

PROPORTIONATE LIABILITY OF EACH OWNER. THE JUDGEMENT MAY BE ENFORCED AS A MONEY JUDGEMENT BY ANY PARTY AGAINST ANY OTHER PARTY TO THE ACTION.

- (D) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO RIGHT-OF-WAY HELD OR USED BY RAILROAD COMMON CARRIES SUBJECT TO THE JURISDICTION OF THE PUBLIC UTILITIES COMMISSION.

THIS IS TO CERTIFY THAT WE HAVE READ, UNDERSTAND AND ACCEPT OUR RESPONSIBILITIES WITH RESPECT TO MAINTENANCE OF THE ACCESS RIGHT-OF-WAY TO SUBJECT PROPERTY.

Darwin L. South 8-4-03 _____ DATE DATE

Candece South 8-4-03 _____ DATE DATE

STATE OF *Arizona*)
COUNTY OF *Yavapai*) ss

This instrument was acknowledged before me this *4th* day of *August*, *2003* by Darwin L. South and Candece South

7-28-2004 My commission expires _____
Rhonda Schultz Notary Public



Unofficial Copy

WHEN RECORDED MAIL TO:
Darwin L. South
P. O. Box 813
Paulden, AZ 86334

FEE	
\$	3
\$8	/
\$5	/
\$1	/
\$	1.81

3615419 BK 4060 PG 065
Yavapai County, Arizona
Patsy Jenney-Colon, Recorder
08/08/2003 03:22P PAGE 1 OF 3
CAPITAL TITLE AGENCY
RECORDING FEE 5.00
SURCHARGE 8.00
POSTAGE 1.00

Escrow No. 55030550

PRIVATE ROAD MAINTENANCE AGREEMENT

LEGAL DESCRIPTION: SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HERE OF:

BY SIGNING HEREON, THE UNDERSIGNED BORROWER RECOGNIZES THAT THE PROPERTY BEING REFINANCED/FINANCED IS SERVICED BY A PRIVATE EASEMENT ROAD WHICH IS NOT MAINTAINED BY PUBLIC SERVICES (e.g., CITY, COUNTY OR STATE AGENCY) AND REQUIRED MAINTENANCE BY THE UNDERSIGNED BORROWER AND ALL OTHER PROPERTY OWNERS SHARING A FEE INTEREST (OWNERSHIP) IN THE PRIVATE ROADWAY

- (A) THE OWNER OF ANY EASEMENT IN THE NATURE OF A PRIVATE RIGHT-OF-WAY, OR OF ANY LAND TO WHICH ANY SUCH EASEMENT IS ATTACHED, WILL MAINTAIN IT IN REPAIR.
- (B) IF THE EASEMENT IS OWNED BY MORE THAN ONE PERSON, OR IS ATTACHED TO PARCELS OF LAND UNDER DIFFERENT OWNERSHIP, THE COST OF MAINTAINING IT IN REPAIR WILL BE SHARED BY EACH OWNER OF THE EASEMENT OR THE OWNERS OF THE PARCELS OF LAND, AS THE CASE MAY BE, PURSUANT TO THE TERMS OF ANY AGREEMENT ENTERED INTO BY THE PARTIES FOR THAT PURPOSE. IF ANY OWNER WHO IS A PARTY TO THE AGREEMENT REFUSES TO PERFORM OR FAILS AFTER DEMAND IN WRITING TO PAY THE OWNER'S PORTION OF THE COST, AN ACTION OF SPECIFIC PERFORMANCE OR CONTRIBUTION MAY BE BROUGHT AGAINST THAT OWNER IN A COURT OF COMPETANT JURISDICTION BY THE OTHER OWNERS, EITHER JOINTLY OR SEVERALLY.
- (C) IN THE ABSENCE OF AN AGREEMENT, THE COST WILL BE SHARED PROPORTIONATELY TO THE USE MADE OF THE EASEMENT BY EACH OWNER.

ANY OWNER OF THE EASEMENT, OR ANY OWNER OF LAND TO WHICH THE EASEMENT IS ATTACHED, MAY APPLY TO ANY COURT WHERE THE RIGHT-OF-WAY IS LOCATED AND THAT HAS JURISDICTION OVER THE AMOUNT IN CONTROVERSY FOR THE APPOINTMENT OF ANY IMPARTIAL ARBITRATOR IN APPORTIONING THE COST. THE APPLICATION MAY BE MADE BEFORE, DURING OR AFTER PERFORMANCE OF THE MAINTENANCE WORK. IF THE ARBITRATION AWARD IS NOT ACCEPTED BY ALL OF THE OWNERS, THE COURT MAY ENTER A JUDGEMENT DETERMINING THE