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K-42569
ENCROACHMENT AGREEMENT

By and between Joe Hoefler and Paul Hoefler (dba, Hoefler Bros),
the encroaching party, and John & Mary Horton, the owners.

WHEREAS the encroaching party owns a center pivot irrigation system
which is situated on their neighboring property in such a way so that
the end wheel traverses a portion of the owners' property in the S1/2SE1/4,
Section 23, T. 38 S., R. 11 1/2 E.W.M., and

WHEREAS the owners desire to be neighborly, and

WHEREAS the encroachment does not significantly interfere with the
owners' enjoyment and use of the property,

IT IS THEREFORE agreed that the encroaching party may continue to
have his center pivot irrigation system encroach on the property so long
as the present center pivot irrigation system continues in use.

HOWEVER, at such time as it's use is terminated and/or it is
replaced with any other system including a different center pivot
system, that the permit represented by this agreement shall cease,
the encroachment will be corrected and the fence re-constructed by
the encroaching party on the property boundary line.

This agreement shall run with the land and is binding upon the
heirs, executors, administrators, successors and permitted assigns of
both parties.

Made and entered into this 20th day of September, 1990.

Joe Hoefler
Joe Hoefler
Paul Hoefler
Paul Hoefler
Hoefler Bros.

John F. Horton
John Horton
Mary J. Horton
Mary Horton
Owners

FORM NO. 23 — ACKNOWLEDGMENT
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

County of Klamath

} ss.

BE IT REMEMBERED, That on this 20th day of September, 1990,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within
named John F. Horton and Mary J. Horton

known to me to be the identical individual s described in and who executed the within instrument and
acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Debra Buckman
Notary Public for Oregon.
My Commission expires 12-19-92

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FORM NO. 23 — ACKNOWLEDGMENT
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

County of Klamath

BE IT REMEMBERED, That on this 21st day of September, 1990,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within
naming Joe Hoefler and Paul Hoefler

known to me to be the identical individuals described in and who executed the within instrument and
acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Debra D. Buchanan
Notary Public for Oregon.

My Commission expires 12-19-92

Return
H.C.T.C.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 10th day
of Oct. A.D. 19 90 at 3:20 o'clock P.M., and duly recorded in Vol. M90
of Deeds on Page 20538
By Evelyn Biehn County Clerk
By Pauline M. M. M. M.

FEE \$13.00