

ENCROACHMENT AGREEMENT AND EASEMENT

Whereas, Jack L. Lindsay and Dorothy Lindsay are the owners of the following described parcel:

Lot 9, Block 3, Eastmount, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Ref:
o.c.

And Whereas, James M. Noud and Cortie R. Noud are the owners of the following described parcel:

Lot 8, Block 3, Eastmount, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

And for and in consideration of the covenants and conditions hereinafter set forth, said parties Lindsay and Noud agree as follows:

Jack L. Lindsay and Dorothy Lindsay hereby give and grant to James M. Noud and Cortie R. Noud, their successors and assigns permission to encroach upon a portion of said Lot 9, insofar as structures and improvements are now located;

Both parties expressly reserve the right to enter the encroachment area for the purpose of maintaining, repairing and replacing any structures or improvements as they now exist. *And for future use, owners of Lot 8 Block 3 will be responsible for removing and repairing the existing fence.*

Both parties, by execution hereunder, shall save and hold harmless each to the other, any liability for or on account of any damage to property incurred in any manner whatsoever growing out of the use of the privilege herein granted.

In witness whereof, the parties herein have caused this agreement to be executed this 24th day of JUNE, 1999.

Jack L. Lindsay
Jack L. Lindsay

Dorothy Lindsay
Dorothy Lindsay

James M. Noud POA by
Cortie R. Noud

James M. Noud

Cortie R. Noud
Cortie R. Noud

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State of Oregon)
) ss.
 County of Klamath)

Personally appeared the above named Jack L. Lindsay, Dorothy Lindsay, ~~James M. Nove~~
~~and Cortie R. Nove~~ and acknowledged the foregoing instrument to be their
 voluntary act and deed.

Before me:



Diana L. Boyd

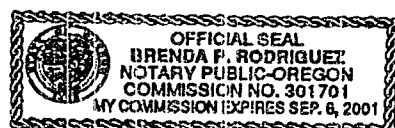
STATE OF OREGON,

County of Klamath }

ss.

FORM No. 23—ACKNOWLEDGMENT.
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BE IT REMEMBERED, That on this 25 day of June, 1999,
 before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within
 named James M. Nove by Cortie R. Nove, attorney in fact
and Cortie R. Nove individually
 known to me to be the identical individual described in and who executed the within instrument and
 acknowledged to me that She 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.

Brenda P. Rodriguez
 My commission expires 9-6-01

State of Oregon, County of Klamath
 Recorded 6/25/99, at 11:57 P.m.
 In Vol. M99 Page 25109
 Linda Smith,
 County Clerk Fee \$ 35.00 SW