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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Distance Waiver Agreement

Preparer information:

Jason A. Wenger P.E.
Burrington Group, Inc.
105 West Main Street
Manchester, IA 52057

Taxpayer information:

Richard & Marlene Bishop
1720 240th Street
Manchester, IA 52057

Return Document to:

Jason A. Wenger P.E.
Burrington Group, Inc.
105 West Main Street
Manchester, IA 52057

Grantors:

Richard & Marlene Bishop
1720 240th Street
Manchester, IA 52057

Grantees:

Bishop Swine, LLC
1764 240th Street
Manchester, IA 52057

Legal Description is located on page: 2

Document or instrument number of previously recorded documents:

SEPARATION DISTANCE WAIVER AND AGREEMENT

THIS SEPARATION DISTANCE WAIVER AND AGREEMENT ("Agreement") is made as of the 28th day of April, 2016, between the undersigned Richard D. Bishop and Marlene K. Bishop, husband and wife and residents of the State of Iowa ("Owners") and Bishop Swine, LLC, an Iowa Corporation ("Producer"), and provides as follows:

1. Owners own a residence and/or hold title to land which is benefited by applicable separation distance(s) from animal feeding operation structure(s) (collectively, the "AFOS") owned and/or operated by Producer. The legal description of the land owned by Owners and on which the residence or Owners is located as written on Warranty Deed Book 2005 Page 1794 as recorded in the office of the Delaware County Recorder dated 5/24/2005 is as follows.

Description: Lot 2 of the Survey and Plat of part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 8, Township 88 North, Range 5 West of the 5th P.M. in Delaware County, Iowa, recorded in Book 6 Plats, Page 144 of the records of the Delaware County Recorder.

AND

The North 500 feet of the East 550 feet of the West one-half (W ½) of the Northwest Quarter (NW ¼) of Section Seventeen (17), Township Eighty Eight (88) North, Range Five (5), West of the 5th P.M., except the East 220 feet thereof.

Address: 1720 240th Street, Manchester, IA 52057

2. The legal description of the property on which Producer owns and operates the AFOS is as follows:

SW ¼ of SW ¼ of Section 8, T88N, R05W, Delaware County, Iowa

AND

The North 500 feet of the East 220 feet of the West one-half of the Northwest Quarter of Section 17, Township 88 North, Range 5, West of the 5th P.M. in Delaware County, Iowa subject to highways and easements of record

3. Owners hereby waive applicable separation distances required to be maintained between the proposed AFOS and the residence of Owners. This agreement shall (1) be valid for the proposed AFOS only; (2) run with the land described above to which Owners hold title; (3) is binding on the heirs, assigns, successors, and transferees of Owners; and (4) is intended by Owners and Producer to be a valid and complete waiver of all separate distance requirements for AFOS provided in the Iowa

Code, including, without limitation, the requirement of Iowa Code Sections 459.202, 459.203 and 459.204.

BISHOP SWINE, LLC

By: _____

Douglas R. Bishop, Managing Member

Date: April 28 2016

RESIDENCE OWNER(S)

_____

Richard D. Bishop

_____

Marlene K. Bishop

Date: April 28 2016

State of Iowa)
)
County of Delaware) ss:

On this 28th day of April A.D. 2016, before me a Notary Public in and for said State, personally appeared Douglas R. Bishop * to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

*Managing Member of Bishop Swine, LLC

_____

Notary Public in and for said State

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-2018

State of Iowa)
)
County of Delaware) ss:

On this 28th day of April A.D. 2016, before me a Notary Public in and for said State, personally appeared Richard D. Bishop and Marlene K. Bishop to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

_____

Notary Public in and for said State

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-2018