

EASEMENT IN WELL.

THIS AGREEMENT AND WELL EASEMENT Made and entered into this 21st day of January, 1980, by and between L. A. SWETLAND, M.D., P.C., PENSION AND PROFIT SHARING TRUST; R.H. OTTEMAN, M.D., P.C., PENSION AND PROFIT SHARING TRUST; ORE-CAL GENERAL WHOLESALE, INC., an Oregon Corporation; GARRET D. HILYARD and BETTY JEAN HILYARD, hereinafter called Grantors, for the consideration hereinafter stated, to Grantors paid by THOMAS A. AYRES, hereinafter called Grantee;

WITNESSETH:

WHEREAS, Grantors are the owners of a tract of land situated in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 39 South, Range 10 E., W.M., which tract of land has heretofore been sold by the Grantors to Harry R. Waggoner and Norma E. Waggoner, husband and wife; and

WHEREAS, Thomas A. Ayres is the owner of two tracts of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 39 South, Range 10 E., W.M., more particularly described in Deeds recorded with the County Clerk of Klamath County, Oregon, in Deed Records Volume M-79, Page 10005, and Volume M-79, Page 7265; and

WHEREAS, Waggoners as Contract Purchasers have agreed to sell and convey a one-third interest in an existing well on the said property being purchased from Grantors herein, together with an easement for water line and the maintenance thereof; and the parties being fully advised, Now, Therefore,

FOR AND IN CONSIDERATION Of the sum of \$ none, receipt whereof is hereby acknowledged by Waggoners, the Grantors do by these presents grant, set over and convey unto THOMAS A. AYRES, his heirs, personal representatives and assigns, a one-third interest in the well situate on the property being purchased by Waggoners together with an easement for water line, more particularly described as follows:

Legal description of a 10 foot water line easement situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, T.39 S., R. 10 E., W.M., Klamath County, Oregon, the southerly line of said easement being more particularly described as follows: Beginning at the southeasterly corner of that tract of land described in Deed Volume M79 - 10005, as recorded in the Klamath County Deed Records, said corner being S 23°37'26" E 2114.18 feet from the northwest corner of said Section 18; thence S 43°08'30" E 185.00 feet; thence along the arc of a curve to the left (central angle = 47°04'46", radius = 100.00 feet) 82.17 feet; thence southeasterly 26 feet, more or less, to a point 5.00 feet southwesterly of an existing well, with bearings based on said deed volume M79-10005.

Grantee shall have the right to maintain a buried pipe line (buried a minimum of twenty-four inches), on the hereinabove described premises; the right to install a pump of his own choosing in said well, at his own cost and expenses; PROVIDED,

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PROCTOR, PUCKETT & FAIRCLO
ATTORNEYS AT LAW
280 MAIN STREET
KLAMATH FALLS, OREGON 97601

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However, if additional users are added, the Grantee shall be entitled to recover prorata cost of the installation together with the cost of operation for said pump.

This Agreement shall be perpetual or until such time as the domestic water supply is furnished from another source acceptable to the Department of Veterans' Affairs of the State of Oregon.

TO HAVE AND TO HOLD The above-described grant and easement unto the Grantee, his heirs, personal representatives and assigns forever.

Dated the day and year first hereinabove set forth.

L. A. SWEETLAND, M.D., P.C.,
PENSION AND PROFIT SHARING TRUST

By [Signature]

R. H. OTTEMAN, M.D., P.C.,
PENSION AND PROFIT SHARING TRUST

By [Signature]

ORE-CAL GENERAL WHOLESALE, INC.

By [Signature]

President.

By [Signature]

Secretary.

[Signature]
Garret D. Hilyard.

[Signature]
Betty Jean Hilyard.

GRANTORS.

[Signature]
Thomas A. Ayres.

GRANTEE.

APPROVED BY:

[Signature]
HARRY R. WAGGONER.

[Signature]
NORMA E. WAGGONER.

STATE OF OREGON,) ss
County of Klamath.)
January 31, 1980,

Personally appeared L.A. SWETLAND, Trustee under the L.A. SWETLAND, M.D., P.C., PENSION AND PROFIT SHARING TRUST, known to me to be the identical person who executed the foregoing Agreement, and acknowledged said instrument to be his voluntary act and deed.

Before me:

L. Jewell Huston
Notary Public for Oregon.
My Commission Expires: 8/14/83

STATE OF OREGON,) ss
County of Klamath.)
January 31, 1980,

Personally appeared R.H. OTTEMAN, Trustee under the R.H. OTTEMAN, M.D., P.C., PENSION AND PROFIT SHARING TRUST, known to me to be the identical person who executed the foregoing Agreement, and acknowledged said instrument to be his voluntary act and deed.

Before me:

L. Jewell Huston
Notary Public for Oregon.
My Commission Expires: 8/14/83

STATE OF OREGON,) ss
County of Klamath.)
January 31, 1980,

Personally appeared HARRY R. WAGGONER and JEWEL HUSTON, who, being first duly sworn, did say that they are the President and Secretary, respectively, of ORE-CAL GENERAL WHOLESALE, INC., an Oregon Corporation, and that the foregoing Agreement was signed in behalf of said Corporation by authority of its Board of Directors; and they acknowledged said instrument to be its voluntary act and deed.

Before me:

Bernice Lewis
Notary Public for Oregon.
My Commission Expires: 4-24-82

STATE OF OREGON,) ss
County of Klamath.)
January 31, 1980,

Personally appeared the within-named GARRET D. HILYARD and BETTY JEAN HILYARD, and acknowledged the foregoing Agreement to be their voluntary act and deed.

Before me:

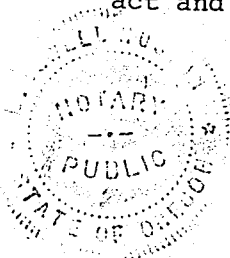
L. Jewell Huston
Notary Public for Oregon.
My Commission Expires: 8/14/83

STATE OF OREGON,)
 County of Klamath.) ss
 January 31st, 1980,

Personally appeared the within-named THOMAS A. AYRES,
 and acknowledged the foregoing Agreement to be his voluntary
 act and deed.

Before me:

L. Jewell Linton
 Notary Public for Oregon.
 My Commission Expires: 8/14/83



STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Thomas A. Ayers

this 6th day of February A. D. 1980 at 3:42 o'clock PM., am

duly recorded in Vol. M-80, of Deeds on Page 2417

Wm D. MILNE, County Clerk

Jacqueline J. Mettler

Fee \$14.00

Ret: Tom Ayres

4770 CLIMAX #15

K. Falls