

Vol M04 Page 35357

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

State of Oregon, County of Klamath
Recorded 06/02/2004 2:45 p m
Vol M04 Pg 35357-60
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

4 JUN 2 PM 2:45

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

Aspen 590916^{MA}
COVER SHEET

DOCUMENT:

SHARED WELL AGREEMENT

GRANTOR:

DAVID W. WOODARD

GRANTEE:

**BONNIE LAM, PERSONAL REPRESENTATIVE OF
ESTATE OF ARDYCE N. WOODARD**

CONSIDERATION :

\$0.00

36.00
★

SHARED WELL AGREEMENT

35358

WHEREAS, David W. Woodard, hereinafter referred to as the Grantors, are the owners of the real property located in Klamath County, Oregon more particularly described as:

See attached Exhibit "A:


and Bonnie Lam, Personal Representative of the Estate of Ardyce N. Woodard, hereinafter referred to as the Grantees, are the owners of real property located in Klamath County, Oregon more particularly described as:

See attached Exhibit "B"

WHEREAS, a domestic well is located on the property line between the parties referred to above which serves residences located on each property;

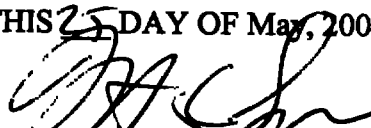
NOW, THEREFORE, IT IS HEREBY AGREED that each party does hereby give and grant to the other party, their heirs, successors and assignees, for the benefit of the each party the property described herein, a permanent easement in, to, upon and over the other's property described herein for the purpose of taking water for domestic purposes and for the purpose of installing, laying, constructing, maintaining and keeping in repair pipes, mains, conduits and electric service as is needed for the each party to receive water from the well. The parties agree that the costs associated with the well, including electrical service and any maintenance to the pump itself, shall be paid jointly, with the Grantee paying \$20.00 per month for service. Payment shall be due on or before the 15th of each month. If at any time after execution of this agreement, either parties desires to have a separate electric meter installed, that party shall deliver to the other party a written notice of such desire. The parties shall split any costs associated with the installation of a separate meter and after the installation of a separate meter, each party shall be responsible for ½ of the electric bill for the well meter. The party receiving the bill shall submit a copy to the other party who shall pay the required ½ within 10 days of receipt thereof.

Should such an action be filed to enforce this agreement, the prevailing party shall be entitled to recover their reasonable attorneys fees, whether at trial or on appeal.


David W. Woodard

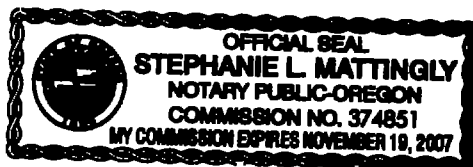
SUBSCRIBED AND SWORN TO BEFORE ME THIS 25 DAY OF May, 2004.

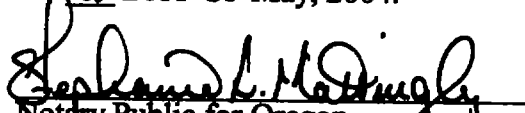



Notary Public for Oregon

Bonnie Lam, Personal Representative
of the Estate of Ardyce N. Woodard

SUBSCRIBED AND SWORN TO BEFORE ME THIS 25 DAY OF May, 2004.




Notary Public for Oregon

After Recording Return to:

*Exhibit A***PARCEL 1:**

A parcel of land situated in the NE 1/4 of Section 31, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the East line of the NE 1/4 from which the Northeast corner of said Section 31 bears North 00° 19' 00" West 1097.67 feet; thence South 76° 53' 58" West 108.48 feet to the center of the casing of a well; thence continuing South 76° 53' 58" West 49.22 feet to a point on the East line of that certain county road known as Hill Road; thence Southeasterly on the arc of a 3849.72 foot radius curve to the right (Delta = 06° 45' 50", Long Chord = South 11° 41' 26" East 454.20) 454.47 feet; thence continuing along said East line of "Hill Road" South 08° 18' 31" East 355.39 feet; thence continuing along said East line of Hill Road on the arc of a 3789.72 foot radius curve to the left (Delta = 01° 28' 33", Long Chord = South 09° 02' 48" East 97.61 feet) 97.62 feet to a point on the East line of said NE 1/4; thence North 00° 19' 00" West on said East line 928.59 feet to the point of beginning.

PARCEL 2:

A tract of land situated in the NW 1/4 NW 1/4 of Section 32, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of the NW 1/4 NW 1/4; thence North 00° 19' 00" West on the West line of said NW 1/4 NW 1/4, 522.70 feet; thence North 81° 35' 00" East 202.01 feet; thence South 00° 19' 00" East 552.29 feet to a point on the South line of said NW 1/4 NW 1/4; thence North 89° 59' 37" West along said South line 200.00 feet to the point of beginning.

EXHIBIT "B"
LEGAL DESCRIPTION

35360

A tract of land situated in the NE1/4 NE1/4 (Government Lot 11) of Section 31, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at an iron pin located South 276.5 feet from the Northeast corner of said Section 31, said point being on the Southerly boundary of the County Road; thence South 311.9 feet to an iron pin; said point being the true point of beginning of this description, said point being the Southeast corner of Volume 298, page 250, Deed Records of Klamath County, Oregon; thence South $00^{\circ} 19' 00''$ East 519.96 feet to a point; thence South $76^{\circ} 53' 58''$ West 108.48 feet to the center of the casing of a well; thence continuing South $76^{\circ} 53' 58''$ West 49.22 feet to a point on the East line of that County Road known as "Hill Road"; thence Northwesterly on the arc of a 3849.72 foot radius curve to the left (Delta = $01^{\circ} 05' 20''$, Long Chord = North $15^{\circ} 37' 01''$ West 73.16) 73.16 feet; thence continuing along said East line of "Hill Road" North $16^{\circ} 09' 41''$ West 395.96 feet to the Southwest corner of Volume 298, page 250, Deed Records of Klamath County, Oregon, thence North $69^{\circ} 30'$ East 294.9 feet (North $69^{\circ} 30'$ East 299.61 feet by Survey #2876) along said Southerly line of said Deed Volume 298, page 250, Deed Records of Klamath County, Oregon, to the point of beginning, with bearings based on Survey #2876 as filed in the Klamath County Engineers Office.

Tax Account No.: 3910-03100-00300-000

Key No.: 602342