

AUG 2 1 54 PM 1972

1 THIS AGREEMENT made the day and year hereafter written between AUDREY M.  
2 AGER and CLARICE AGER, husband and wife, and their heirs, devisees, personal  
3 representatives, grantees and assigns herein called Ager, and EARL MACK and  
4 DOROTHEA MACK, husband and wife, and their heirs, devisees, personal represen-  
5 tatives, grantees and assigns herein called Mack,

## W I T N E S S E T H:

1.

8 Ager's own the following described real property, to wit:

9 E½ NW¼ and W½ NE¼ of Section 34, Twp. 39 S.R. 9  
10 E.W.M. Klamath County, Oregon

11 and Mack's own the following described real property, to wit:

12 NW¼ SE¼ of Section 34 Twp. 39 S.R. 9 E.W.M.,  
13 Klamath County, Oregon

14 Mack owns a private drain constructed upon his said premises which drains  
15 water from his said premises into the United States of America's 3 E Drain.

2.

16 Ager wishes to extend said private drain of Mack's some 2,000 feet Northerly  
17 upon their said premises so that said Mack Drain will also drain water from  
18 Ager's said premises into the United State's said 3 E Drain.

3.

19 Macks are willing to grant such an Easement to Agers if Agers will con-  
20 struct said extended drain at their own expense, will hereafter pay one half  
21 of the cost of cleaning, maintenance, improvement and repair of the Mack Drain  
22 and will indemnify and hold Macks harmless from any and all claims, liability,  
23 injury or damages including seepage, leakage or flooding arising, resulting  
24 or occuring from the extension of said Mack Drain and the drainage of water  
25 from Ager's said premises into and through it including, but not limited to,  
26 any arising or resulting from natural drainage and run off into the Mack Drain.

4.

28 NOW THEREFORE, In consideration of the premises Macks do hereby give,  
29 grant and convey unto Agers a non-exclusive but perpetual easement to extend  
30 the Mack Drain into and upon Ager's said premises and to drain water from Ager's  
31 premises into the United State's 3 E Drain through the Mack Drain and Ager's  
32



1 covenant that they will construct such extension at their own expense; that  
 2 they will hereafter pay one-half of the cost of clearing, maintaining, im-  
 3 proving and repairing said Mack drain and that they will indemnify and hold  
 4 Mack's harmless from any and all claims, liability, injury or damages includ-  
 5 ing seepage, leakage or flooding arising, resulting or occurring from the  
 6 extension of said Mack Drain and the drainage of water from Ager's said  
 7 premises through it including, but not limited to, any arising or resulting  
 8 from natural drainage and run off from Ager's said premises into the Mack  
 9 Drain. It is mutually covenanted that the foregoing easement and covenants  
 10 shall forever run with and be appurtenant to the land.

11 IN WITNESS WHEREOF the parties have executed this Agreement this 31<sup>st</sup> day  
 12 of July, 1972.

13 Audrey M. Ager  
 14 Audrey M. Ager

Earl Mack  
 Earl Mack

15 Clarice Ager  
 16 Clarice Ager

Dorothea Mack  
 Dorothea Mack

17 STATE OF OREGON )  
 18 ) SS. July  
 19 ) APRIL 25<sup>th</sup>, 1972.  
 20 County of Klamath )

21 Personally appeared the above named Audrey M. Ager and Clarice Ager,  
 22 husband and wife and acknowledged the foregoing instrument to be their  
 23 voluntary act and deed. Before me:

John L. Stewart Jr.  
 Notary Public for Oregon  
 My Commission Expires: June 11, 1973

24 STATE OF OREGON )  
 25 ) SS. July  
 26 ) APRIL 25<sup>th</sup>, 1972.  
 27 County of Klamath )

28 Personally appeared the above named Earl Mack and Dorothea Mack, husband  
 29 and wife and acknowledged the foregoing instrument to be their voluntary act  
 30 and deed. Before me:

John L. Stewart Jr.  
 Notary Public for Oregon  
 My Commission Expires: June 11, 1973

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of GAYONG GORDON & SISEMORE

this 2nd day of AUGUST A. D., 1972 at 1:59 o'clock P.M., and duly recorded in  
 Vol. M.72, of DEEDS on Page 8541

FEE \$4.00

WM. D. MILNE, County Clerk  
 By Hazel Dragel