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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Do not write or type above this line; for recorder use only.

FORM 5156 (7-2012)

ENV

RETURN TO PREPARER: Farm Credit Services of America, 1301 W Main Street, Manchester, IA 52057 — Tracy L. Fonck, 563-927-3159

CTL 2: 300 CTL 3: 122 Customer No: 98561 Note No:

Farm Credit Services of America

WAIVER AND CONSENT TO CONSTRUCTION AND/OR OPERATION OF LIVESTOCK FACILITY

The undersigned are the titleholder(s) of the following described parcel of real estate upon which there exists a residence, to wit:

Sec. **Twp.** **Rg.**

The Southeast ¼ of the Northeast ¼ and the East ½ of the Southeast ¼ of Section 1, Township 90 North, Range 7 West of the 5th P.M., Buchanan County, Iowa.

Locally known as: 1045 Buchanan-Delaware Avenue, Lamont, Iowa 50650

The undersigned acknowledges that C & K Pork, Inc. ("Operator") are titleholders of the following described tract of real estate, who plan to construct and/or operate a livestock feeding facility together with waste storage structures thereon ("Facility"), to wit:

Sec. **Twp.** **Rg.**

Parcel A in the NW¼ of the SW¼ of Section 6, Township 90 North, Range 6 West of the 5th Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2002, Page 704; also the easement for ingress and egress described as: Beginning at the West Quarter corner of said Section Six (6), thence North 88° 20' 54" East five hundred twenty seven and twelve hundredths (527.12) feet along the North line of the Southwest Quarter (SW¼) of said Section Six (6), thence South 00° 04' 07" East fifty and two hundredths (50.02) feet, thence South 88° 20' 54" West five hundred twenty seven and twelve hundredths (527.12) feet to the West line of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section Six (6), thence North 00° 04' 07" West fifty and two hundredths (50.02) feet along said West line to the point of beginning.

For the benefit of Operator, their heirs, successors and assigns, and any other party that claims by or through Operator any right, title or interest in and to the Facility, specifically including Farm Credit Services of America, FLCA and/or Farm Credit Services of America, PCA (collectively "FCSAmerica"), the undersigned hereby acknowledge and consent to the proposed construction and/or operation of the Facility on the above described premises, waive any separation distance required by law, and agree to hold Operator, their heirs, successors and assigns, and any other party that claims by or through Operator any right, title or interest in and to the Facility, specifically including FCSAmerica, harmless, both in contract and tort, for the operation of the Facility. This Waiver and Consent to Construction and/or Operation of Livestock Facility shall constitute a covenant binding on the above tracts of real estate and shall inure to the benefit of Operator, their heirs, successors and assigns, and any other party that claims by or through Operator any right, title or interest in and to the Facility, specifically including FCSAmerica,

This Waiver and Consent to Construction and/or Operation of Livestock Facility shall be unconditional and irrevocable unless otherwise indicated herein.

Kevin D. Baumgartner

Lisa M. Baumgartner

Douglas A. Baumgartner

Lori J. Bamugartner

STATE OF IOWA)
) ss
COUNTY OF Delaware)

On this 27th day of August, 2012, before me, a Notary Public, personally appeared Kevin D. Baumgartner and Lisa M. Baumgartner, husband and wife, to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

(SEAL)

Tracy L. Fonck Notary Name
Notary Public in and for said County and State

My commission expires 7-8-2014

TRACY L. FONCK
Commission Number 223445
My Commission Expires
7-8-2014

STATE OF IOWA)
) ss
COUNTY OF Delaware)

On this 28th day of August, 2012, before me, a Notary Public, personally appeared Douglas A. Baumgartner and Lori J. Baumgartner, husband and wife, to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

(SEAL)

Tracy L. Fonck
Tracy L. Fonck Notary Name
Notary Public in and for said County and State

My commission expires 7-8-2014

NOTARIAL SEAL IOWA
TRACY L. FONCK
Commission Number 223445
My Commission Expires
7-8-2014