

THIS AGREEMENT, dated September 28th, 1979, between ORTIS W. GOAKEY and MARGARET E. GOAKEY, husband and wife, hereafter called First Party; THOMAS J. O'HARRA and RUTH MAXINE O'HARRA, husband and wife, hereafter called Second Party; and ARTHUR H. PATTERSON, JR. and NILELETTA C. PATTERSON, husband and wife, hereafter called Third Party;

W I T N E S S E T H :

WHEREAS, First Parties are the owners of the following described real property, to-wit: Lots 2, 3, and 4, excepting therefrom the Southerly 20 feet thereof, all in Block 44, Hillside Addition to the City of Klamath Falls, Oregon, within Klamath County, Oregon; and whereas Second Parties are the owners of real property described as follows: Lot 11 of Loma Linda Heights within Klamath County, Oregon; and whereas Third Parties are the owners of real property described as follows: Lot 1 except the West 20 feet deeded for road purposes, being a tract of land 130 feet on Earle Street and 50 feet on Hillside Avenue in Block 44 of Hillside Addition to the City of Klamath Falls, Oregon, located within Klamath County, Oregon; and

WHEREAS, these three parties desire to have a hot water well drilled on the property of First Party for the purpose of heating the dwellings and other structures on their respective real property;

NOW, THEREFORE, it is hereby mutually agreed by and between these parties that they will employ a well driller, it being their present intention to employ Oren Storey to drill a hot water well on the real property of First Party and will cause pipes, valves, coils, etc. to be added to said hot water well and run therefrom to the real properties of these three parties, and the parties agree to share and pay equally the expense for the drilling of said hot water well as well as the cost of running water lines to the structures located on the three real properties mentioned

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above.

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IT IS FURTHER AGREED that Second and Third Parties are hereby granted a perpetual easement right and privilege onto and across the real property of First Party on which said lines, valves, etc. shall be installed, and said easement shall run with the three properties and the parties agree that the three properties be bound thereto forever.

IT IS FURTHER UNDERSTOOD AND AGREED between the three parties that each will be responsible for the cost of installing a furnace or other heating device within the homes located on their respective properties.

THE PARTIES AGREE that water and electric meters shall be installed in the housing adjacent to the hot water well and that they will each pay one-third of the cost of the water and electricity used in the operation of the well.

It is contemplated by the parties that their well, once completed, may be sufficient to heat the homes of other persons not parties to this Agreement, and in that event these three parties may agree to sell said other person the right to hook onto their well and heating system, and the price of selling such right may be determined by the vote of two of these three parties.

IT IS FURTHER AGREED that these three parties will bear equally in the expense incurred in maintaining and repairing the well and the hot water supply system to their respective dwellings. The parties agree that they each shall be responsible for any repairs to the furnace or interior heating device located within their respective homes.

THE PARTIES AGREE that their heirs, assigns and successors shall likewise be bound by the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands hereto on the day and year first above written.

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Ortis W. Goakey
Ortis W. Goakey

Margaret E. Goakey
Margaret E. Goakey

FIRST PARTY

Thomas J. O'Harra
Thomas J. O'Harra

Ruth Maxine O'Harra
Ruth Maxine O'Harra

SECOND PARTY

Arthur H. Patterson, Jr.
Arthur H. Patterson, Jr.

Nileletta C. Patterson
Nileletta C. Patterson

THIRD PARTY

AFTER RECORDING, RETURN TO:

O. W. GOAKEY
ATTORNEY AT LAW
630 Hillside
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of O. W. Goakey, Atty.

this 19th day of May A. D. 1980 at 3:25 o'clock P M., or

fully recorded in Vol. M80, of Deeds on Page 9167

Fee \$10.50

Wm D. MILNE, County Clerk
By Bernetha A. Delect