

Bradford J. and Susan E. Aspell
2309 Linda Vista Dr.
Klamath Falls, OR 97601

2016-008356
Klamath County, Oregon



08/08/2016 01:41:41 PM

Fee: \$47.00

SHARED USE AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made on the date last signed below by and between Bradford J. Aspell and Susan E. Aspell, husband and wife, hereinafter "Aspells" and Richard K. Dehlinger, hereinafter, "Dehlinger", subject to the terms, covenants and conditions below:

1. Subject Matter. Aspells are the owners of a cabin, out building and other improvements located at Block A, Lot 8A, Lake of the Woods Recreation Unit, Klamath County, Oregon and holders of a Term Special Use Permit issued by USDA-Forest Service authorizing occupancy of the described real property. Dehlinger is the owner of a cabin, out building and other improvements located at Block A, Lot 8B, Lake of the Woods Recreation Unit, Klamath County, Oregon and holder of a Term Special Use Permit issued by USDA-Forest Service authorizing occupancy of the described real property. The properties owned by Aspells and Dehlinger are contiguous to each other.
2. Improvements. Aspells and Dehlinger each maintain a septic tank and drains serving their respective improvements. Jointly, Aspells and Dehlinger share the ownership of an effluent holding tank, lift pump and drain field, from which septic effluent is collected and distributed from the respective septic systems, herein "the system". The system was installed in years past by the acquiescence or consent of Aspells and Dehlinger's predecessors, and the septic has been periodically serviced and maintained by Aspells and Dehlinger, the cost of which has been shared equally. The exact location of components of the system maybe on one or both parcels described above. The parties wish to memorialize this agreement and to the extent authorized by law, grant to the other an easement, license or joint use agreement, and to grant access reasonably be necessary by either party, their successors or assigns, to maintain, repair or replace components common to each property.
3. Cost of Repair. Aspells and Dehlinger, their heirs, successors and assigns, hereby agree to share equally the costs associated with the operation, maintenance, or replacement of portions of the system common to parcels; to account for the costs paid by each, and reimburse the party making payment a proportionate sum within 90 days following the date of receipt of a bill, statement or invoice identifying the respective costs.
4. Heirs and Assignees. This agreement shall run with the land and shall be binding upon the parties' then heirs, successors or assignees. A copy of this agreement will be placed in the affected cabin files Aspells and Dehlinger maintained in the offices of the Klamath Ranger District, Fremont-Winema National Forest and shall be delivered to any subsequent owner of the improvements on surrender and reissuance of the Term Special Use Permit authorizing occupancy of the real property. This agreement may similarly be recorded in the office of the Clerk of Klamath County, Oregon in the form of a cross easement benefitting and burdening each parcel of real property described herein.
5. Attorneys Fees. In the even any party to this agreement, their successors and assigns should

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be required to employ the service of an attorney to enforce any provisions of this agreement, the prevailing party shall be entitled to recover from the other his or their reasonable attorneys fees, costs and disbursements of legal action, including attorneys fees on arbitration, trial or on appeal.

IN WITNESS WHEREOF, the parties have set their hands on the date opposite signed below.

Bradford J. Aspell
Bradford J. Aspell

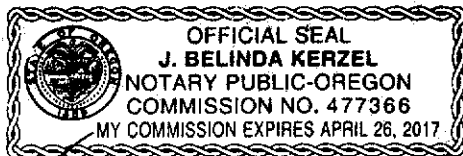
Dated: June 4, 2016

Susan E. Aspell
Susan E. Aspell

Dated: June 6, 2016

SUBSCRIBED AND SWORN TO before me this 4 day of June, 2016, by

Bradford J. Aspell and Susan E. Aspell.



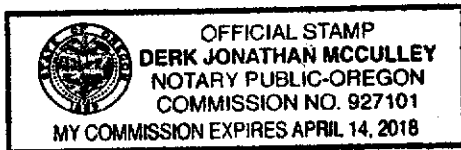
J. B. Kerzel
NOTARY PUBLIC FOR OREGON
My commission expires: 4-26-17

Richard K. Dehlinger
Richard K. Dehlinger

Dated: May 23, 2016

SUBSCRIBED AND SWORN TO before me this 23rd day of May, 2016, by

Richard K. Dehlinger.



D. J. McCulley
NOTARY PUBLIC FOR OREGON
My commission expires: April 14, 2018