

**AGREEMENT FOR TERMINATION  
OF  
WATER WELL AGREEMENT  
K- 51909**

THIS AGREEMENT made effective the \_\_\_ day of April, 1998, by and between Verna Angeline Head, Trustee of the Verna Angeline Head 1990 Family Trust, hereinafter called First Party; Thomas F. McGarry and Louise M. McGarry, as tenants in common, hereinafter referred to as Second Party; Paul Barker and Anselma Barker, hereinafter called Third Party; and Leo Anthony Bocchi and Arlene F. Bocchi, hereinafter called Fourth Party,

**WITNESSETH:**

WHEREAS, First Party is the owner in fee simple of the following described real property, situate in Klamath County, Oregon, to-wit:

Lot 15, Block 46, HILLSIDE ADDITION to the City of  
Klamath Falls, according to the official plat thereof on file  
with the Clerk of Klamath County, Oregon;

(hereinafter referred to as Lot 15, Block 46); and

WHEREAS, Second Party is the owner in fee simple of the following described real property, situate in Klamath County, Oregon, to-wit:

Lot 12, Block 46, HILLSIDE ADDITION to the City of  
Klamath Falls, according to the official plat thereof on file  
with the Clerk of Klamath County, Oregon;

(hereinafter referred to as Lot 12, Block 46); and

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**GRANTOR'S NAME AND ADDRESS:**

Thomas F. McGarry and Louise M. McGarry, et al  
5077 SE 28<sup>th</sup>, Portland, OR 97202

**GRANTEE'S NAME AND ADDRESS:**

Thomas F. McGarry and Louise M. McGarry, et al  
5077 SE 28<sup>th</sup>, Portland, OR 97202

**AFTER RECORDING, RETURN TO:**

Brent McGarry and Sherilin McGarry  
2027 Erie, Klamath Falls, OR 97601

**UNTIL A CHANGE IS REQUESTED,**

**SEND TAX STATEMENT TO:**

Brent McGarry and Sherilin McGarry  
2027 Erie, Klamath Falls, OR 97601

WHEREAS, Third Party is the owner in fee simple of the following described real property, situate in Klamath County, Oregon, to-wit:

Lot 11, Block 46, HILLSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file with the Clerk of Klamath County, Oregon;

(hereinafter referred to as Lot 11, Block 46); and

WHEREAS, Fourth Party is the owner in fee simple of the following described real property, situate in Klamath County, Oregon, to-wit:

Lot 13 and 14, Block 46, HILLSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file with the Clerk of Klamath County, Oregon;

(hereinafter referred to as Lots 13 and 14, Block 46); and which said property was previously conveyed by H.C. Head and Cora F. Head, husband and wife, to Richard A. Resare and Sandra L. Resare, husband and wife, by a conveyance wherein H.C. Head and Cora F. Head made the following reservation, to-wit:

"RESERVING unto grantors, their heirs, representatives and assigns an undivided one-half interest in and to the hot water well constructed on the said Lot 14, together with one coil therein, and all pipe laid therefrom to Grantors' premises erected on the East 105 feet of Lots 11 and 12, Block 46, HILLSIDE ADDITION, together with an easement along said pipe line for the purpose of entering into and upon Grantees' premises to repair and maintain said pipe line. This easement, right and right of way herein reserved shall run with and be appurtenant to Grantors' said lands"; and

WHEREAS, the aforementioned H.C. Head and Cora F. Head, and Richard A. Resare and Sandra L. Resare, thereafter entered into an Agreement, dated April 19, 1965, and recorded April 26, 1965, in Vol. 361, page 75, Deed Records of Klamath County, Oregon, such agreement providing for the future operation, maintenance and repair of the well situated on the said Lot 14; and

WHEREAS, the parties hereto believe that during the year 1965, the well located on Lot 14, Block 46, HILLSIDE ADDITION, had been connected to an improvement located on Lot 15, Block 46, HILLSIDE ADDITION, which was and is the property sought to be benefitted by the Agreement dated April 19, 1965, and recorded April 26, 1965, in Vol. 361 at page 75 in the Deed Records of Klamath County, Oregon; and

WHEREAS, First, Second and Third Parties, as successors in interest to H.C. Head and Cora F. Head, husband and wife (First Parties in the Agreement dated April 19, 1965); and Fourth Party as successor in interest to Richard A. Resare and Sandra L. Resare, husband and wife, (Second Parties in the Agreement dated April 19, 1965), all desire to terminate any and all responsibility of the owners of Lots 11, 12 and 15, Block 46, HILLSIDE ADDITION, for the continued operation, maintenance and repair of the well situated on Lot 14, Block 46, and to agree that all such costs, maintenance and repairs shall be the responsibility of the owner of the property legally described as follows, to wit:

Lot 13 and 14, Block 46, HILLSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file with the Clerk of Klamath County, Oregon; and

WHEREAS, First, Second and Third Parties herein desire to convey unto Fourth Party any interest of First Party, Second Party and Third Party in the hot water well constructed on the said Lot 14, together with one coil therein, as well as the easement described both in the conveyance from H.C. Head and Cora F. Head to Richard A. Resare and Sandra L. Resare, husband and wife, and the aforementioned Agreement dated April 19, 1965;

NOW, THEREFORE, in consideration of the premises, the parties hereto covenant and agree on behalf of themselves, their heirs, successors and assigns, as follows:

# I

The parties hereto agree that no monies are owed from one to the other, arising from out of the agreement dated April 16, 1965, and recorded April 26, 1965, in Vol. 361, page 75, Deed Records of Klamath County, Oregon; and

# II

Each of the parties agrees that the certain agreement, dated April 19, 1965, recorded at Vol. 361 at page 75 of the Deeds Records of Klamath County, Oregon, should be terminated, dissolved and held for naught; and

# III

First Party, Second Party and Third Party transfer, and quit claim unto Leo Anthony Bocchi and Arlene F. Bocchi (Fourth Party as owners of Lots 13 and 14, Block 46, HILLSIDE ADDITION), the interest and easement described as follows, to-wit:

An undivided one-half (1/2) interest in and to the hot water well constructed upon Lot 14, Block 46, HILLSIDE ADDITION to the City of Klamath Falls, together with one coil therein, and all pipe laid therefrom, together with an

caseiment along said pipe line for the purpose of entering into and upon the premises to repair and maintain said pipe line;

## IV

This agreement shall serve to remove, as an encumbrance upon the property of each of the parties hereto that certain agreement made April 19, 1965, and recorded April 26, 1965, in Vol. 361, page 75, Deed Records of Klamath County, Oregon.

## V

This agreement shall bind each of the parcels described, be appurtenant thereto and run therewith.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals effective the day and year hereinabove written.

VERNA ANGELINE HEAD, TRUSTEE OF  
VERNA ANGELINE HEAD 1990 FAMILY TRUST

By: Verna A. Head

Verna Angeline Head, First Party

DATED: 5/4/98

Paul Barker

Paul Barker, Third Party

DATED: 4-13-98

X Thomas F. McGarry

Thomas F. McGarry, Second Party

DATED: 5-19-98

Anselma Barker

Anselma Barker, Third Party

DATED: 4-13-98

X Louise M. McGarry

Louise M. McGarry, Second Party

DATED: 5-19-98

Leo Anthony Bocchi

Leo Anthony Bocchi, Fourth Party

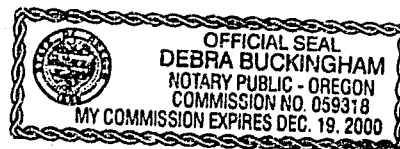
DATED: 5-12-98

Arlene F. Bocchi

Arlene F. Bocchi, Fourth Party

DATED: 5/12/98

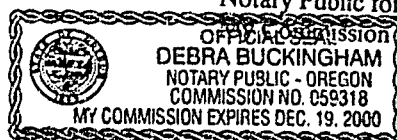
STATE OF OREGON)  
 ) ss:  
 County of Klamath )



PERSONALLY APPEARED Paul Barker, and acknowledged  
 the foregoing instrument to be his voluntary act and deed.

Debora Buckingham  
 Notary Public for OREGON

STATE OF OREGON)  
 ) ss:  
 County of Klamath )



My Commission expires: 12/19/2000

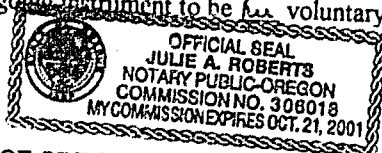
PERSONALLY APPEARED Anselma Barker, and acknowledged  
 the foregoing instrument to be her voluntary act and deed.

Debora Buckingham  
 Notary Public for OREGON

My Commission expires: 12/19/2000

STATE OF OREGON)  
 ) ss:  
 County of Klamath )

PERSONALLY APPEARED Yvonne A. Hensel, and acknowledged  
 the foregoing instrument to be her voluntary act and deed.

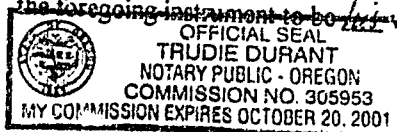


Julia Roberts  
 Notary Public for OREGON

My Commission expires: 10/21/01

STATE OF OREGON)  
 ) ss:  
 County of Klamath )

PERSONALLY APPEARED Leo Anthony Bocchi, and acknowledged  
 the foregoing instrument to be his voluntary act and deed.

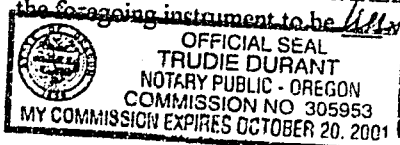


Trudie Durant  
 Notary Public for OREGON

17723

My Commission expires: \_\_\_\_\_

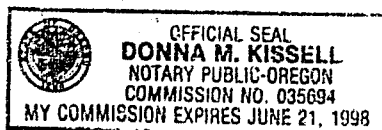
STATE OF OREGON)

County of Klamath ) ss:PERSONALLY APPEARED Arlene L. Boechi and acknowledged  
the foregoing instrument to be voluntary act and deed.
Trudie Durant  
 Notary Public for OREGON
My Commission expires: 6/21/95 MK.

STATE OF OREGON)

County of Multnomah ) ss:PERSONALLY APPEARED Thomas F. McGarry and acknowledged  
the foregoing instrument to be voluntary act and deed.
Donna M. Kissell  
 Notary Public for OREGON  
 My Commission expires: 6/21/95

STATE OF OREGON)

County of Multnomah ) ss:PERSONALLY APPEARED Lorise M. McGarry and acknowledged  
the foregoing instrument to be voluntary act and deed.
Donna M. Kissell  
 Notary Public for OREGON  
 My Commission expires: 6/21/95

 Page 6 - AGREEMENT FOR TERMINATION OF WATER WELL AGREEMENT  
 STATE OF OREGON: COUNTY OF KLAMATH: ss.

 Filed for record at request of First American Title the 26th day  
 of May A.D., 19 98 at 2:45 o'clock P.M., and duly recorded in Vol. M98  
 of Deeds on Page 17718

FEE \$55.00

 By Kathleen Rose Bernetha G. Letsch, County Clerk