

MTC 41457-KR  
AGREEMENT

THIS AGREEMENT entered into this 27<sup>th</sup> day of July, 1997, by between AAA DISCOUNT STORAGE, LLC, through L. A. Swetland, its president (hereinafter referred to as "First Party"), and ENTERPRISE IRRIGATION DISTRICT, through Donald D. Russell, its manager (hereinafter referred to as "Second Party").

RECITAL

WHEREAS, First Party is the owner of a real property described as Parcel 2 of Land Partition 11-95, which partition was approved in Klamath County, Oregon; and

WHEREAS, Second Party is the owner of a parcel of real property which adjoins Parcel 2; and

WHEREAS, First Party has constructed a building which encroaches approximately 2.4 feet across the northeast boundary of its property, onto the property of Second party;

AGREEMENT

For and in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. Second Party grants to First Party a permissive right to encroach upon its property, to the extent of the actual encroachment.
2. First Party agrees to pay for said permissive right the sum of ONE AND NO/100THS DOLLARS (\$1.00) per year, the receipt of the first installment of which is hereby acknowledged by Second Party.

3. In the event of the destruction or removal of the encroaching building, no new construction which encroaches on the real property of Second Party shall be carried out.

4. First Party agrees that upon Second Party's demand for removal of the encroachment, First Party will remove it within sixty (60) days of receipt of written notice of said demand.

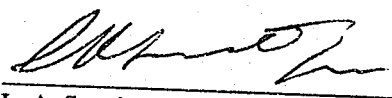
5. The provisions hereof shall operate as a covenant running with both parcels of land above described, and shall bind both parties hereto and their respective heirs, executors, administrators, and assigns.

6. This instrument and all the covenants herein contained shall remain in force and effect only so long as the present building of First Party shall remain standing; and that on the removal or destruction thereof all rights of First Party hereunder shall cease.

IN WITNESS WHEREOF, the parties hereto have executed this agreement this

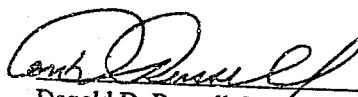
23 day of July, 1997.

AAA DISCOUNT STORAGE, LLC.



L. A. Swetland, President

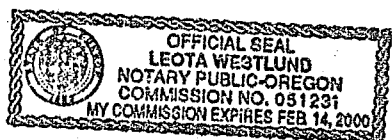
ENTERPRISE IRRIGATION  
DISTRICT

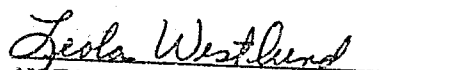


Donald D. Russell, Manager

STATE OF OREGON; County of Klamath ) ss.

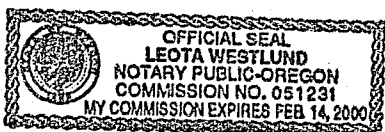
SUBSCRIBED AND SWORN TO BEFORE ME this 23rd day of July, 1997, by L. A. Swetland, president of AAA Discount Storage, LLC.



  
NOTARY PUBLIC FOR OREGON  
My Commission expires: 2-14-2000

STATE OF OREGON; County of Klamath ) ss.

SUBSCRIBED AND SWORN TO BEFORE ME this 23rd day of July,  
1997, by Donald D. Russell, Manager, Enterprise Irrigation District.



Leota Westlund  
NOTARY PUBLIC FOR OREGON  
My Commission expires: 2-14-97

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Amerititle the 31st day  
of July A.D., 19 97 at 11:34 o'clock A. M., and duly recorded in Vol. M97  
of Deeds on Page 24627.

FEE \$20.00

By Bernetha G. Letsch, County Clerk  
Katdun Ross