in and for the said State, personally appeared Brian L. Pralle and _____, to me personally known, who being by me duly sworn, did say that they are the Vice President and _____, respectively, of the corporation executing the within and foregoing instrument **to which this is attached,** that (~~no seal has been procured by the~~) (the seal affixed thereto is the seal of the) corporation; that the instrument was signed **(and sealed)** on behalf of the corporation by authority of its Board of Directors; and that Brian L. Pralle and _____ as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by them voluntarily executed.

RACHEL L. LEYTEM
MY COMMISSION EXPIRES
5-18-2001

Rachel L. Leytem, Notary Public in and for said State.

(Section 558.39, Code of Iowa)

COMMUNITY SAVINGS BANK
CORPORATE SEAL
DENISON, IOWA

Mari Ihly Assistant Cashier

Acknowledgment: For use in the case of corporations

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