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2019-000293

Klamath County, Oregon



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Fee: \$87.00

Recording Requested By:
Bradford J. Aspell
2309 Linda Vista Drive
Klamath Falls, OR 97601

WAIVER OF ENCROACHMENTS

Jerry M. Molatore and Yvette Molatore, husband and wife and owners of the following described real property,

Lots 3 and 4, Block 2, First Addition to Loma Linda Heights, together with a portion of Lot 3, Block 2 of "First Addition to Loma Linda Heights", situated in the NW1/4 SE1/4 of Section 28, T38S, R9EWM, Klamath County, Oregon, less the following:

Beginning at the Northwest Corner of said Lot 3; Thence N88°51'05"E, along the North Line of said Lot 3, 2.00 feet; thence leaving the said North Line, S01°45'30"E 44.87 feet; thence S03 19'18"E 76.19 feet to a point on the South Line of said Lot 3, from which the Southwest Corner of said Lot 3 bears S89°09'05"W 6.00 feet; thence S89°09'05"W 6.00 feet to the Southwest Corner of said Lot 3; thence N00°50'55"W 120.98 feet to the point of beginning, containing 437 square feet, more or less, with bearings based on the plat of "First Addition to Loma Linda Heights", on file at the office of the Klamath County Clerk,

which property is hereinafter referred to as Parcel A, and Bradford J. Aspell and Susan E. Aspell, husband and wife, owners of the following described real property,

Lot 2, Block 2, First Addition to Loma Linda Heights, together with a portion of Lot 3, Block 2 of "First Addition to Loma Linda Heights", situated in the NW1/4 SE1/4 of Section 28, T38S, R9EWM, Klamath County, Oregon, together with the following:

Beginning at the Northwest Corner of said Lot 3; Thence N88°51'05"E, along the North Line of said Lot 3, 2.00 feet; thence leaving the said North Line, S01°45'30"E 44.87 feet; thence S03 19'18"E 76.19 feet to a point on the South Line of said Lot 3, from which the Southwest Corner of said Lot 3 bears S89°09'05"W 6.00 feet; thence S89°09'05"W 6.00 feet to the Southwest Corner of said Lot 3; thence N00°50'55"W 120.98 feet to the point of beginning, containing 437 square feet, more or less, with bearings based on the plat of "First Addition to Loma Linda Heights", on file at the office of the Klamath County Clerk,

hereinafter referred to as Parcel B represent, covenant and agree as follows:

There exists on Parcel A a certain 9' 7" x 8'4" accessory building which by virtue of City of Klamath Falls property line adjustment 3-18, encroaches on the Easterly sideyard setback of Parcel B. There exists on Parcel B a 10' x 19' accessory building which encroaches on the Westerly sideyard setback of Parcel A.

The parties hereto hereby expressly consent to the location of both improvements; agree not to assert any claim of encroachment with the City of Klamath Falls or any other public entity; expressly waive any claim of civil action for removal, injunction or damages; claim of any diminution in value by virtue of the existence and location of either structure; and expressly consent to renovation, repair or reconstruction of either structure in its present location.

This agreement shall be binding upon the parties hereto, their heirs, successors, and assigns.

MOLATORES:

Dated: 1/4/19

[Signature]
Jerry M. Molatore

[Signature]
Yvette Molatore

STATE OF OREGON)
)ss:
COUNTY OF KLAMATH)

This instrument was acknowledged before me on January 4, 2018, by Jerry M. Molatore and Yvette Molatore.



[Signature]
Notary Public - State of Oregon
My Commission Expires: 5-14-2021

ASPELLS:

Dated: September 7, 2018

[Signature]
Bradford J. Aspell

[Signature]
Susan E. Aspell

STATE OF OREGON)
)ss:
COUNTY OF KLAMATH)

This instrument was acknowledged before me on September 7, 2018, by Bradford J. Aspell and Susan E. Aspell.



[Signature]
Notary Public - State of Oregon
My Commission Expires: 5-14-2021