Recorded: 3/2/2017 at 3:55:50.0 PM
Fee Amount: $12.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2017 PG: 628

Space Above This Line For Recorder

Prepared by/Return to Information: Matthew J. Hektoen
Simmons Perrine Moyer Bergman, PLC 115 Third St. SE, Suite 1200, Cedar Rapids, IA 52403 (319) 366-7641

WAIVER OF RIGHT OF FIRST REFUSAL

RE: Parcel "AA" being part of the Northwest Quarter of the Northeast Quarter (NW ¼-NE ¼), part of the Southwest Quarter of the Northeast Quarter (SW ¼ –NE ¼), part of the Southeast Quarter of the Northeast Quarter (SE ¼-NE ¼), part of the Northeast Quarter of the Southeast Quarter (NE ¼ –SE ¼), and part of Lot Thirty (30) of The Cedars Sub-division in the Northwest Quarter of the Southeast Quarter (NW ¼-SE ¼); all in Section Fourteen (14), Township Eighty-eight (88) North, Range Five (5) West of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 49.76 acres, more or less.

(the "*Real Estate*").

THIS WAIVER OF RIGHT OF FIRST REFUSAL (the "*Waiver*") is made by Kevin Harbach ("*Harbach*") this 5th day of January, 2017.

WHEREAS, Lake Delhi Recreation Association, an Iowa non-profit corporation (the "*LDRA*") granted to Harbach certain preemptive rights (the "*Right of First Refusal*") with respect to the sale of the Real Estate all as more particularly set forth in that certain Right of First Refusal recorded October 27, 2009 in Volume 2009, Page 4054 of the records of the Delaware County, Iowa Recorder.

WHEREAS, the LDRA desires to convey and the Lake Delhi Combined Facility and Water Quality District (the "*District*") desires to accept title to the Real Estate (the "*Transfer*") for purposes of facilitating dredging of "*Lake Delhi*".

WHEREAS, the Transfer will be made pursuant to a deed (the "*Deed*") to be executed by the LDRA.

WHEREAS, Harbach desires to waive the Right of First Refusal with respect to the Transfer.

NOW, THEREFORE, in consideration of good and valuable consideration, Harbach agrees as follows:

1. Waiver of Right of First Refusal. Harbach hereby waives his right to enforce the Right of First Refusal with respect to the Transfer.

2. Right to Confirm. The undersigned hereby consents to and authorizes the District to file an affidavit with the Delaware County, Iowa Recorder, which affidavit will supplement this Waiver by referencing the book and page designation give to the Deed by the Linn County, Iowa Recorder when said information is known.

3. No Effect. Except for the waiver contemplated herein, the Right of First Refusal remains in full force and effect and the undersigned reserves any other rights or causes of action it may have.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Waiver the day and year first above written.

Kevin Harbach

Kevin Harbach

STATE OF IOWA)
) SS:
COUNTY OF Linn)

This instrument was acknowledged before me on 1/5/17, 2017 by Kevin Harbach.

MATTHEW J HEKTOEN
Commission Number 745233
My Commission Expires
February 8, 2019

Notary Public - State of Iowa
My Commission Expires: 2/8/19

THE UNDERSIGNED HEREBY WAIVES ANY RIGHTS, INCLUDING DOWER, DISTRIBUTIVE SHARE, HOMESTEAD OR OTHER INCHOATE RIGHTS, IN THE RIGHT OF FIRST REFUSAL

Nancy Harbach

Nancy Harbach

STATE OF IOWA)
) SS:
COUNTY OF Linn)

This instrument was acknowledged before me on 1/5/17, 2017 by Nancy Harbach.

MATTHEW J HEKTOEN
Commission Number 745233
My Commission Expires
February 8, 2019

Notary Public - State of Iowa
My Commission Expires: 2/8/19