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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

E&J

Return to: Terry Recker, 3090 190th Ave., Ryan, IA 52330
Prepared by: Rebecca Sexton, 2203 Ogden Avenue, Rockwell City, Iowa 50579 (712) 297-5530

SEPARATION DISTANCE WAIVER

STATE OF IOWA, COUNTY OF DELAWARE, ss:

In re: Pt SE¼ SE¼ Section 16, T87N R5W, Hazel Green Township, Delaware County, Iowa

This waiver of separation affecting the following described property in Delaware County, Hazel Green Township, legally described as: (see page 2) ~~SE¼ SE¼ Section 16~~ Hazel Green Township, Delaware County, Iowa with 911 addresses of 3087 190th AVE located in Ryan, Iowa. John & Laurie Denestitleholder to the above described property and has every legal authority to sign this separation distance waiver.

The following is where the livestock operation will be located:

SW ¼ SW ¼ Section 15, T87N R5W, Hazel Green Township, Delaware County, Iowa;

This site has an address 3090 190th Street; Ryan, Iowa 52330 and will be locally known as *Recker Farms*. Recker Farms plans to construct a deep pit formed manure structure, tunnel ventilated confinement building with an animal unit capacity of 480 (1200 actual animal capacity). Pursuant to Iowa Code §459.202 (2007), a separation distance of **750** feet is required between the formed manure structure and the undersigned's land where the residence is located. Pursuant to

Iowa Code §459.205 (2)(2007), the undersigned as titleholder to the land where the residence is located hereby waives the enforcement of this separation distance requirement between the residence and this formed manure structure. This waiver shall apply only to the livestock facilities described in this agreement, it shall be perpetual and shall run with the land.

5-1-12
Date

by: JOHN J. DENES

5-1-12
Date

by: LAURIE A. DENES

State of Iowa, Delaware County,

On this 1st day of May, 2012 before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared John J. Denes and Laurie A. Denes, to me known to be the identical person(s) named, in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

NANCY A. DUNKEL
Commission Number 133710
My Commission Expires
5-22-12

Notary Public

Legal Description: That part of SE 1/4 of the SE 1/4 of Sec 16, Twp 87 North, Range 5, W of the 5th PM described as Commencing at a point 58 1/2 rods N of the SE corner of said Sect 16 and running thence S 238' and 6" to point of beginning, thence W 142.0', thence S 80.00', thence E 142.0' to the E line of said Sec 16, thence N 80.00' to point of beginning. TR