

After Recording Return to:
Shirley Doyle
P.O. Box 312
Bonanza, Or. 97623

M05-65352

Klamath County, Oregon
09/29/2005 11:59:23 AM
Pages 3 Fee: \$31.00

1st 610098

PRIVATE ROAD MAINTENANCE AGREEMENT

The undersigned, being the owner of the following described lot(s) in the County of Klamath, State of Oregon, to wit: The SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20 Township 39 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

Do hereby establish a common plan for the maintenance and protection of the Private Road within the 30 foot reciprocal access easement which is located the Easterly 30 feet of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21; the Easterly 30 feet of the W $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 21; the Southerly 30 feet of the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21; the Southerly 30 feet of the N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 20; the Southerly 30 feet of the Easterly 30 feet of the N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20; the Easterly 30 feet of the S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20 , and is shown on the above-described plat.

Effective Date: This agreement shall be effective upon recording of this document in Klamath County, Oregon.

Maintenance: The road will consist of an all weather surface road. The cost of maintaining the area of the Private Road shall be shared equally by the owners inclusive.

Decisions: All decisions concerning the maintenance of the Private Road shall be vested with the owners of the residential lots served by the Private Road and obligated to contribute to the maintenance costs of the Private Road. Such owners shall make all decisions relating to the maintenance of the Private Road, with each lot having one (1) vote and the unanimous vote of the lots having the authority to bind all lots with respect to reasonable and necessary maintenance expenses. All such decisions shall be in writing and signed by all voting owners. Notwithstanding the foregoing, at all times the Private Road shall be maintained in a safe condition and shall comply with all applicable municipal codes and ordinances.

In the event that the parties are unable to agree as to any matter covered by this agreement, including specifically but not limited to the necessity for road repair work or road maintenance work, the dispute shall be settled by a single arbitrator who shall

direct any settlement deemed equitable under the circumstances. The arbitrator shall be appointed by the presiding Judge of the Klamath County Circuit Court upon request of any party bound by this agreement. The decision of the arbitrator shall be final and binding and not subject to appeal. The decision may be entered as a judgment and enforced by any party bound by this agreement in any court of competent jurisdiction in Klamath County, Oregon, and the losing party shall pay all costs in connection therewith, including reasonable attorney fees in an amount to be set by the court.

Restrictions on Use: The Private Road shall be used in a manner consistent with a residential street. No parking shall be allowed on the Private Road. The Easement shall not be used for access to any commercial or multi-family development.

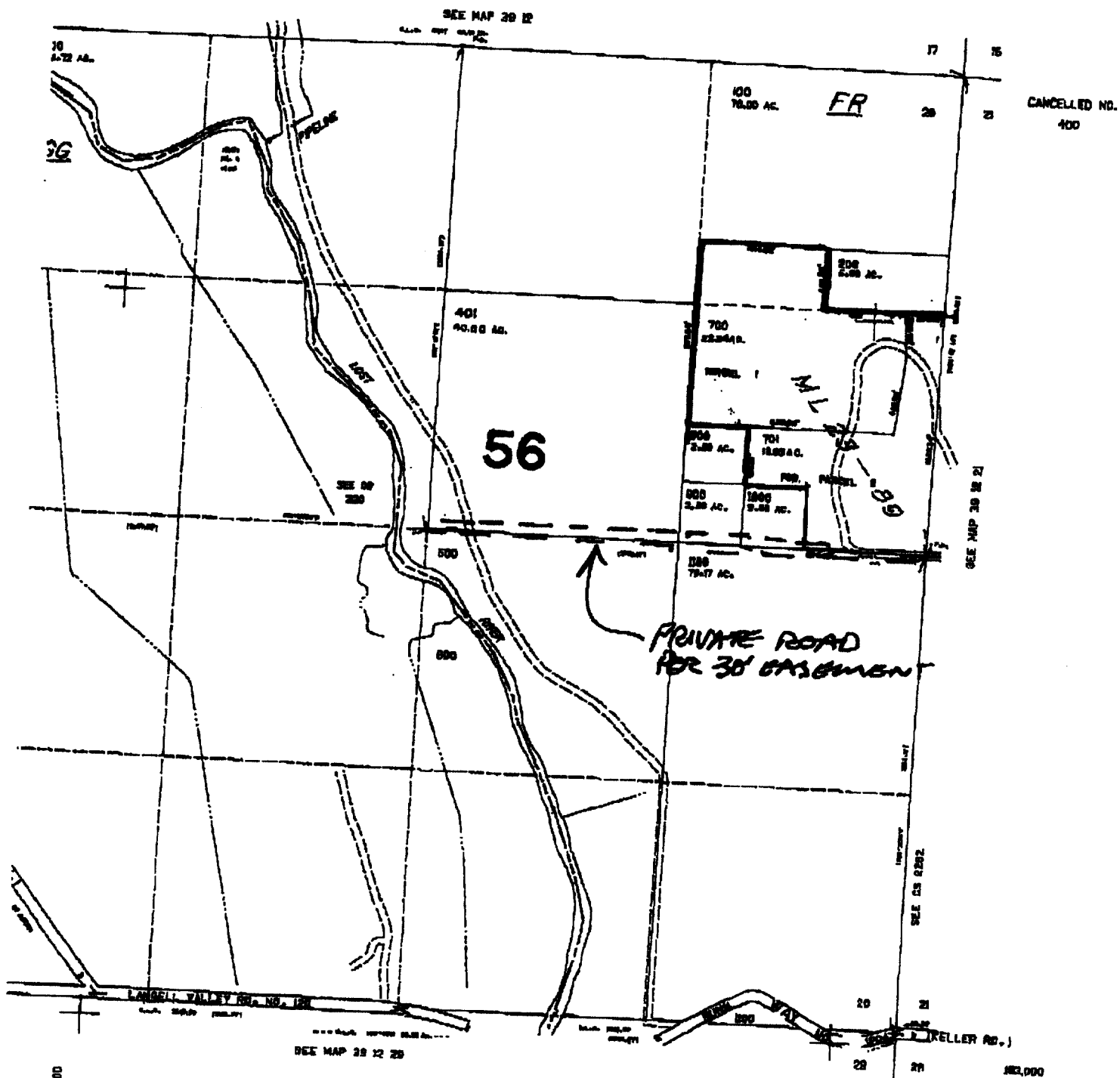
Miscellaneous:

- a. This Agreement shall be construed in accordance with the laws of the State of Oregon.
- b. This Agreement shall inure to the benefit of and shall be binding upon the respective successors and assigns of the undersigned. This Agreement and the benefits and obligations provided hereunder shall be deemed to be a covenant running with the land and shall bind all subsequent owners inclusive.

Executed this 2nd day of SEPTEMBER, 2005

Owners:		Address/Parcel #	
SHIRLEY DOYLE + RICHARD DOYLE	Sign Shirley Doyle + Richard Doyle	#23-92	BUNN WAY
Print R			
Arnold Smith	Arnold Smith	39709	BUNN WAY
Elizabeth C. Chat	Elizabeth C. Chat	39749	Bunn Way
Connie Roof	Connie Roof	39721	Bunn Way
Constance Peareale	Constance Peareale	39777	Bunn Way
Fabian Baker	Fabian Baker	39755	Bunn Way
KARL HESS	Karl Hess	39741	Bunn Way 97623
Richard + Shirley Doyle		39737	Bunn Way
Richard and Shirley DOYLE			97623

7400



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