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LISA SMITH, COUNTY RECORDER
MADISON IOWA

CHEK

CORRECTION
Easement and Waiver of Separation Distance

Prepared by: Pinnacle, 620 Country Club Rd, Iowa Falls, IA 50126
641-448-7300

Return to: Pinnacle " "

Address:

1. Re: Grantor's property: [legal description]

2. And concerning Grantee's property and site of the Swine Facility: [legal description]

} see
page 5

Grantees: 3B Family Farms

Grantors: Brent + Tereasa Ooss

3 pages

Corrects Esmt recorded 5-8-07 in
Book 2007, Page 1929 re animal units

Easement and Waiver of Separation Distance

Grantor consents and acquiesces to the activities conducted on Grantee's property, the construction and operation of a Swine Facility and therefore covenants for themselves, and for Grantor's successors, heirs and assigns (as a restrictive covenant running with the land) to not make any claim or assert any cause of action against the Grantee or Grantee's successors, heirs and assigns for construction of a Swine Facility or its operation, including, without limitation, causes of action or claims for nuisance, trespass, easement or any other legal or equitable theory. Grantor further waives the enforcement of any county, state or federal regulation or law regarding the emission of any odors, gases, vapors or other airborne pollutants from the Swine Facility.

In addition and without limitation of the foregoing, Grantor grants to Grantee and Grantee's successors, heirs and assigns a perpetual easement (as an easement appurtenant running with the land) for the Swine Facility (as currently proposed as provided herein), on and over the Grantor's real estate for use by the Swine Facility to emit odors or other gases or vapors produced by the Swine Facility.

The undersigned are titleholders to the above-described property ("benefited property"), property #1. See Attachment are titleholders to the above-described property, property #2. See Attachment plan to convey a portion of their property to 38 Family Farms to construct a Swine Facility with ONE confinement buildings and concrete manure storage pits located beneath each building (covered formed manure storage structures) on property #2. The Swine Facility is planned to have an animal unit capacity of 996 animal units. Pursuant to Iowa Code §459.202(1) (2005), a separation distance of 1250 feet is required between the covered formed manure storage structures and the undersigned's land where the residence is located. Pursuant to Iowa Code §459.205(2)(2005), the undersigned as titleholders to the land where the residence is located hereby waive the enforcement of this separation distance requirement between the Grantors' residence and the covered formed manure storage structures. This waiver shall apply only to the facilities described in this agreement, shall be perpetual and shall run with the land.

Granted this 11 day of May 2007

Bob Voor
33464 DeHATRAZ, Grantor
[address]

DEXTER IA 50070

Laura Voss
33464 DeHATRAZ Grantor
[address]

DEXTER IA 50070

STATE OF IOWA)
) ss:
 COUNTY OF _____)

On this 11 day of May, 2007, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Scott Wood, husband and ~~wife~~, to me personally known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledges that they executed the same as their voluntary act and deed.

Tammy Reid
 Notary Public in and for the State of Iowa

[SEAL]



STATE OF IOWA)
) ss:
COUNTY OF Dallas)

On this 11 day of May, 2007, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Gene Van ~~husband and~~ wife, to me personally known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledges that they executed the same as their voluntary act and deed.


Notary Public in and for the State of Iowa

[SEAL]



ADDENDUM

Property #1 is located in the NE corner of the SE $\frac{1}{4}$ section of section 4, Penn Township, Madison County, Iowa. *Book 2006, Page 1630 - COD*

Property #2 is located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ section of section 10, Penn Township, Madison County, Iowa. *Book 2006, Page 1630 - COD*