Recorded: 5/12/2015 at 11:56:49.0 AM
Fee Amount: $12.00
Revenue Tax:
Delaware County, Iowa
DEBORAH PEYTON, RECORDER
BK: 2015 PG: 1170

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

FORM 5156 (9-2012)

Return to Preparer: Farm Credit Services of America, FLCA
1301 W Main Street, Manchester, IA 52057

Tracy L. Fonck
563-927-3159

CTL 2: 101 CTL 3: 122 Customer No: 390859 Note No: 101

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, to wit:

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

Southwest Quarter (SW¼) of Section One (1), Township Eighty-nine (89) North, Range Four (4) West of the Fifth Principal Meridian, except easements of record.

The undersigned acknowledges that Mullis Pork, LLC ("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.**

The East Five Hundred (500) feet of the South Three Hundred Seventy-Five (375) feet of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Two (2), Township Eighty-Nine North (T89N), Range 4 West of the 5th P.M., Delaware County, Iowa, subject to easements of record.

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.

LeRoy B. Mullis, Trustee of the LeRoy B. Mullis Revocable Inter Vivos Trust

Elaine Mullis, Trustee of the Elaine Mullis Revocable Inter Vivos Trust

STATE OF Iowa)
) ss
COUNTY OF Delaware)

On this 12th day of May, 2015, before me, a Notary Public, personally appeared LeRoy B. Mullis Trustee(s) for the LeRoy B. Mullis Revocable Inter Vivos Trust to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed as such Trustee(s) for the purposes therein mentioned.

(SEAL) ELAINE MARY DIESBURG Commission Number 177512 My Commission Expires 1-19-16

My commission expires 1-19-16

Elaine Mary Diesburg
Notary Public in and for said County and State

STATE OF Iowa)
) ss
COUNTY OF Delaware)

On this 12th day of May, 2015, before me, a Notary Public, personally appeared Elaine Mullis Trustee(s) for the Elaine Mullis Revocable Inter Vivos Trust to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed as such Trustee(s) for the purposes therein mentioned.

(SEAL) ELAINE MARY DIESBURG Commission Number 177512 My Commission Expires 1-19-16

My commission expires 1-19-16.

Elaine Mary Diesburg
Notary Public in and for said County and State