

Attachment D

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8.19.14

REEL 245 PAGE 326

AGREEMENT

AGREEMENT, made and entered into this 29th day of October, 1963, by and between Thomas H. Rowland and Anna Caroline Rowland, his wife, sometimes hereinafter called First Party, Barbara ROBBINS, sometimes hereinafter called Second Party, and Robert V. Antle and Sue M. Antle, his wife, sometimes hereinafter called Third Party,

WITNESSETH:

This Agreement is made with reference to the following facts:

(1) First party is owner of Parcels "A", "B", "C", and "D", as said parcels are shown on "Record of Survey for Tom H. Rowland", etc., filed for record August 15, 1963 in Book 6 of Surveys at page 174, Monterey County Records.

Second party is owner of Parcels "1", "2", "3" and "4" as said parcels are shown on "Record of Survey for Barbara Robbins, etc." filed for record August 15, 1963 in Book 6 of Surveys at page 193, Monterey County Records.

Third party is owner of the following described property: Property conveyed by Harry L. Rhodes to Robert V. Antle and Sue M. Antle, his wife by deed dated August 8, 1962, recorded August 15, 1962 in Reel 85 at page 282, Official Records of Monterey County, excepting therefrom that portion thereof conveyed to Barbara Robbins by deed dated October 15, 1962, recorded October 24, 1962 in Reel 108 at page 314, Official Records of Monterey County, also excepting therefrom that portion thereof conveyed to Thomas H. Rowland and Anna Caroline Rowland, his wife by deed dated October 15, 1962, recorded October 24, 1962 in Reel 108 at page 324, Official Records of Monterey County.

(2) Property of First and Second party is subject to easements for road and/or utility purposes, more particularly set forth in deed from First Party to Second Party, dated October 22, 1963; and in deed from second Party to First Party, dated October 22, 1963; both deeds being recorded concurrently herewith; and also additionally Parcel "A" as described in that certain deed from Robert V. Antle and Sue M. Antle, his wife, to Thomas H. Rowland and Caroline Rowland, his wife, dated

1.

October 15, 1962 and recorded October 24, 1962 in Reel 108 Official Records at page 324, Monterey County Records.

(3) The parties hereto intend by this Agreement to provide for the maintenance of roads, well, pumping equipment, water line, storage tank, and to provide water for each of the parcels described in Paragraph 1 herein.

(4) For the purposes of this Agreement, the parties hereto will be referred to collectively as the ALTA TIERRA ASSOCIATION.

NOW, THEREFORE, it is agreed as follows:

A meeting of the Alta Tierra Association shall be held on the 15th day of November, 1963, and at times thereafter as determined by the Association, for the purpose of establishing charges for water and the maintenance of the roadway and water system. It shall be the intention of the Association to establish charges sufficient to provide for maintenance of the road and water system in a good and serviceable condition at all times.

The owners of each of the parcels of land described in Paragraph (1) herein, and subsequent owners thereof, shall be entitled to equal use of the road constructed on the easement for right of way across property of First Party and Second party herein, and shall be entitled to receive water for domestic purposes, landscaping, swimming pools, and such additional uses as may be determined by the ownership of a majority of said parcels. However, Third Party, and their successors shall be additionally entitled to water sufficient for sprinkling of that portion of their parcel westerly of barn now existing on said parcel so long as this use does not deprive other parcels of an adequate supply of water for domestic purposes, landscaping, and swimming pools.

No expenditure for maintenance or improvement of road, well, pumping system or pipe line shall be made by the Alta Tierra Association except by vote indicating concurrence by the ownership of a majority of the parcels described in Paragraph 1 herein. Each parcel shall be represented by one vote only, without regard to the number of individuals comprising ownership of any of the subject parcels.

It is covenanted and agreed that there shall be no additional parties to the water system without a majority concurrence of the ownership.

Each of the owners agree to hold harmless the other owners from any damages caused by breakage of water transmission lines upon the parcels, and each owner further waives any right of action, either at law or equity, against remaining owners for damages from breakage or failure of equipment.

Each parcel owner will install a meter or meters for measuring water consumption. Owner's prorata share of the cost of supplying water will be made in that amount as determined by actual cost plus any additional amount for contingencies as may be determined by majority vote of the ownership.

The purchasers of each parcel shall, at the time of purchase, deposit \$50.00 with the ALTA TIERRA ASSOCIATION, such deposit to be placed in a fund to be used if and when necessary for the maintenance of water system and/or roadway.

It is intended that this Agreement shall have the force and effect of a covenant running to and with the land of each of the owners, and that this agreement shall be binding upon their heirs, assigns and successors in interest.

ALTA TIERRA ASSOCIATION

By: Thomas H. Rowland

Anna C. Rowland

Barbara Robbins

Robert V. Antle

Sue M. Antle

Title Insurance and Trust Company

1963 OCT 13
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TO: (Individual)
STATE OF CALIFORNIA
COUNTY OF Monterey
On October 29, 1963 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Thomas H. Rowland, Anna C. Rowland, Barbara Robbins, Robert V. Antle and Sue M. Antle

known to me to be the person s whose name s are subscribed to the within instrument and acknowledged that they executed the same.
WITNESS my hand and official seal.
(Seal)
Signature [Signature]
Name (Typed or Printed) G. Langenhovel

Notary Public
END OF DOCUMENT*

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