

TERMINATION OF WELL USAGE RIGHTS EASEMENT

THIS AGREEMENT, entered into this 30TH day of September, 1991, by and between ROBERT PARLAGRECO and ROBIN PARLAGRECO, husband and wife (hereinafter referred to as "Parlagreco"), and CLIFF BARTLETT and KIMBER BARTLETT, husband and wife (hereinafter referred to as "Bartlett").

RECITALS

WHEREAS, Parlagreco is the owner of a certain piece of real property located in Klamath County, Oregon, referred to herein as Parcel 1, said parcel being Parcel 1 in a Well Usage Rights Easement recorded in Volume M82, Page 5527 of the records of Klamath County, Oregon, described generally as a tract of land situated in the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; being that portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8 lying East of the existing graveled road as described in Deed Volume M75, Page 15158, Microfilm Records of Klamath County, Oregon, and more particularly described in the Well Usage Rights Easement recorded in Volume M82, Page 5527, of the records of Klamath County, Oregon; and

WHEREAS Bartlett is the owner of a certain piece of real property located in Klamath County, referred to herein as Parcel 2, said parcel being Parcel 2 in a Well Usage Rights Easement recorded in Volume M82, Page 5527 of the records of Klamath County, Oregon, described generally as a tract of land situated in the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being a portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8, lying East of an existing graveled road described in Deed Volume 75, Page 15158, Microfilm Records of Klamath County, Oregon, and being more

26
11 AM
OCT 1 1991

particularly described in the Well Usage Rights Easement recorded in Volume M82, Page 5527, of the records of Klamath County, Oregon; and

WHEREAS, the parties are desirous of cancelling and rendering said agreement no longer of operating effect.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, Parlagreco and Bartlett hereby agree as follows:

1. That the Well Usage Rights Easement recorded at Volume 82, Page 5527, of the records of Klamath County, Oregon, is hereby terminated, subject to the following terms and conditions.

A. Because the well has been used for a period of time and there is a potential that the pump and other mechanisms necessary to pump water from the same may need which, which will have been caused by the joint usage of the parties, the parties hereby agree that Bartlett shall be responsible for any repairs to the well under the following schedule:

Within one year; 50% of the costs of repairs

Between one and two years; 40%

Between two and three years; 30%

Between three and four years; 20%

Between four and five years; 10%

After five years; -0-

excepting therefrom the above-ground pipe and the electrical control box, which shall be the sole responsibility of Parlagreco.

B. Bartlett shall be responsible for the attorneys' fees and costs incurred in preparing this final agreement, and for the recording costs to record the same.

C. Should any suit or action be brought to enforce any

19935

of the terms of this agreement, the prevailing party in such suit or action shall be entitled to a reasonable sum as attorney fees, in addition to costs and disbursements as provided by law; and if any appeal is taken from any decision of the trial court, such further sum as may be fixed by the appellate court, as reasonable attorney fees in the appellate court, in addition to costs and disbursements as provided by law.

D. This agreement constitutes a whole and complete statement of the agreement between the parties; and there are no other representations or agreements not contained in this document pertaining to this transaction.

IN WITNESS WHEREOF, the parties hereto have executed this document the day and year first hereinabove written.

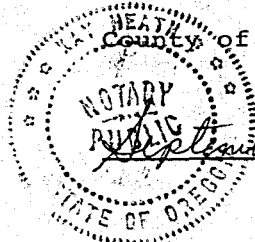
Robin Parlagreco
Robin Parlagreco

Kimber Bartlett
Kimber Bartlett

Robert Parlagreco
Robert Parlagreco

Cliff Bartlett
Cliff Bartlett

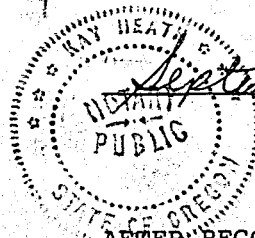
STATE OF OREGON)
) ss.
County of Klamath)



SUBSCRIBED AND SWORN TO BEFORE ME this 30th day of September, 1991, by Robin Parlagreco and Robert Parlagreco.

Kay Heath
NOTARY PUBLIC FOR OREGON
My Commission expires: 5-20-94

STATE OF OREGON)
) ss.
County of Klamath)



SUBSCRIBED AND SWORN TO BEFORE ME this 30th day of September, 1991, by Kimber Bartlett and Cliff Bartlett.

Kay Heath
NOTARY PUBLIC FOR OREGON
My Commission expires: 5-20-94

AFTER RECORDING RETURN TO:
Mr. and Mrs. Robert Parlagreco
5155 Roundlake Road
Klamath Falls OR 97601

TERMINATION USAGE RIGHTS AGREEMENT

-3-

K49

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Parks & Ratliff the 1st day of Oct. A.D., 19 91 at 11:26 o'clock A M., and duly recorded in Vol. M91 of Deeds on Page 19933

FEE \$38.00

Evelyn Biehn County Clerk

By Gardner Mullender