

## AGREEMENT

Agreement made this 19 day of November, 1987, between Adair Feed & Grain Co., an Iowa Corporation, and Mark L. Lillie and Barbara C. Lillie of Winterset, Madison County, Iowa.

RECITAL

1. The Adair Feed & Grain Co. is the owner of the following described farm land in Madison County, Iowa:

The North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) and the East Thirty Feet of the of the South Half (E30'S $\frac{1}{2}$ ) of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ), Section Twenty (20), Township Sevenyt-six (76) North, Range Twenty-eight (28), West of the 5th P.M., Madison County, Iowa.

and is contemplating the construction of an anaerobic lagoon to be located approximately 1233.61 feet from a residence not owned by the builder, but owned by Mark L. Lillie and Barbara C. Lillie of Winterset, Madison County, Iowa.

2. In Section 455B.134 e.(2) of the Code of Iowa, it provides that "a person may build or expand an anaerobic lagoon closer to a residence not owned by the owner of the anaerobic lagoon. . . if the affected landowner enter into a written agreement with the anaerobic lagoon owner to waive the separation distance.

3. The owners of the residence are Mark L. Lillie and Barbara C. Lillie, husband and wife of Rt. 4, Box 121, Winterset, Iowa 50273 and they are aware of the fact that their residence located on the real estate described as follows, to wit:

ENC.   
REC.   
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MARY E. WELTY RECORDER MADISON COUNTY, IOWA	
515-742-5231	

A tract of land commencing at a point 567' east of the Northwest (NW) corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section Twenty-nine (29) in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M. Madison County, Iowa which point is in the middle of the road on the North side of said Forty acre tract running thence South 235'; thence East 335'; thence North 235' to the middle of said road thence West 335' to the point of beginning containing 1.81 acres more or less including county road right of way.

is closer than 1250 feet of the proposed anaerobic lagoon and believe the distance between their residence and the anaerobic lagoon to be 1233.61 feet more or less.

In consideration of One Dollar and Other Valuable Consideration, the parties agree as follows:

1. Mark L. Lillie and Barbara C. Lillie, husband and wife, do hereby waive the separation of the distance of 1250 feet of the anaerobic lagoon proposed to be constructed by Adair Feed and Grain Company on the property owned by it as herein above described.
2. This Waiver runs with the land and binds the heirs and assigns of the parties.

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

ADAIR FEED & GRAIN CO  
*Chas. J. Crawford Pres*  
Chas. J. Crawford, President  
*Randy O. Crawford Sec.*  
Randy O. Crawford, Secretary

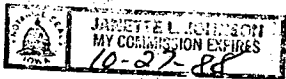
*Mark L. Lillie*  
Mark L. Lillie  
*Barbara C. Lillie*  
Barbara C. Lillie



Law Offices of FISHER, FISHER & FISHER, P. C., Adair, Iowa 50002 -- 515-742-5231

STATE OF IOWA:  
 :ss  
 ADAIR COUNTY :

On this 19 day of November, 1987, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Chas. L. Crawford and Randy C. Crawford to me personally known, who being by me duly sworn, did say that they are the President and Secretary respectively, of said corporation executing the within and foregoing instrument, that ~~(no seal has been procured by the said)~~ (the seal affixed thereto is the seal of said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that the said Chas. L. Crawford and Randy C. Crawford as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by them voluntarily executed.



Janelle L. Johnson  
 Notary Public in and for the State  
 of Iowa

STATE OF IOWA:  
 :ss.  
 ADAIR COUNTY :

On this 19 day of November, 1987, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Mark L. Lillie and Barbara C. Lillie, husband and wife, to me personally known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Charles E. Tucker, Jr.  
 Notary Public in and for the State  
 of Iowa  
 Charles E. Tucker, Jr.