

4 8 3 0 4 7

### UPPER MELODY OAKS WELL AGREEMENT

THIS AGREEMENT is entered into by and between the owners of LOTS 22 through 42 of Melody Oaks First Addition of Melody Oaks, subdivisions located in Section 12, Township 79 North Range 44 West of the 5th P.M., Harrison County, Iowa.

WHEREAS, there are two wells and well houses located on lots 24 and 25 of Melody Oaks First Addition which will service all of the above-described lots, and

WHEREAS, all of the owners of said lots wish to enter into an agreement providing for the equitable sharing of the cost of operation and maintenance of said wells, and

WHEREAS, said present owners also wish to contractually bind all future owners of any of the above lots so as to insure that all users of water from said wells are paying their fair share of the cost.

**NOW THEREFORE, IT IS AGREED:**

1. The undersigned property owners, by mutual agreement, hereby form the Upper Melody Oaks Water Association, which shall have as its members all lot owners being serviced by the wells located on Lots 24 and 25. The purpose of said Association shall be to repair, service, and maintain said wells, and all lines running from said wells to the property line of each individual owner and to collect moneys from each property owner so as to insure adequate funds to pay the electrical bill incurred in operating said wells and to provide for a reserved fund in such an amount as the Association shall see fit. Each member of the Association shall be entitled to one vote per hookup, but no single member shall have more than one vote. The Association shall be run in a democratic manner under such rules and regulations as it may prescribe. Membership in said Association shall be limited to users of the well and shall transfer automatically to any new owners, heirs, assignees or successors in interest. In addition to the monthly electrical bills which shall be prorated equitably between all users, the Association has power and authority to levy special assessments against the members of the Association to pay for any necessary repair and maintenance work in order to assure an adequate supply of water from the wells belonging to the Association.
2. The undersigned owner(s) of Lots 24 and/or 25 hereby grant a permanent, non-exclusive easement over and across said lots to any authorized representative or agent of the Water Association for purposes of entering onto the premises to repair, maintain, service or inspect said well, equipment, and waterline leading there from by the most convenient method. Access shall be restricted to a twenty foot easement, that starts from the south lot line of the respective lots 24 and 25.
3. The Upper Melody Oaks Water Association shall own all waterlines lying within the road right-of-way. The Association hereby agrees to be responsible for maintenance of the well and all waterlines up to the shutoff valve to be located on each individual owner's lot. All new hookups to homes to be built in the area which will be served by the well shall have a shutoff valve, and the Association's responsibility for maintenance shall extend only up to the shutoff valve with the owner being responsible for all waterline and other facilities from the shutoff valve into the home. Any party presently a member of the Association who does not have the shutoff valve shall be responsible for maintenance of their own waterline from the lot line into their home. All members of the Association and their successors in interest hereby acknowledge that the Association has the power to shut off any member's water for non-payment of any assessment voted by a majority of the Association.

FILE NO. 3047  
BOOK 548 PAGE 3047

INDEXED	
RECORDED	
CONFIRMED	
RECORDING	
FEE \$	30.00
TRANSFER	
FEE \$	
RMFS	1.00

Pd

1995 MAY 21 PM 4:06  
*Lorrie A. Thompson*  
 LORRIE A. THOMPSON  
 RECORDER  
 HARRISON CO, IOWA

1 8 3 0 4 7

4. Any present or future owner of any of the above-described lots shall become a member of the Association and shall be entitled to hook up to the water system by payment of a \$2,000 hookup fee. A \$200 fee shall also apply to any future buyers of lots or homes presently hooked up to the water system.
5. All other monthly charges must be on a per hookup with each hookup paying the same amount.
6. Any present or future member of the Association may withdraw from said Association if he chooses not to be served by the Association wells, however, upon said withdrawal, the hookup fee or any later charges will be non-refundable.
7. All utility bills will be paid by those persons who are actually hooked up to the system and deriving benefits therefrom. All members of the Association agree to promptly pay all monthly charges and special assessments when notified by the secretary of the Association. Any member who does not pay either his pro-rata share of the regular expenses or special assessments when notified that such payment is due by the secretary of the Association, shall be in default, and in the event of such default, the Association is hereby granted the power to apply a mechanics lien against the members property and to withhold water from any member delinquent in his payments after first giving reasonable notice of 90 days to said delinquent member. Unless special payment arrangements are made with officers, by the said delinquent member.
8. This Agreement shall be deemed to be a covenant running with the land, binding the undersigned, their heirs, assignees, or successors in interest
9. This Agreement shall supersede all previous Upper Melody Oaks Water Association agreements

4 8 3 0 4 7

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1996

*Jimmy S. Dillon*  
*Anna J. Dankowicz*  
*Debra J. Dankowicz*  
*Levy D. King*  
*See P. King*  
*James C. Wisley*  
*B. J. King*  
*Fred Blom*  
~~*Lucy J. King*~~  
*James P. King*  
*Deborah J. Bruce*  
*James P. King*  
*Levy D. King*  
*Donna J. King*  
*Debra J. King*

STATE OF IOWA )  
 ) ss:  
 HARRISON COUNTY )

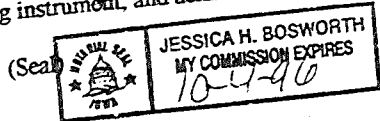
On this \_\_\_\_\_ day of \_\_\_\_\_, 1996, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed

\_\_\_\_\_  
 Notary Public in and for the State of Iowa

4 8 3 0 4 7

STATE OF IOWA }  
HARRISON COUNTY } ss:

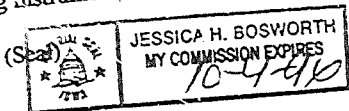
On this 22<sup>nd</sup> day of January, 1996, before me, a Notary Public in and for said County and State, personally appeared Emily [unclear] to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Jessica H. Bosworth  
Notary Public in and for the State of Iowa

STATE OF IOWA }  
HARRISON COUNTY } ss:

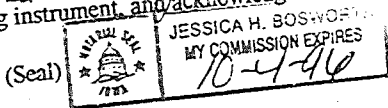
On this 22<sup>nd</sup> day of January, 1996, before me, a Notary Public in and for said County and State, personally appeared Abbie [unclear] to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Jessica H. Bosworth  
Notary Public in and for the State of Iowa

STATE OF IOWA }  
HARRISON COUNTY } ss:

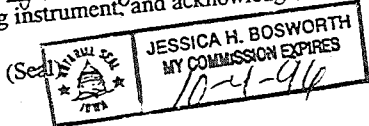
On this 22<sup>nd</sup> day of January, 1996, before me, a Notary Public in and for said County and State, personally appeared Chris [unclear] to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Jessica H. Bosworth  
Notary Public in and for the State of Iowa

STATE OF IOWA }  
HARRISON COUNTY } ss:

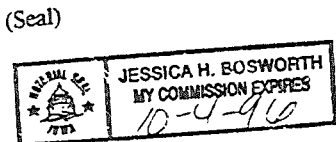
On this 31<sup>st</sup> day of January, 1996, before me, a Notary Public in and for said County and State, personally appeared Freight [unclear] to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Jessica H. Bosworth  
Notary Public in and for the State of Iowa

STATE OF IOWA }  
HARRISON COUNTY } ss:

On this 31<sup>st</sup> day of January, 1996, before me, a Notary Public in and for said County and State, personally appeared Sara [unclear] to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Jessica H. Bosworth  
Notary Public in and for the State of Iowa

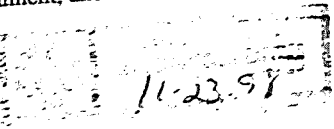
183047

STATE OF IOWA  
HARRISON COUNTY

}  
} ss:

On this 3rd day of February, 1996, before me, a Notary Public in and for said County and State, personally appeared Lynn R. Rigby to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.

(Seal)



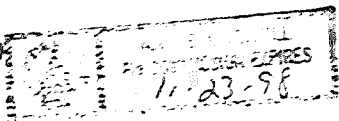
Am E Colwell  
Notary Public in and for the State of Iowa

STATE OF IOWA  
HARRISON COUNTY

}  
} ss:

On this 3rd day of February, 1996, before me, a Notary Public in and for said County and State, personally appeared Lynn R. Rigby to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.

(Seal)



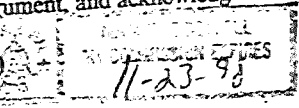
Am E Colwell  
Notary Public in and for the State of Iowa

STATE OF IOWA  
HARRISON COUNTY

}  
} ss:

On this 4th day of February, 1996, before me, a Notary Public in and for said County and State, personally appeared Brent S. Olson to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.

(Seal)



Am E Colwell  
Notary Public in and for the State of Iowa

STATE OF IOWA  
HARRISON COUNTY

}  
} ss:

On this 23rd day of January, 1996, before me, a Notary Public in and for said County and State, personally appeared Jim Bower to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



JESSICA H. BOSWORTH  
MY COMMISSION EXPIRES  
10-4-96

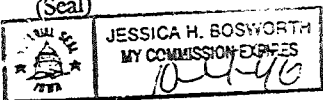
Jessica H. Bosworth  
Notary Public in and for the State of Iowa

STATE OF IOWA  
HARRISON COUNTY

}  
} ss:

On this 24th day of January, 1996, before me, a Notary Public in and for said County and State, personally appeared Jim Bower to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.

(Seal)



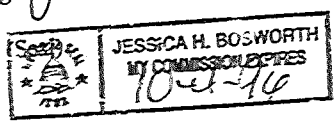
Jessica H. Bosworth  
Notary Public in and for the State of Iowa

4 8 3

3 0 4 7

STATE OF IOWA }  
HARRISON COUNTY } ss:

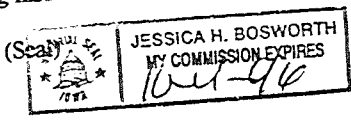
On this 21<sup>st</sup> day of January, 1996, before me, a Notary Public in and for said County and State, personally appeared Jerry Baker to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Jessica H. Bosworth  
Notary Public in and for the State of Iowa

STATE OF IOWA }  
HARRISON COUNTY } ss:

On this 21<sup>st</sup> day of January, 1996, before me, a Notary Public in and for said County and State, personally appeared Jerry Baker to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Jessica H. Bosworth  
Notary Public in and for the State of Iowa

STATE OF IOWA }  
HARRISON COUNTY } ss:

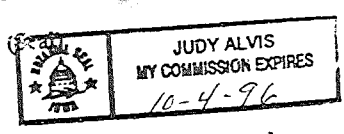
On this 22<sup>nd</sup> day of April, 1996, before me, a Notary Public in and for said County and State, personally appeared Larry Melbeck to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Joyce Hall  
Notary Public in and for the State of Iowa

STATE OF IOWA }  
HARRISON COUNTY } ss:

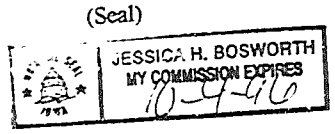
On this 25 day of April, 1996, before me, a Notary Public in and for said County and State, personally appeared Donna S. King to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Judy Alvis  
Notary Public in and for the State of Iowa

STATE OF IOWA }  
HARRISON COUNTY } ss:

On this 19 day of May, 1996, before me, a Notary Public in and for said County and State, personally appeared Alvin Fox to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.



Jessica H. Bosworth  
Notary Public in and for the State of Iowa