

Instr. Number: 2022-00000219  
Ringgold County, Iowa  
Kisha Martin - Recorder  
Recorded: 2/14/2022 at 10:28:09.0 AM  
County Recording Fee: \$12.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$15.00  
Revenue Tax:  
BK: 540 PG: 115

Prepared by and return to: Mike Blaser, 666 Grand Avenue, Suite 2000, Des Moines, IA 50309 (515) 242-2480

SEPARATION DISTANCE WAIVER AND AGREEMENT

THIS SEPARATION DISTANCE WAIVER AND AGREEMENT ("Agreement") is made as of the 15<sup>th</sup> day of November, ~~2018~~, 2021 between the undersigned Paul Dykstra and Nancy Klein Dykstra residents of the State of Iowa ("Owners") and Red Owl Farms II, LLC ("Company"), and provides as follows:

1. Owners own a residence and/or hold title to land which is benefited by applicable separation distance(s) from confinement buildings, formed manure storage structures and/or other animal feeding operation structure(s) (collectively, the "AFOS") built or to be built, owned and/or operated by Company. The approximate legal description of the land owned by Owners and on which the residence of Owners is located (collectively, "Owner's Property") is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And locally know as:

3260 270<sup>th</sup> Street, Kellerton, Ia

2. The approximate legal description of the property on which Company does or will own and operate the AFOS (the "AFO Property") is as follows:

PARCEL "A", A PARCEL OF LAND LOCATED IN A PORTION OF THE NW¼ OF THE NE¼ OF SECTION 35, TOWNSHIP 68 NORTH, RANGE 28 WEST OF THE 5TH P.M., IN RINGGOLD COUNTY, IOWA, AS SHOWN IN THE PLAT OF SURVEY RECORDED IN THE OFFICE OF THE RINGGOLD COUNTY RECORDER ON DECEMBER 2, 2021, IN BOOK 8, PAGE 318.

3. Owners hereby waive all applicable separation distances required to be maintained between the AFOS and the residence of Owners and/or Owner's Property. This Agreement: (1) shall run with the land described above to which Owners hold title; (2) is binding on the heirs, assigns, successors and transferees of Owners; and (3) is intended by Owners and Company to be a valid and complete waiver of all separation distance requirements for AFOS provided in the Iowa Code, including, without limitation, the requirements of Iowa Code Sections 459.202, 459.203 and 459.204. For purposes of clarification and avoidance of doubt, the waiver contained in this Agreement shall: (i) be specific to the construction or expansion project for which it is submitted; and (ii) is specifically intended to be applicable to any and all future construction or expansion of AFOS on the AFO Property.

[Signature Page to Follow]

Owners:

Paul Dykstra  
Paul Dykstra

Nancy Klein Dykstra  
Nancy Klein Dykstra

Company:

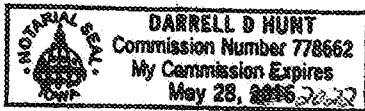
Red Owl Farms II, LLC

By: Jeffrey Hansen

Its: Jeffrey Hansen, Manager

STATE OF IOWA )  
COUNTY OF Polk ) SS:

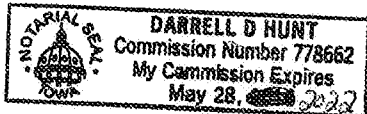
On this 1<sup>st</sup> day of November, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Paul & Nancy Dykstra, who are Owners of 3260 270<sup>th</sup> St. Kellerton Iowa in his capacity as owners and acknowledged that he executed the same as the voluntary act and deed of the Owners, the same as his voluntary act and deed.



Darrell D Hunt  
Notary Public in and for said County and State

STATE OF IOWA )  
COUNTY OF Polk ) SS:

On this 5<sup>th</sup> day of November, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeffrey Hansen, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



Darrell D Hunt  
Notary Public in and for said County and State