

DECLARATION OF COMMUNITY WELL

DEED MADE May 24, 1997, by and between Matthew Woods and Erlene Woods, husband and wife, County of Barry, State of Missouri, herein referred to as Grantors, and Matthew Woods and Erlene Woods, husband and wife, whose address is HCR-2, Box 2089, Shell Knob, MO 65747, Joe H. Yeager and Elizabeth Ann Yeager, co-trustees of the Joe H. Yeager Living Trust under indenture dated April 9, 1993, whose address is 1716 N. Young, Wicilitha, Kansas 67212, Jerre B. Dalby, a single person, whose address is HC-2, Box 2087, Shell Knob, Missouri 65747, W. Hugh Ramsey, Jr., and Judith Ann Ramsey, husband and wife, 1713 Watkins Drive, Neosho, Missouri 64850, Pauline Newton, a single person, 9276 Jute, Neosho, Missouri 64850, and J. Kevin Checkett and Sandra L. Checkett, husband and wife, 1349 South Main, Carthage, Missouri 64836, referred to collectively as Grantees.

1. Grantors are the owners of a tract of land described as:

Beginning at the northern most corner of Lot 27, in Five Coves according to recorded plat thereof, thence South 02 degrees 18 minutes 02 seconds West, along the West line, in said Five Coves, a distance of 222.13 feet. Thence South 58 degrees 36 minutes 36 seconds West, a distance of 68.60 feet. Thence North 23 degrees 55 minutes 21 seconds West, a distance of 231.33 feet. Thence North 68 degrees 00 minutes 19 seconds East, a distance of 147.21 feet for a point of curvature to the right. Thence along said curve to the right, said curve having a central angle of 82 degrees 49 minutes 36 seconds, a radius of 20.00 feet, an arc length of 28.91 feet, a chord bearing of South 70 degrees 34 minutes 58 seconds East, a distance of 26.46 feet to the point of beginning, in Barry County, Missouri.

2. Grantees Matthew Woods and Erlene Woods are the owners of the tract described in paragraph 1 above and own a residence immediately adjacent to the east described as:

All of Lots Twenty-Six (26) and Twenty-Seven (27), located in Five Coves Subdivision, a tract of land in the West Half (W 1/2) of the Fractional Southeast Quarter (SE 1/4), Section 22, Township 22, Range 25, in Barry County, Missouri

3. Grantees Joe H. Yeager and Elizabeth Ann Yeager, co-trustees of the Joe H. Yeager Living Trust under indenture dated April 9, 1993, are the owners of a tract of land described as:

All of Lot Three (3), located in Five Coves Subdivision, a tract of land in the West Half (W 1/2) of the Fractional Southeast Quarter (SE 1/4), Section 22, Township 22, Range 25, in Barry County, Missouri.

36.00 pd
Checkett & Pauline
P.O. Box 409
Carthage, MO
64836

4925A

Under the terms of the Joe H. Yeager Living Trust under indenture dated April 9, 1993, the co-trustees are authorized at such time as they deem necessary and proper, to sell, convey, or transact in any manner the subject real property upon such terms and conditions as they may deem appropriate.

4. Grantee Jerre B. Daiby is the owner of a tract of land described as:

Lots One (1) and Two (2) of the recorded plat of Five Coves Subdivision, a tract of land in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 22, Township 22, Range 25, and also.

Beginning at a point on a GFTL Tract EE-3124-2, said point being the NE corner S-1/2 SE-1/4 NE-1/4 NE-1/4 SW-1/4 of Said Section 22, thence S 56° W 132.06 feet to a point of new beginning, thence S 34° 00' E 112.52 feet to the Northerly right of way line of a 60.0 foot road easement, thence S 66° 15' 29" W along right of way 93.22 feet, thence N 5° 15' 09" W 109.48 feet; thence N 56° 00' East 40.93 feet to the point of beginning containing 0.17 acres, more or less; Subject to a 20 foot road easement at westerly boundary, and

Beginning at the Northeast corner of the South Half of the South East Quarter of the North East Quarter of the North East Quarter of the South West Quarter of Section Twenty two (22), Township Twenty two (22), Range Twenty five (25), Barry County, Missouri, thence West 34 degrees South 132 feet, thence South 34 degrees East 138.6 feet, thence East 34 degrees North 40 feet, thence North 165 feet to the point of beginning subject to a 30 foot easement at the Southerly boundary of said tract. All in Barry County, Missouri.

5. Grantees W. Hugh Ramsey, Jr. and Judith Ann Ramsey are the owners of a tract of land described as:

Lot Five (5) of the recorded plat of Five Coves Subdivision, a tract of land in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 22, Township 22, Range 25, Barry County, Missouri.

6. Grantee Pauline Newton is the owner of a tract of land described as:

Lot Six (6) of the recorded plat of Five Coves Subdivision, a tract of land in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 22, Township 22, Range 25, Barry County, Missouri.

7. Grantees J. Kevin Checkett and Sandra L. Checkett are the owners of a tract of land described as:

Lot Four (4) in Five Coves Subdivision, a tract of land in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 22, Township 22, Range 25, Barry County, Missouri.

WHEREAS, there is now on the tract of land owned by grantors a well, together with casing and pump drilled and water lines installed, maintained, used, and paid for by all grantees and their predecessors in title.

THEREFORE, grantors, in consideration of the sum of ten (10) Dollars (\$10.00), receipt of which is hereby acknowledged, and subject to the conditions set forth in this instrument, do hereby grant, sell and convey to grantees a permanent easement in and to the well, casing, and pump, and the right to take the water from the well for customary residential and domestic purposes, and to convey and receive such water from the well to grantees' land by a pipe for grantees' use only. Each grantee shall be entitled to the use of the well and pipe for only one residence on each tract of real property. Grantor hereby grants to grantees, for the use and purpose of conveying such water an easement on, in, over, and across, a strip of land three (3) feet in width, the center line of such strip of land being the currently installed waterpipe beginning at the well and extending to grantees' real property.

This conveyance is made on the condition and declaration each grantees, their heirs and assigns, shall operate the well and pipes as a community well for the exclusive use of the affected six residences, and each shall bear one-sixth (1/6) of all expenses incurred in the operation of the pump and one-sixth (1/6) of all the expenses connected with the maintenance of the well and all accessories thereto and electricity therefor.

IN WITNESS WHEREOF, grantors and grantees have hereunto set their hand on the date first above-written.

Matthew Woods
Matthew Woods
Erlene J. Woods
Erlene Woods
GRANTORS

Matthew Woods
Matthew Woods
Erlene J. Woods
Erlene Woods

Joe H. Yeager
Joe H. Yeager, Co-Trustee

Elizabeth Ann Yeager
Elizabeth Ann Yeager, Co-Trustee

Jerre B. Dalby
Jerre B. Dalby

W. Hugh Ramsey, Jr.
W. Hugh Ramsey, Jr.

Judith Ann Ramsey
Judith Ann Ramsey

Pauline Newton
Pauline Newton

J. Kevin Checkett
J. Kevin Checkett

Sandra L. Checkett
Sandra L. Checkett

GRANTEES

STATE OF MISSOURI)
)SS:
COUNTY OF BARRY)

On this 29th day of May, 1997, before me personally appeared Matthew Woods and Erlene Woods, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Shell Knob, Missouri, the day and year first above written.

My Commission Expires:

9-7-99



LINDA L. KINSLEY
NOTARY PUBLIC - STATE OF MISSOURI
FAMILY COURT
SHELL NOB, MISSOURI

STATE OF MISSOURI)
)SS:
 COUNTY OF BARRY)

On this 29th day of May, 1997, before me, the undersigned, a Notary Public within and for the County of Barry, State of Missouri, appeared Joe H. Yeager and Elizabeth Ann Yeager, to me personally known, who, being by me duly sworn, did say that they are the Co-Trustees named under the Joe H. Yeager Living Trust under indenture dated April 9, 1993, and that said instrument was executed by said Co-Trustees in their fiduciary capacity and of their own free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Shell Knob, Missouri, the day and year in this certificate first above written.

Linda L. Kresley
 Notary Public

My Commission Expires:

9-7-99

STATE OF MISSOURI)
)SS:
 COUNTY OF BARRY)

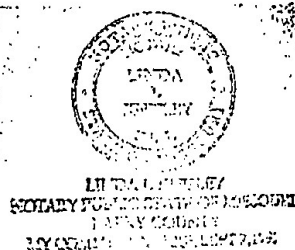
On this 7th day of ^{July}~~May~~, 1997, before me personally appeared Jerre B. Dalby, a single person, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Shell Knob, Missouri, the day and year first above written.

Linda L. Kresley
 Notary Public

My Commission Expires:

9-7-99



STATE OF MISSOURI)
)SS:
 COUNTY OF Barry)

On this 29th day of May, 1997, before me personally appeared W. Hugh Ramsey, Jr. and Judith Ann Ramsey, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Shell Knob, Missouri, the day and year first above written.



Linda L. Kinsley
 Notary Public

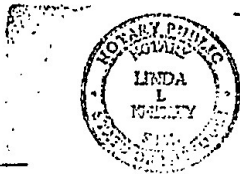
My Commission Expires:

9-7-99

STATE OF MISSOURI)
)SS:
 COUNTY OF Barry)

On this 29th day of May, 1997, before me personally appeared Pauline Newton, a single person, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Shell Knob, Missouri, the day and year first above written.



Linda L. Kinsley
 Notary Public

My Commission Expires:

9-7-99

LINDA L. KINSEY
 NOTARY PUBLIC - STATE OF MISSOURI
 BARRY COUNTY
 MY COMMISSION EXPIRES 9/7/99

STATE OF MISSOURI)
)SS:
COUNTY OF JASPER)

On this 19th day of May, 1997, before me personally appeared J. Kevin Checkett and Sandra L. Checkett, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Carthage, Missouri, the day and year first above written.

Janet Waggoner, Notary Public

My Commission Expires:

January 8, 1997

STATE OF MISSOURI)
) ss. IN THE RECORDER'S OFFICE
County of Barry)

I, Deek Sanders, Recorder of said County, do hereby certify that the within instrument of writing was, at 10 o'clock and 55 minutes A M., on the 4 day of August A.D., 1997, duly filed for record in my office, and is recorded in the records of this office, in Book 97, at Page 4925.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Cassville, Missouri this 4 day of August A.D., 1997.

(SEAL)

Recorder of Deeds

by Lori Cantwell, Deputy

RETURN TO:

CHECKETT & PAULY, P.C.
P. O. Box 409
Carthage, MO 64836

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