

BK: 2019 PG: 3355
Recorded: 10/22/2019 at 11:31:41.0 AM
Pages 2
County Recording Fee: \$12.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$15.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

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, 700 Senate Avenue, Red Oak, IA 51566, Sharmyn Brockshus,
Telephone: 712-623-5181

Customer No: 799769 Acct No: 3211981

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:

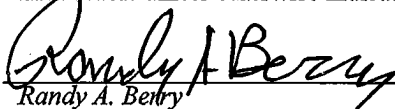
S½ NE¼ of Section 15, Township 74 North, Range 28, West of the 5th P.M., EXCEPT Parcel B as shown on Plat of Survey filed in Book 2019, Page 2306 on July 29, 2019, in the Office of the Recorder, Madison County, Iowa

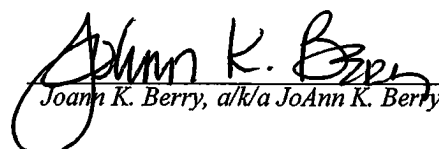
The undersigned acknowledges that Berry Swine Farm LLC ("Operator") are titleholders of the following described tract of real estate, who plan to construct and/or operate a livestock feeding facility together with waste storage structures thereon ("Facility"), to wit:

Parcel "B" located in the S½ NE¼ of Section 15, Township 74 North, Range 28, West of the 5th P.M., Madison County, Iowa, containing 7.50 acres, as shown in Plat of Survey filed in Book 2019, Page 2306 on July 29, 2019, in the Office of the Recorder of Madison County, Iowa

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.


Randy A. Berry


JoAnn K. Berry, a/k/a JoAnn K. Berry

STATE OF IOWA)
COUNTY OF Madison) ss

On this 21st day of October, 2019, before me, a Notary Public, personally appeared Randy A. Barry and Joann K. Berry, a/k/a JoAnn K. Berry, 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)



Doug Dickinson

Doug Dickinson

My commission expires 1-16-21.

Notary Public in and for said County and State