

2014-002459

Klamath County, Oregon



00150047201400024590030032

03/21/2014 03:51:22 PM

Fee: \$52.00

1872212310-ALF

Grantor: Michael L. Spencer,
Trustee of the MLS Revocable Living Trust
dated February 12, 2014

Grantee: Daniel D. Kates and Cheryl E. Kates

After Recording Return to: Daniel D. Kates and Cheryl E. Kates

SHARED WELL AGREEMENT

WHEREAS, the Michael L. Spencer, Trustee of the MLS Revocable Living Trust dated February 12, 2014, hereinafter referred to as the Grantor, are the owners of the real property located in Klamath County, Oregon more particularly described as:

Parcel 1 on Exhibit "A"

and Daniel D. Kates and Cheryl E. Kates, hereinafter referred to as the Grantee, are the owners of real property located in Klamath County, Oregon more particularly described as:

Parcel 2 on Exhibit "A"

WHEREAS, a domestic well is located on the Parcel 1 on Exhibit "A" referred to above;

NOW, THEREFORE, IT IS HEREBY AGREED that the Grantor does hereby give and grant to Grantee, individually and for their heirs, successors and assignees, for the benefit of the Grantee's property described herein, an easement in, to, upon and over the Grantor's property described herein for the purpose of taking water for domestic purposes, as defined in Oregon law, and for the purpose of installing, laying, constructing, maintaining and keeping in repair pipes, mains, conduits and electric service as is needed for the Grantee 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 by with each party paying one half of the costs. Since the pump is not separately metered, the parties agree that the sum of \$10.00 per month is a reasonable estimation of the Grantee's share of the cost for electrical service. Should electric rates increase by more than 25% from the rates at the time of this agreement, the parties shall renegotiate this sum. Grantee shall pay to Grantor the agreed upon eclectic cost and one half of all maintenance no later than the 10th of the month.

Grantor shall not be required to provide power if grid power is down.

If the well fails, this agreement shall terminate and each party shall establish their own well on their own property.

Should Grantees fail to make any payment required hereunder, and such failure continue for a period of 30 days following written notice to Grantees of such failure, Grantors may declare this agreement to be forfeited and may record with the Klamath County Clerk a statement so stating. Grantees shall, within 10 days of being served with a notice of forfeiture, remove any

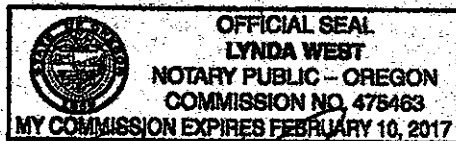
51.-

connection to Grantors' well. Grantees shall be responsible for ensuring that no damage occur to Grantors' well. Should Grantees' fail to remove their connection as set forth herein, Grantors may institute proceedings in the Klamath County Circuit Court to compel compliance with this agreement and to recover from Grantees' the cost of removing their connection. Should such an action be filed, the prevailing party shall be entitled to recover their reasonable attorneys fees, whether at trial or on appeal.

Daniel D. Kates
Daniel D. Kates

Cheryl E. Kates
Cheryl E. Kates

Personally appeared Daniel D. Kates and Cheryl E. Kates and acknowledged the foregoing instrument to be their true act and deed. Before me:



Lynda West
Notary Public for Oregon
My Commission Expires: 2-10-17

Personally appeared, Michael L. Spencer, Trustee of the MLS Revocable Living Trust dated February 12, 2014 and acknowledged the foregoing instrument to be his true act and deed. Before me:

Lynda West
Notary public for Oregon
My commission expires: 2-10-17



EXHIBIT "A"

PARCEL 1 (SPENCER)

A portion of the Southeast quarter of Section 26, Township 36 South, Range 11, East of the Willamette Meridian, described as follows: Beginning at a point 873 feet West from the East quarter corner of said Section 26; thence from said point of beginning West 873 feet to a point; thence South 990 feet to a point; thence East 873 feet to a point; thence North 990 feet, to the point of beginning.

PARCEL 2 (KATES)

A portion of the SE 1/4 of Section 26, Township 36 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, described as follows: Beginning at the East quarter corner of said Section 26; thence West 873 feet to a point; thence South 990 feet to a point; thence East 873 to a point; thence North 990 feet to the point of beginning.