Book 2008 Page 370
Document 2008 370 Type 03 006 Pages 3
Date 2/08/2008 Time 3:00:27PM
Rec Amt $17.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

ENV.
Steve Sheppard
2120 330th St
Coggon, IA 52218

Preparer Information:
Daniel H. Swift, 108 N. Madison St., PO Box 207, Manchester, Iowa 52057 563-927-4901
Preparer's Name Street Address City Phone No.
Return to: Steve Sheppard, 2120 330th St., Coggon, IA 52218

MANURE EASEMENT AND AGREEMENT

WHEREAS, Steven J. Sheppard and Mary K. Sheppard, husband and wife, own and rent the following described real estate located in Delaware County, Iowa, to-wit:

NW ¼ and E ¾ of NW ½ of SW ¼ Section 24, Hazelgreen Township;
SE ¼ of SW ¼ & S ½ of SE ¼ of SE ¼ Section 13, Hazelgreen Township;
and S ½ of NE ¼ and N ½ of SW 1/4 , Union Township, Delaware County, Iowa

AND WHEREAS Adam S. Sheppard owns the following described real estate located in Delaware County, Iowa, to-wit:

Parcel C, Part Of The SE ¼ - SW ¼, Sec. 13, T87N, R5W Of The Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2005, Page 3333

on which said Adam S. Sheppard operates a hog finishing complex.

NOW, THEREFORE, in consideration of the mutual covenants and agreements stated herein and other valuable and good consideration, it is agreed between the parties as follows:

A. Steven J. Sheppard, Mary K. Sheppard, and Sheppard Family Farms, Inc., grant to Adam S. Sheppard an easement to apply manure produced from the Adam Sheppard facility located upon the real estate described herein consistent with the Manure Management Plan previously approved by the Iowa Department of Natural Resources in connection with said hog finishing facility.

The parties hereto agree the manure shall be provided by Adam S. Sheppard to Steven J. Sheppard, Mary K. Sheppard, and Sheppard Family Farms, Inc. free of charge by Adam S. Sheppard.

Steven J. Sheppard, Mary K. Sheppard and Sheppard Family Farms, Inc., agree to pay all hauling and application costs associated with the transfer and application of the manure and agree to

comply with all regulations, rules, ordinances and statues of the Iowa Department of Natural Resources and the Iowa Code and the Manure Management Plan existing for the facility owned by Adam S. Sheppard.

Manure application under this agreement shall conform with DNR approved plan and shall not exceed rate approved by said plan. In addition, application of manure shall be approved by Steven J. Sheppard and/or Mary K. Sheppard and/or Sheppard Family Farms, Inc. for time and manner of application other than as specifically set forth herein.

The parties hereto agree Steven J. Sheppard and/or Mary K. Sheppard and/or Sheppard Family Farms, Inc., may terminate this Agreement at any time at their sole option.

This Agreement is binding upon Adam J. Sheppard, his heirs, successors and assigns and may not be terminated without the express written consent of Steven J. Sheppard and/or Mary K. Sheppard and/or Sheppard Family Farms, Inc.

Steven J. Sheppard

Mary K. Sheppard

STATE OF IOWA, COUNTY OF Delaware, ss:

I, Steven J. Sheppard and Mary K. Sheppard, being first duly sworn on oath, depose and state that I have read the foregoing Manure Easement and Agreement and the statements and allegations contained therein are true and correct to the best of my present knowledge, belief and information.

Steven J. Sheppard

Mary K. Sheppard

Subscribed and sworn to before me this 8th day of February, 2008.

Notary Public in and for the State of Iowa

AMY J. BLUMER
Commission Number 186476
My Comm. Exp. 9/5/08

SHEPPARD FAMILY FARMS, INC.

By _____
Steven J. Sheppard, President

STATE OF IOWA, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on the 8th day of February, 2008, by Steven J. Sheppard, as President of Sheppard Family Farms, Inc.

Subscribed and sworn to before me this 8th day of February, 2008.

AMY J. BLUMER
Commission Number 186416
My Comm. Exp. 9/5/08

_____
Notary Public in and for the State of Iowa

_____
Adam S. Sheppard

STATE OF IOWA, COUNTY OF Delaware, ss:

I, Adam S. Sheppard, being first duly sworn on oath, depose and state that I have read the foregoing Manure Easement and Agreement and the statements and allegations contained therein are true and correct to the best of my present knowledge, belief and information.

_____
Adam S. Sheppard

Subscribed and sworn to before me this 23rd day of January, 2008.

AMY J. BLUMER
Commission Number 186416
My Comm. Exp. 9/5/08

_____
Notary Public in and for the State of Iowa