Harry + Kathy Wulfekuhle
2156 - 102nd St.
Edgewood, IA 52042

Book 2006 Page 1987

Document 2006 1987 Type 06 018 Pages 3
Date 6/01/2006 Time 1:32 PM
Rec Amt $17.00

DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

WAIVER OF MINIMUM DISTANCE REQUIREMENT
Recorder's Cover Sheet

Preparer Information:
Thomas J. Hanson, 401 East Main Street, Manchester, (563) 927-5920

Taxpayer Information:

Kevin Heims

Return Address
Thomas J. Hanson
401 E. Main Street
Manchester, Iowa 52057

Grantors:

Kevin Heims

Grantees:

Harold Wulfekuhle, Jr.

Legal Description:

Document or instrument number if applicable:

WAIVER OF MINIMUM DISTANCE REQUIREMENT

The undersigned, Kevin Heims, a single person, is the owner of a residence located in the Southwest Quarter of Section Thirty-six (36), Township Ninety-one (91N) North, Range Five (R5), West of the 5th P.M., Clayton County, Iowa.

That Harold J. Wulfekuhle, Jr. and/or entity solely owned by Harold J. Wulfekuhle, Jr. proposes to construct a swine production facility on real estate located in Northwest Quarter of the Northeast Quarter of Section One (1), Township Ninety (90N), Range Five (R5), West of the 5th P.M., Delaware County, Iowa .

AND FURTHER, regulations by the Iowa Department of Natural Resources require that no such swine production facility shall be constructed within 1250 feet of a residence. That the residence of the undersigned, Kevin Heims, a single person will be within 1250 feet of said proposed swine production facility.

The undersigned, in consideration of the sum of $1.00 and other valuable consideration, paid by the said Harold J. Wulfekuhle, Jr. to the undersigned, consents to the construction of said swine production facility at a location that will be less than 1250 feet from his residence. That the undersigned waives the minimum distance requirement of 1250 feet for the construction of a swine production facility to be constructed by the said Harold J. Wulfekuhle, Jr., and/or an entity solely owned by him at the location described above. This Waiver of Minimum Distance Requirement shall run with the land and be binding upon the undersigned, his heirs, successors and assigns.

Dated this 30 day of May, 2006.

Kevin Heims

Kevin Heims

State of Iowa)
) ss:
County of Delaware)

On this 30 day of May, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Kevin Heims, a single person, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Sue Basten

Notary Public in and for the State of Iowa

Sue Basten
Iowa Notarial Seal
Commission Number: 198529
My Commission Expires: 09-21-07