

MEMORANDUM AGREEMENT

This Agreement made and entered into this 19th day of August, 1963, by and between Robert E. Clark and Frances Clark, husband and wife, as parties of the first part and Elton Cooley and Almira Cooley, husband and wife, parties of the second part,

WITNESSETH that

Whereas Robert E. Clark and Frances Clark, husband and wife, are the present owners of the Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 3, Township 33 North, Range 109 West, and

Whereas Elton Cooley and Almira Cooley, husband and wife, are the present owners of a portion of the Southeast Quarter Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 3, Township 33 North, Range 109 West, and

Whereas it is the desire of the parties hereto to agree that the present boundary fence between their property is in fact the actual boundary between their property, and

Whereas the terrain between the property is so rough that it is extremely difficult to survey and lay out the actual legal division between, and over which it would be extremely difficult to build and construct an adequate fence;

NOW THEREFORE in the consideration of the sum of One Dollar (\$1.00) in hand paid by each party to the other party, the receipt whereof is hereby acknowledged, and in the further consideration of the mutual covenants, promises and agreements hereinafter set forth it is hereby mutually covenant, promised and agreed by and between the parties hereto as follows:

That the presently existing boundary line fence between the property presently owned by Robert E. Clark and specifically described as the Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 3, Township 33 North, Range 109 West and that portion of the Southeast Quarter Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 3, Township 33 North, Range 109 West presently owned by Elton Cooley and Almira Cooley, husband and wife, is hereby accepted by the parties to this Agreement as the actual boundary line