

WELL AGREEMENT

THIS AGREEMENT, Made this 30th day of October, 1981,  
by and between MERVIN D. WOODARD and EVELYN WOODARD, husband and  
wife, hereafter called "WOODARD", and JAMES D. ARMSTRONG and  
GWENNETH L. ARMSTRONG, husband wife, hereafter called "ARMSTRONG",

RECITALS

A. Woodard are the owners of a parcel of real property situate in  
Klamath County, Oregon, to-wit:

Lot 27, PIEDMONT HEIGHTS, according to the official  
plat thereof on file in the office of the County  
Clerk of Klamath County, Oregon.

B. Woodard has sold to ARMSTRONG, and Armstrong are the owneres of a  
parcel of real property situate in Klamath County, Oregon, to-wit:

Lot 28, PIEDMONT HEIGHTS, according to the official  
plat thereof on file in the office of the County  
Clerk of Klamath County, Oregon,

upon which there is situ ated a domestic water well which has the  
capabilities of servicing both properties. Said Well is/51 feet  
North and 54 feet West of the South East corner of said Lot 28. *MW*

C. WOODARD and ARMSTRONG desire to enter into an Agreement for the  
joint use of said Well, for the sharing of costs of electricity,  
maintenance and repairs of said Well and for the creation of ease-  
ment for the distribution of water from said Well.

AGREEMENT

The parties agree as follows:

1. hat the parties shall jointly own the above-described Well,  
the pumps, switches and attachments thereto.

2. That WOODARD shall have an easement to pipe the water from  
said Well to the Northerly boundary of Lot 27, PIEDMONT HEIGHTS,  
together with the right of ingress and egress to maintain and  
operate said pump and pipe lines upon Lot 28, PIEDMONT HEIGHTS.

3. The parties agree that they shall share on an equal basis  
the cost of maintenance, repair and replacement of said Well. In  
the event one party makes the necessary maintenance, repair or re-  
placement, they shall make written demand for payment by the other

1 party. Said payment shall be due and payable within 10 days after  
 2 said demand.

3 4. The parties agree that they shall share in the cost of elec-  
 4 tricity to operate said pumps on a basis of the number of permanent  
 5 residents residing on each property during the time of the electri-  
 6 cal billing period. The owners of Lot 28, PIEDMONT HEIGHTS, shall  
 7 pay said electrical charges and submit a written demand for payment  
 8 from the owners of Lot 27, PIEDMONT HEIGHTS for their share of said  
 9 charges. Said payment shall be due and payable within 10 days after  
 10 said demand.

11 5. In the event that either party to this Agreement, or their  
 12 successors or assigns, fail or refuse to pay any charge after demand,  
 13 the party making the demand may bring claim in any court having  
 14 jurisdiction in the State of Oregon for twice the amount of the  
 15 demand. The prevailing party in such suit or action shall be awarded  
 16 attorney fees as a portion of costs.

17 6. It is agreed by the parties hereto that this Well Agreement  
 18 shall run with the land and shall be a binder and benefit to each of  
 19 the respective properties.

20 IN WITNESS WHEREOF, the Parties hereto have executed this Agree-  
 21 ment the day and year first herein written.

22 Mervin D. Woodard  
 23 MERVIN D. WOODARD

24 Evelyn Woodard  
 25 EVELYN WOODARD

26 James D. Armstrong  
 27 JAMES D. ARMSTRONG  
 28 Gwenneth L. Armstrong  
 29 GWENNETH L. ARMSTRONG

30 STATE OF OREGON

31 County of Klamath

32 Personally appeared the within named Mervin D. Woodard and Evelyn  
 33 Woodard, husband and wife, and acknowledged the foregoing instrument  
 34 to be their voluntary act. Before me:

35 Barbara J. Addington  
 36 Notary Public for Oregon  
 37 My Commission expires: 3-22-85

38 STATE OF OREGON

39 County of Klamath

40 Personally appeared the above named James D. Armstrong and  
 41 Gwenneth L. Armstrong, husband and wife, and acknowledged the foregoing

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instrument to be their voluntary act. Before me:

*W. Arlene J. Addington*  
Notary Public for Oregon  
My Commission expires: 3-22-85

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title Co.

this 30th day of October A.D. 19 81 at 4:03 o'clock P.M., and  
duly recorded in Vol. M81, of Deeds on Page 19012

EVELYN BIEHN, County Clerk  
By *Resnetta A. Ditch*

Fee \$12.00

*After recording return to:  
TA Branch*

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