Elk Ridge L.C.
2818 Cottage
Cedar Falls, IA
50613

DELAWARE COUNTY IOWA
FILED
2001 NR 15 AM 9:19
BOOK 2001 PAGE 842
DEBORAH L. PEYTON
DELAWARE COUNTY RECORDER
16.00

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:

The Northwest Quarter of the Southwest Quarter, and the North half of the Southwest Quarter of the Southwest Quarter of Section Seventeen; and the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southeast Quarter, and the South thirty one and one-half acres of the Northeast Quarter of the Southeast Quarter, and the North half of the Southeast Quarter of the Southeast Quarter of Section Eighteen; and that parcel of land in the Northeast corner of the Northeast Quarter of the Southeast Quarter and in the Southeast corner of the Southeast Quarter of the Northeast Quarter of said Section Eighteen described as commencing seventeen rods South of Quarter post on the East side of said Section Eighteen, and running thence North thirty three rods, thence West two and fourteen thirty thirds rods, thence South thirty three rods, thence East two and fourteen thirty thirds rods to beginning, all of the foregoing being in Township Ninety North, Range Four, West of the Fifth P.M., in Delaware County, Iowa; subject to electric line easements and highways

Daniel A. Bockenstedt and JoAnn D. Bockenstedt, husband and wife, are the Owners of the above-described real estate.

Elk Ridge L.C., is title holder of the following described real estate, to-wit:

Parcel B, Section 18, T90N, R4W of the 5th P.M., Delaware County, Iowa, according to Plat of Survey recorded with the Delaware County Recorder's Office in Book 2001, Page 222.

Nicklos J. Andersen and Leandra M. Andersen and Elk Ridge L.C. 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.



Daniel A. Bockenstedt

JoAnn D. Bockenstedt

Subscribed and sworn to before me this 15th day of March, 2001, by Daniel A. Bockenstedt and JoAnn D. Bockenstedt.

Notary Public in and for the State of Iowa

ELK RIDGE L.C.

By

Nicklos J. Andersen, Officer

STATE OF IOWA, COUNTY OF Delaware, ss:

On this 14 day of March, 2001, before me, a Notary Public in and for the said State, personally appeared Nicklos J. Andersen, to me personally known, who being by me duly sworn did say that that person is Officer (Insert title of executing member) of said limited liability company, that (~~the seal affixed to said instrument is the seal of said~~) (no seal has been procured by the said) limited liability company and that said instrument was signed (~~and sealed~~) on behalf of the said limited liability company by authority of its managers and the said Nicklos J. Andersen acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.

RICHARD H HOOD Iowa NOTARIAL SEAL

Richard H Hood, Notary Public in and for said State.

(Section 558.39, Code of Iowa)

Acknowledgment: For use in the case of limited liability companies

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