

**FRONTIER**  
TITLE & REALTY CO.

THIS AGREEMENT, made the date hereafter written, between PAUL D. BRADEN and RACHAEL E. BRADEN, husband and wife, hereinafter called Bradens, and MITCHELL W. GARRETT and NANCY A. GARRETT, husband and wife, hereinafter called Garretts,

## WITNESSETH:

1.

Bradens own the following-described real property, to-wit:

Lots 1-6 in Block 9, Midland, Klamath County, Oregon; Excepting therefrom the Westerly 5 feet of said Lot 6.

2.

Bradens have sold to Garretts on a Land Sale Contract and Conditional Security Agreement the following-described real property, to-wit:

Lots 5 & 6 in Block 9, Midland, Klamath County, Oregon; Excepting therefrom the Westerly 5 feet of said Lot 6.

3.

Bradens live in a mobile home on the property which they are retaining. Garretts live in a mobile home which is situated on the property described in paragraph 2 above.

4.

There is a domestic water well located on Lot 3, Block 9 of Midland which serves both the Braden and the Garrett residences. By this Agreement the parties wish to provide for the perpetual non-exclusive use of the said water well.

5.

Bradens, in consideration of one dollar and other valuable consideration, do hereby give and grant to Garretts, their heirs, grantees and assigns, the perpetual right and easement to install and maintain the pipe and equipment necessary to provide domestic water for use in the Garretts' residence, together with right of ingress and egress for the purpose of installing, maintaining, repairing and replacing said pipe and equipment on the following terms and conditions which are declared of the essence of this Agreement:

(a) Garretts, their heirs, grantees and assigns, shall be solely

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1 responsible for the installation, maintenance, repair and replacement of the  
 2 pipes which service their said residence, and shall repair or pay for, at their  
 3 sole expense, any damage done to the Braden property in such installation, re-  
 4 pair and replacement and shall pay one-half of all future costs of maintenance,  
 5 repair, replacement and improvement of the water well, casing, pump, building  
 6 and any other equipment which services both said residences.

7 (b) Garretts, their heirs, grantees and assigns shall hold Bradens,  
 8 their heirs, grantees and assigns harmless from and indemnify them from any  
 9 and all loss, damages or claims arising or resulting, in whole or part, from  
 10 the use of the easement herein granted.

11 6.

12 It is mutually covenanted and agreed by all of the parties herein on  
 13 behalf of themselves and their respective heirs, grantees and assigns, that in  
 14 the event that any owner of either of said parcels of land shall at any time  
 15 hereafter institute any suit, action or proceeding to enforce any of the  
 16 covenants or agreements herein contained and/or for damages for the breach of  
 17 the same that the Courts, including Appellate Courts, may award the prevailing  
 18 party in such a suit, action or proceeding such sums as it may adjudge reason-  
 19 able for said prevailing party's attorney's fees therein, in addition to the  
 20 costs and disbursements provided by law.

21 7.

22 This Agreement shall bind and inure to each of said parcels of land  
 23 and be appurtenant thereto and run therewith.

24 IN WITNESS WHEREOF, the parties have executed this Agreement this  
 25 10th day of March, 1981.

26  
 27 Paul D. Braden  
 28 Paul D. Braden

29 Mitchell W. Garrett  
 30 Mitchell W. Garrett

31 Rachel E. Braden  
 32 Rachel E. Braden

Nancy A. Garrett  
 Nancy A. Garrett



1 STATE OF OREGON )  
 2 ) SS.  
 3 County of Klamath )

4 On this 10th day of March, 1981, personally appeared before me the  
 5 above-named Paul D. Braden and Rachael E. Braden, husband and wife, and Mitchell  
 6 W. Garrett and Nancy A. Garrett, husband and wife, and acknowledged the fore-  
 7 going instrument to be their voluntary act and deed. BEFORE ME:

8 (SEAL)

9 *Return to Frontier Title*

*Judy Blum*

Notary Public for Oregon  
 My Commission expires: 8-23-81

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Frontier Title Co.

this 10th day of March A.D. 1981 at 1:54 o'clock P M., and  
 duly recorded in Vol. M81, of Deeds on Page 4256.

Fee \$10.50

EVELYN BIEHN, County Clerk

By *Hebra O. Jansen*