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02/14/2007 03:28:28 PM Fee: \$31.00

COVER SHEET  
ORS: 205.234

This cover sheet has been prepared by the persons presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the transaction(s) contained in the instrument itself.

After recording, return to:  
First American Title  
404 Main Street, Suite 1  
Klamath Falls, OR 97601  
Attn: Dori

Send Tax Statements to:  
Same as on file

The date of the instrument attached is 1/26/07 & 2/14/07.

- 1) NAMES(S) OF THE INSTRUMENT(S) required by ORS 205.234(a)  
Encroachment Agreement\_\_\_\_\_
- 2) PARTY(IES)/GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160:
- King, Russell & Dolores\_\_\_\_\_
- King, Robert & Dolores \_\_\_\_\_
- Martin, Dan & Jackie\_\_\_\_\_
- 3) PARTY(IES)/GRANTEE, required by ORS 205.125(1)(b) and ORS 205.160
- King, Russell & Dolores\_\_\_\_\_
- King, Robert & Dolores \_\_\_\_\_
- Martin, Dan & Jackie\_\_\_\_\_
- 4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030
- \$\_\_\_\_\_n/a\_\_\_\_\_
- 6) RE-RECORDED to correct: \_\_\_\_\_
- Previously recorded as: \_\_\_\_\_

31.-F

# ENCROACHMENT AGREEMENT AND PUMP ACCESS EASEMENT

## I

This Agreement entered into this 26 day of January, 2007, by and between Russell C. King and Dolores King as tenants in common herein referred to as Russell and Dolores and Dan and Jackie Martin herein referred to as Martins, and Robert L. and Dolores A. King herein after referred to Robert and Dolores.

Martins are purchasing from Kings, 27 acres more or less which is legally described in the attached Exhibit "A" herein after described as the Martin property.

It has been determined that the existing fences were placed where they are for convenience purposes. The north and south fence lines are approximately correct. The East fence line is approximately 39 feet east of the legally described property line on the NE corner; 34 feet east of the property line on the SE corner. This encroaches on separate property of Dolores A. King described as the SE4 of the NE4 of Section 18, Township 39S, Range 10 EWM. The West fence line is 107 feet east of the property line on the NW corner; and 110 feet east of the property line on the SW corner. The result of this is that Robert L. and Dolores A. King, owners of the property, described as a portion of the W2W2SW4NE4 Section 18, Township 39S Range 10 EWM are encroaching on the Martin Property. All the above mentioned parties are fully aware of this situation, they wish to leave the fence lines as they are and will use the properties as now configured as their own. This agreement may be cancelled at any time by any party or their heirs and assigns upon 30 days notice to the other parties their heirs or assigns however the party canceling the agreement shall have the responsibility of moving the fences to the correct position and that fence shall be of a condition at least equal to the condition of the fence that is being replaced.

## II

The USBR I-A drain ditch runs along the west boundary of the Martin property described in the attached Exhibit "A". There are two pumps in that drain ditch near the NW corner of the Martin property. One of those pumps is owned by Martins and is used to furnish irrigation water to the Martin property. The second pump is owned by Kings and is used to furnish irrigation water to adjoining property of Robert and Dolores King described as the W2W2SW4NE4 of Section 18, Township 39S, Range 10 EWM and the NW4SE4, Section 18, Township 39S Range 10 EWM. Dan and Jackie Martin hereby grant Robert and Dolores an easement to that mentioned second pump, mainline and other related irrigation equipment or parts used with that pump as well as access to properly maintain or replace said pump. This easement is perpetual, runs with the land, and is binding on heirs, successors, personal representatives, and assigns.

Robert L. King Date 1-26-07 Dolores A. King Date 1-26-07  
Robert L. King Dolores A. King

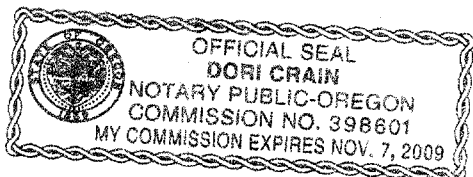
Russell C. King Date 1-26-07  
Russell C. King

Dan Martin Date 2-14-07 Jackie Martin Date 2-14-07  
Dan Martin Jackie Martin

STATE OF Oregon  
County of Clatsop

} ss.

This instrument was acknowledged before me on this 26 day of February, 2007  
by Robert L. King, Dolores A. King and  
Russell C. King



[Signature] Notary Public for Oregon  
My commission expires: 11/7/09

STATE OF Oregon  
County of Clatsop

} ss.

This instrument was acknowledged before me on this 14 day of February, 2007  
by Dan & Jackie Martin



[Signature] Notary Public for Oregon  
My commission expires: 11/7/09