

MONTEREY BAY ELDER CARE

306 CAPITAL STREET, SUITE 102

SALINAS, CA 93901

Phone: (831) 676-0389

Fax: (831) 676-3411

FAX COVERSHEET

503-728-3296
Wanda Miller
in night on the 1st
change of water in
the house on the 1st
house on the 1st

TO: EMPIRE REAL ESTATE (503)397-5557
FROM: Theodore Payne
DATE: 11/25/15
PAGES: 7

COMMENTS:

66 Water Agreement & Kathleen Lines.
Payee brought John & Kathleen Lines.
Property. They have recorded anything.
Presently, there are only 2 water
of the water: (Brackley Water)
of Ken Kim and Ted Payne.

SPRING USE AND MAINTENANCE AGREEMENT

This agreement this 5 day of May, 1997, among Robert D. Hvidsten and Tricia J. Dana & Kelly Van Zandor
Hvidsten, husband and wife ("Hvidsten"), Warren W. Nakkela", Ken E. Kern ("Kern"), and John O. Line and Kathleen L. Line, husband and wife, ("Line");

RECITALS

WHEREAS, there is now a spring located on real property described in the attached Exhibit "A" incorporated by reference herein ("the spring");

WHEREAS, Hvidsten is the owner of the real property described on Exhibit "B", Nakkela is the owner of the real property described on Exhibit "C", Kern is the owner of the real property described on "D", and Line is the owner of the real property described on Exhibit "E" (all of which exhibits "B", "C", "D", and "E" are incorporated by reference herein).

WHEREAS, Hvidsten, Nakkela, Kern, and Line are now using the spring for domestic water purposes and they wish to enter into an agreement providing for the joint use and maintenance of the spring.

WHEREAS, Nakkela, Kern, and Line are hereby informed that John P. Salisbury, Attorney at Law, who has prepared this agreement is representing Hvidsten only. The other parties hereto are hereby informed that they have the right to independent counsel and are in no way represented by John P. Salisbury in this matter.

AGREEMENTS

NOW, THEREFORE, IT IS HEREBY AGREED THAT:

1. Hvidsten, Nakkela, Kern, and Line each agree that each shall share equally in the cost of maintenance of those items of equipment necessary for the proper operation of the spring which are of mutual benefit to each party hereto. Each party shall have the right to enter on the land of the other in order to replace, repair and maintain the existing pipeline from that party's property to the spring. Each party shall have the equal right to use up to one-quarter of the water from the spring for domestic purposes. No party warrants to any other party the sufficiency, portability, quantity or quality of the water from the spring.

Beginning at a point marked with a 1 1/2 inch iron pipe which is East 2372.9 feet and North 3881.0 feet from the southwest corner of the Piper Donation Land Claim in Sections 22, 23, 26 and 27, Township 8 North, Range 4 West, Willamette Meridian, Columbia County, Oregon; thence South 49° West, 289.0 feet to an iron pipe; thence North 47°30' West, 213.0 feet; thence North 18°24' West, 224.7 feet; thence along the boundary line of Quincy-Mayer County Road, North 62°16' East, 510.0 feet to the East line of the Bradbury Donation Land Claim; thence South, a distance of 402.0 feet to the point of beginning.

EXHIBIT "A"

Beginning at a point on the line between Section 22 and 23 that is South 0° 04' East 1031.7 feet from the quarter pose between Section 22 and 23, in Township 8 North, Range 4 West, of the Willamette Meridian; Columbia County, Oregon, thence from the said point of beginning, West 1211.4 feet to the Easterly edge of the twenty foot roadway; thence South 177 feet; thence East 3042.4 feet to the Westerly bank of the slough and Easterly edge of the Drainage District; thence North 23° 15' East 200.96 feet; thence West 2021.9 feet, more or less, to the point of beginning, located in Sections 22 and 23 and in the Clement A. Bradbury Donation Land Claim.

EXHIBIT "B"

2. This agreement shall be permanent and shall run with the land and shall be binding on and shall inure to the benefit of the parties to this agreement, their respective heirs, successors, or assigns.

DATED this 5 day of May, 1997.

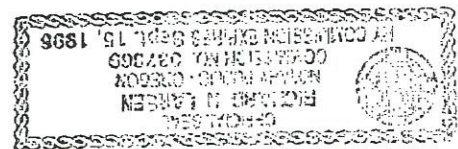
Robert D. Hvidsten
Robert D. Hvidsten
Tricia J. Hvidsten
Tricia J. Hvidsten
Walter W. Nakkelä
Walter W. Nakkelä

Ken E. Kern
Ken E. Kern
John O. Line
John O. Line
Kathleen L. Line
Kathleen L. Line

State of Oregon)
County of Columbia) ss

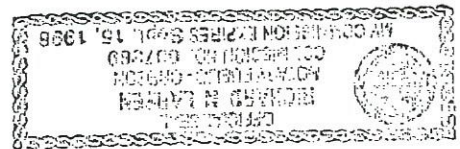
This instrument was acknowledged before me on May 17, 1997, by Robert D. Hvidsten and Tricia J. Hvidsten, husband and wife.

Robert D. Hvidsten
Notary Public for Oregon
My commission expires: Sept 15, 1998



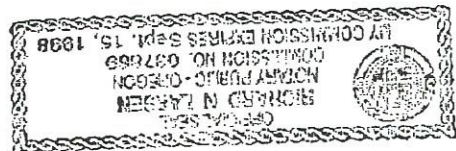
This instrument was acknowledged before me on May 9, 1997, by Warren W. Nakkel.

State of Oregon)
) ss
) County of Columbia)



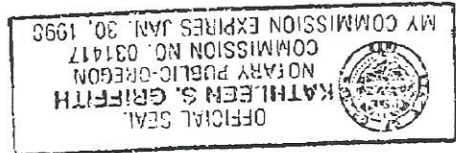
This instrument was acknowledged before me on May 14, 1997, by Ken E. Kern.

State of Oregon)
) ss
) County of Columbia)



This instrument was acknowledged before me on May 5, 1997, by John O. Line and Kathleen L. Line, husband and wife.

State of Oregon)
) ss
) County of Columbia)



Kathleen S. Griffith
Notary Public for Oregon
My commission expires: 1/30/98

EXHIBIT "C"

Beginning at a point on line between Section 22 and 23, that is South 00°01' East 1200.7 feet from the quarter section corner between said Sections 22 and 23, Township 8 North Range 4 West of Williamette Meridian, Columbia County, Oregon; thence from said point of beginning, easterly along the westerly bank of slough and easterly edge of drainage district; thence up the bank of said slough, South 70°0' East to a point; thence South 40°33' East 270.0 feet to a point; thence South 36°08' East 100.9 feet to an intersection with the northerly right-of-way line of the Spokane, Portland and Seattle Railroad; thence along said right-of-way line, South 53°41' West 1277.1 feet to a point; thence North 46°30' West 921.4 feet to a point; thence South 89°30' West 1437.3 feet to a point on the easterly line of a 20 foot roadway; thence along the easterly line of said roadway North 571.6 feet to a point; thence leaving said roadway, East 1211.0 feet to the place of beginning, located in said Sections 22 and 23, and in the Clement A. Bradbury Donation Land Claim and designated as Tract No. 3 on Map No. 145 on file in the County Surveyor's Office of Columbia County, Oregon, but excepting therefrom a 10 foot roadway along the top of the dike on the easterly end of the above described tract.

ALSO:

Beginning at the southeast corner of a tract of land conveyed by Green C. Love and Alice L. Love his wife to Arch H. Myer and Charles H. Stockwell by deed recorded October 26, 1920 in Book "30" Page 200 Deed Records of Columbia County, State of Oregon, which point of beginning is North 0°11' West 906.2 feet and South 89°37' West 20.0 feet from the 1/4 Section corner between Sections 22 and 27 in Township 8 North Range 4 West of the Williamette Meridian in Columbia County, Oregon according to the survey and plat No. 171 made by L. J. Van Orshoven, County Surveyor and on file in the County Surveyor's Office of Columbia County, Oregon; thence from said point of beginning running along the southerly line of said tract as sold by Green C. Love to Arch H. Myer and C. H. Stockwell as recorded South 89°37' West 1777.6 feet to a point on the easterly bank of McCleane Slough; thence following the easterly bank of said McCleane Slough in a general northwesterly and thence easterly direction to a point on said bank that is North 1652.3 feet and West 1668.8 feet from the above described 1/4 section corner; thence South 158.0 feet; thence North 89°37' East 1644.0 feet; thence South 0°11' East 599.0 feet to the place of beginning.

EXHIBIT "D"

Beginning at a point on a line between sections 22 and 23, that is south 0°04' East 854.7 feet from the quarter section corner between section 22 and 23, Township 8 North, Range 4 West, Willamette Meridian, Columbia County, Oregon; thence from said point of beginning West 1211.4 feet to the Easterly edge of the 20 foot roadway; thence South 177 feet along said Easterly edge of roadway; thence East 3118.44 feet to the westerly bank of said slough; thence North 23°15' East 33.74 feet; thence North 34°01' East 176.2 feet to a point that is east of the point of beginning; thence West 2021.9 feet to the point of beginning. EXCEPTING THEREFROM a 40 foot roadway along the top of the dike on the easterly end of the above described tract of land.

EXHIBIT "E"

Beginning at a point that is East 760.0 feet from the quarter section corner between sections 22 and 23 in Township 8 North of Range 4 West of the Willamette Meridian, Columbia County, Oregon; thence from said point of beginning, South 211 feet to a point; thence East 1570.7 feet to the westerly bank of the slough and the Easterly edge of the Drainage District; thence down the bank of said slough North 00°30' East 511 feet to a point; thence West 1573.5 feet to a point; thence South 300 feet to the place of beginning. EXCEPTING THEREFROM a forty foot roadway along the top of the dike on the Easterly end of the above described tract. EXCEPTING ALSO THEREFROM that tract conveyed by deed recorded in Book 70, page 364, Deed Records of Columbia County, Oregon.

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

07938 '01 JUN 20 P3:45



ELIZABETH HUSEN, County Clerk
By: *[Signature]* Deputy
Receipt # *2017* of Pages *2*
FEES \$ *31.00*

Page 1 of 2



Notary Public *[Signature]*
My commission expires: *2/24/2004*
by John O. Line and Kathleen L. Line.
This instrument was acknowledged before me on *May 2nd*, 2001
State of OR, County of Columbia) ss.

Dated this *2* day of *May*, 2001
John O. Line
[Signature]
Kathleen L. Line
The true consideration for this conveyance is \$195,500.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

See Exhibit 'A' attached hereto and by reference made a part hereof.
described real property free of encumbrances except as specifically set forth herein:
to Theodore M. Payne and Marian Payne, as tenants by the entirety, Grantor conveys and warrants John O. Line and Kathleen L. Line, as tenants by the entirety, Grantor conveys and warrants

WARRANTY DEED (ORS 93.850)



After Recording Return To:
Key Title Company
2534 Sykes Rd., Suite C
PO Box 10274
St. Helens, OR 97051-0274
Send Tax Statements To:
Theodore M. Payne
80393 Kallunki Road
Clatskanie OR 97016

Title Order No. 07-24819
Escrow : 0. 07-24819
Tax Account No.

07-24819