

WHEN RECORDED MAIL TO:

**JAMES F. KUNISCH
ANN MARIE KUNISCH
2015 FRED A LANE
CARDIFF, CA 92007**



2007-07031

Page 1 of 6

Requested By: LA PAZ TITLE

SHELLY D BAKER, RECORDER

OFFICIAL RECORDS OF LA PAZ COUNTY, AZ

12-07-2007 01:48 PM Recording Fee \$15.00



03043456 BSM

MEMORANDUM OF AGREEMENT

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THIS MEMORANDUM OF AGREEMENT is executed this 26 day of
NOVEMBER, 2007, by and between KENNETH MILLER, hereinafter referred to as
"MILLER" and JAMES F. KUNISCH, hereinafter referred to as "KUNISCH".

WITNESSETH:

WHEREAS, KUNISCH owns the Northeast quarter of the Southeast quarter of
Section 19, Township 3 North, Range 19 West of the Gila and Salt River Base and
Meridian and the Southwest quarter of the Southeast quarter of the Northeast quarter of
Section 19, Township 3 North, Range 19 West of the Gila and Salt River Base and
Meridian; ^{LA PAZ} Yuma, County, Arizona, and

WHEREAS, MILLER owns the Southeast quarter of the Northeast quarter of
Section 19, Township 3 North, Range 19 West of the Gila and Salt River Base and
Meridian; ^{LA PAZ} Yuma, County, Arizona, except the Southwest quarter of the Southeast
quarter of the Northeast quarter of Section 19, Township 3 North, Range 19 West of the
Gila and Salt River Base and Meridian; ^{LA PAZ} Yuma, County, Arizona; ^{KUN JK}

WHEREAS, KUNISCH is desirous of abandoning an existing 30 foot easement
on the North 30 feet of the Northeast quarter of the Southeast quarter of Section 19,
Township 3 North, Range 19 West of the Gila and Salt River Base and Meridian; ^{LA PAZ} Yuma, ^{JK KU}
County, Arizona, and

WHEREAS, KUNISCH is desirous of granting MILLER a water right from
KUNISCH's well on the property described above as KUNISCH's in consideration of the
granting of an additional easement from MILLER to benefit KUNISCH's property; and

WHEREAS, MILLER is willing to dedicate a new easement on his property to

benefit the properties owned by KUNISCH in exchange for the water right and the construction of a 4- wire rural fence on the South and West of MILLER's affected parcel described as the Southeast quarter of the Southeast quarter of the Northeast quarter of

KM
SK Section 19, Township 3 North, Range 19 West of the Gila and Salt River Base and Meridian, ^{*LA PAZ*}~~Yuma~~, County, Arizona; and

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration hereinafter recited, the parties agree as follows:

1. Upon the execution and recording of this Agreement, KUNISCH hereby abandons that certain existing 30 foot easement on the North 30 feet of the Northeast quarter of the Southeast quarter of Section 19, Township 3 North, Range 19 West of the Gila and Salt River Base and Meridian, ^{*LA PAZ*}~~Yuma~~ County, Arizona. *KM*
SK

2. MILLER hereby grants, conveys and establishes an easement for the benefit of his property and for the benefit of the KUNISCH property over the South 30 feet of the Southeast quarter of the Southeast quarter of the Northeast quarter of Section 19, Township 3 North, Range 19 West of the Gila and Salt River Base and Meridian, ^{*LA PAZ*}~~Yuma~~, County, Arizona. *KM*
SK

3. KUNISCH is establishing The Arroyos Preserve, a subdivision on the above described KUNISCH properties. KUNISCH will establish a well for the subdivision and hereby grants to MILLER a water right from KUNISCH's well to the extent water is available, after first providing the necessary water to KUNISCH's subdivision. It is agreed that there will be no charge for usage of the water and that water can only be used by MILLER for MILLER's

reasonable domestic use and not for any agricultural or high density residential use by MILLER. For example, MILLER gets water only if The Arroyos Preserve has additional water capacity after the KUNISCH subdivisions are served and MILLER agrees that the water will not be utilized for any high volume usage project or for agriculture.

4. KUNISCH agrees to provide, install and pay for a 4-wire rural fence on the South and West of the MILLER parcel described as the Southeast quarter of the Southeast quarter of the Northeast quarter of Section 19, Township 3 North, Range 19 West, Gila and Salt River Base and Meridian, La Paz County, Arizona. In addition, Kunisch agrees to provide, install and pay for a 2-inch water supply line to be terminated within 10-feet of the property line on the Southwest corner of MILLER'S parcel described as the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 19, Township 3 North, Range 19 West of the Gila and Salt River Base and Meridian, La Paz County, Arizona.

The parties agree that the covenants and agreements hereinafter contained shall run with the land and shall be available to the successors, assigns and heirs of the parties hereto.

Time shall be of the essence of this Agreement and this Agreement shall be governed and controlled by the laws of the State of Arizona.

IN WITNESS WHEREOF, the parties have hereunto signed this Agreement the day and year first above written.


KENNETH MILLER


JAMES F. KUNISCH

JK KUN

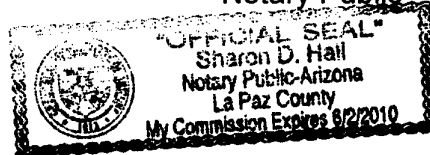
ARIZONA
STATE OF ~~CALIFORNIA~~)
) ss.
County of La Paz)

On November 26, 2007 before me, Sharon D. Hall personally appeared JAMES F. KUNISCH personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Sharon D. Hall
Notary Public

My Commission Expires:
6-2-2010



STATE OF Arizona)
) ss.
County of La Paz)

SUBSCRIBED AND SWORN TO before me this 26th day of November, 2007,
by KENNETH MILLER.

Sharon D. Hall
Notary Public

My Commission Expires:
6-2-2010

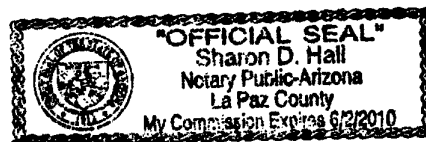


EXHIBIT 1
Proposed Access EASEMENT adjustment
for The Arroyos Preserve subdivision

