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Document 2015 979 Type 06 006 Pages 5
Date 4/27/2015 Time 8:59:34AM
Rec Amt $27.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By: Janette S. Voss, 301 East Main Street, Anamosa, IA 52205
Return Document To: RBI FAMILY FARMS, LLC, 2914 180th Ave, Ryan, IA 52330

WAIVER OF REQUIRED SETBACK DISTANCE FOR LIVESTOCK CONFINEMENT BUILDING

THIS AGREEMENT is made this 25th day of April, 2015, between **Randy J. Lynn and Tina M. Lynn**, husband and wife, whose address is 2915 180th Avenue, Ryan, IA 52330, and who are referred to this Agreement as Grantors, and **Bernadette A. Ryan, Michael J. Ryan and John F. Ryan, Trustees of the Trust Established Under Article VI of the Last Will and Testament of Joseph A. Ryan, Deceased and RBI Family Farms, LLC**, whose address is 2914 180th Avenue, Ryan, IA 52330, and who are referred to in this Agreement as Grantees.

Recitals

1. Ownership of real estate.

a. Grantors as the owners of real estate located in Delaware County, Iowa, and described as follows:

> **That part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Eight (8), Township Eighty Seven (87) North, Range Five (5), West of the Fifth P.M., described as commencing at the Northeast corner of the South one-half (S ½) of said Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) and running thence South ten (10) rods, thence West forty eight (48) rods, thence North ten (10) rods, thence East forty eight (48) rods to the place of beginning.**

b. Grantees are the owners of real estate located in Delaware County, Iowa, and described as follows:

The Northwest Quarter (NW¼) of Section Nine (9), Township Eighty-Seven (87) North, Range Five (5) West of the 5th P.M. subject to highways and easements of record, expect the following described portion thereof:

Commencing at the northwest corner of said Northwest Quarter (NW¼) thence proceeding south along the west line of said Northwest Quarter (NW¼) a distance of 550 feet to the point of beginning; thence due east a distance of 245 feet to a point; thence due south a distance of 345 feet to a point; thence due west a distance of 245 feet to a point on the west line of said Northwest Quarter; thence due north along the west line of said Northwest Quarter a distance of 345 feet to the place of beginning.

AND

The North One-Half (N½) of the Southwest Quarter (SW¼) of Section Four (4), Township Eighty-Seven (87) North, Range Five (5) West of the 5th P.M. in Delaware County, Iowa, subject to highways and easements of record.

2. Grantees desire to construct a livestock confinement building (hereafter Livestock Confinement) on their property.

3. The Iowa Administrative Code currently requires a setback of 1250 feet between the Livestock Confinement and a residence in an unincorporated area.

4. Grantees desire to construct the Livestock Confinement at a distance of 675 feet to the Grantors' residence.

5. Grantee, **RBI Family Farms, LLC**, is a member managed limited liability company and Michael J. Ryan is a member and is authorized to act on behalf of RBI Family Farms, LLC. This agreement is entered into in the ordinary course of RBI Family Farms, LLC's business, all members have consented to this agreement and have authorized Michael J. Ryan to act on behalf of RBI Family Farms, LLC.

Terms

In consideration of the mutual promises, warranties and covenants contained in this Agreement, the parties agree as follows:

1. Waiver of required setback distance. Grantors approve of Grantees' plans to construct a Livestock Confinement at a distance of 675 feet from the Grantors' residence even though the Iowa Administrative Code currently requires a setback distance of 1250 feet. Grantors hereby waive any right or cause of action created by said setback requirements under the Code of Iowa.

This waiver shall run with the land and shall be binding upon the parties' heirs, successors and assigns.

2. **Construction and maintenance.** Grantees agree to maintain the Livestock Confinement according to all state and county regulations. Grantees will maintain the Livestock Confinement in order to minimize potential damage to Grantors' property and prevent interference with Grantors' use of their property.

3. **Prohibition against expansion of Livestock Confinement without approval.** Grantees agree that any expansion of the Livestock Confinement, regardless of direction of expansion, shall require written approval by Grantors. Written approval of the Grantors is required only for the expansion of this Livestock Confinement.

4. **Liability insurance.** Grantees agree to obtain and maintain liability insurance to insure the Livestock Confinement.

5. **Arbitration.** If any differences shall arise between the parties as their rights or liabilities under this Agreement the difference shall be determined by a panel of three arbitrators. One arbitrator shall be selected by each of the parties. The two arbitrators shall select a third. The decision of the majority of the arbitrators shall be final as to the contents and interpretation of this Agreement and as to the proper mode of carrying the decision into effect.

Signed this 25 day of April, 2015, by Grantors.

Randy J. Lynn, GRANTOR

Tina M. Lynn, GRANTOR

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

This instrument was acknowledged before me on this 25th day of April, 2015 by Randy J. Lynn.

JAMES P. GUDENKAUF
Commission Number 708504
My Commission Expires
12-28-2016

Notary Public in and for said State

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

This instrument was acknowledged before me on this 23rd day of April, 2015 by Tina M. Lynn.

JAMES P. GUDENKAUF
Commission Number 708564
My Commission Expires
02-28-2016

Notary Public in and for said State

Signed this 23rd day of April, 2015, by GRANTEES, The Trust Established Under Article VI of the Last Will and Testament of Joseph A. Ryan, Deceased and RBI Family Farms, LLC.

THE TRUST ESTABLISHED UNDER ARTICLE VI OF THE LAST WILL AND TESTAMENT OF JOSEPH A. RYAN, DECEASED

BY: Bernadette A. Ryan, Trustee

BY: Michael J. Ryan, Trustee

BY: John F. Ryan, Trustee

RBI FAMILY FARMS, LLC

BY: Michael J. Ryan,
Member of RBI Family Farms, LLC

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

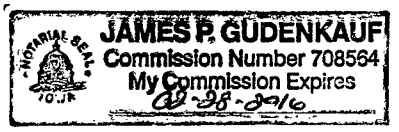
This instrument was acknowledged before me on this 25th day of April, 2015 by Bernadette A. Ryan, Michael J. Ryan and John F. Ryan as Trustees of the Trust Established Under Article VI of the Last Will and Testament of Joseph A. Ryan as such fiduciaries.

JAMES P. GUDENKAUF
Commission Number 708564
My Commission Expires
02-28-2016

Notary Public in and for said State

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

This instrument was acknowledged before me on this 25th day of April, 2015 by Michael J. Ryan, Member of RBI Family Farms, LLC.



Notary Public in and for said State