

Loving

**Narrative to Accompany the Property Boundary Survey for Jean Biggers Adams Trust
In the NE1/4 of Section 28, T. 29 S., R. 7 W., Willamette Meridian**

**Douglas County, Oregon
April-June, 2008
Survey Map No.**

**AFFIDAVIT OF CORRECTION:
RECORDED AUG 11, 2008 AS
INSTRUMENT No. 2008-015263
COUNTY CLERK RECORDS
C.S. FILE 65/65-4**

PURPOSE: This survey was performed to locate and monument the corners of the property lines between Jean Biggers Adams and Patrick H. Hogan. The deeds used to locate the properties were:

1. Nowak and Lovendahl to Adams filed 03/29/1991 in the Douglas County Clerk's Office, Instrument No. 91-04912.
2. Vian to Hogan filed 11/15/1994 in the Douglas County Clerk's Office, Instrument No. 94-24071.
3. Hogan to Adams filed 03/11/1996 in the Douglas County Clerk's Office, Instrument No. 96-05530.

SURVEY HISTORY: 1855, Nathaniel Ford, G.L.O. surveyor, partially subdivided Township 29 South, Range 7 West, including all of the exterior section lines of section 28.

1897, William F. Briggs, Douglas County Surveyor, retraced the East half of the North section line of section 28 as part of his mining ditch survey for the Olalla Mining Company in Field Book 2, pages 25-29.

1897, Eugene Schiller, G.L.O. surveyor, resurveyed the South half of the East section line of section 28 as an element in segregating two mining claims in section 27, as shown on the plat dated 1898.

1912, Anna W. Schafer acquired the Northeast quarter of section 28 from the federal government in Patent No. 245011.

1966, John M. Jolley, B.L.M. cadastral surveyor, resurveyed the North section line of section 28 as an element of the subdivision of section 21, as shown on the plat dated 1970. He monumented the original section corner of sections 21, 22, 27, and 28. He established the East one-sixteenth corner of section 21 and 28.

1972, Victor M. McLind, Oregon Registered Land Surveyor No. 934, resurveyed the exterior section lines and subdivided section 28, as an element of his creation of "Byron Creek Estates" on filed survey map RM2-35. He established the Center East one-sixteenth corner.

1974-1976, Harvey E. Wofford, G. Steven Popken, and James J. Carlson, B.L.M. cadastral surveyors, resurveyed the East section line of section 28 as part of their resurvey around section 27, as shown on the plat dated 1978. They re-established and monumented the one-quarter corner of section 27 and 28 by the irregular boundary method.

2008, Douglas County Surveyor's Office perpetuated the one-quarter corner of sections 27 and 28 in C.S. File 67/25, sheet 23.

2008, Leonard E. Herzstein, Oregon Registered Land Surveyor No. 2150, perpetuated the section corner of sections 21, 22, 27, and 28, the Center East one-sixteenth corner of section 28 and the East one-sixteenth corner of sections 21 and 28 in C.S. File 65/63, sheets 14, 15, and 21.

2008, Leonard E. Herzstein, Oregon Registered Land Surveyor No. 2150, surveyed the West boundary of the West half of the East half of the Northeast one-quarter of section 28 on filed Boundary Line Adjustment map M156-28 and C.S. File 65/64, sheets 6A-C.

FILED

Date: 7/14/2008 By:
This survey consists of:
Map: M156-29
Narrative: C.S. 65/64-7A
Corner Rpt:

PROCEDURES: The survey was performed with a Nikon DTM-530 one-second total station in a series of closed traverse loops. The loop closures varied from 1:8000 to 1:60,000. The traverse loops were not adjusted. The North section line of section 28 between East one-sixteenth corner and the section corner of sections 21, 22, 27, and 28 was traversed to establish the mid-point position for the East-East 1/64 corner. The East-West section centerline between the Center East one-sixteenth corner and the one-quarter corner of sections 27 and 28 was traversed to establish the mid-point position for the Center-East-East 1/64 corner.

See Leonard Herzstein's analysis of the acceptance of the Center East one-sixteenth corner in survey M156-28 (C.S. File 65/64, sheets 6A-C). See my analysis below of the East-West section centerline position and terminus.

I used the bearing of N. 89° 15' W. on the section line between sections 21 and 28 from the B.L.M. survey in 1966 as the basis of my bearings.

The acreage of the E1/2 of the E1/2 of the NE1/4 of section 28 is 39.20 acres, which including the 1 acre parcel, makes Tax Lot 100 total 40.20 acres.

There is no record of the iron pipes found at the one-quarter corner of sections 27 and 28 and the Center East one-sixteenth corner of section 28.

The bearings for bearing trees are rounded to the nearest 15 minutes. New bearing trees have a 3/4 inch diameter brass washer, pre-stamped "LS 2150", nailed to the BT portion of the blaze. Tree diameters are at breast height. Measurements are to the tree's root-crown.

ANALYSIS: Because Victor McLind's subdivision of section 28 did not follow the proper methodology, I completed the following analysis.

I accept Victor McLind's Center East one-sixteenth corner position for the reasons described in Boundary Line Adjustment survey M156-28 (C.S. File 65/64, sheets 6A-C). However, by this acceptance, I do not accept McLind's theoretical position for the one-quarter corner of sections 27 and 28 for the following reasons.

In 1972, McLind found the one-quarter corner of sections 27 and 28 missing and located the position by proportion. He did not set a monument at the position. The one-quarter corner of sections 27 and 28 was also considered lost and was re-monumented in 1974 by B.L.M. Cadastral Surveyors, by the irregular boundary method. The B.L.M. used the found position of corner 1 of the Bell Placer Mine, which was established on the section line in 1897. This mining claim corner was not utilized by McLind in 1972 to proportion the one-quarter corner. Hence, the disparity with two possible corner positions.

It can be suggested that Victor McLind re-established the one-quarter corner for section 28 only, as all of section 28 is private lands, and the B.L.M. re-established the one-quarter corner for section 27 only, as all of section 27 is federal land. This could be the logical extension of the acceptance of McLind's subdivision of section 28 as the legal subdivision. I reject the hypothesis of double one-quarter corners in this instance.

My prior acceptance of McLind's work was based on the fact he set permanent monuments that landowners and surveyors could find and utilize. With no monument placed at his position for the one-quarter corner of sections 27 and 28, the B.L.M. surveyors couldn't consider it in their

analysis for re-establishing the corner. If McLind had set a monument as an element of his section subdivision, I would be inclined to use it to establish the Center-East-East 1/64 corner. However, without a permanent monument at his position, McLind is saying to future surveyors and the affected landowners "I am leaving it to you to survey this again and deciding where to set the corner."

I, therefore, accept the 1974 B.L.M. monument as the one-quarter corner of section 27 and 28. This creates a change in the bearing of the East-West section centerline at the Center East one-sixteenth corner. The resulting distance from the Center East one-sixteenth corner to the one-quarter corner is proportioned at mid-point for the Center-East-East 1/64 corner position.

ONE ACRE PARCEL: The legal description for the one acre parcel (Instr. No. 96-05530) varies slightly from the location I place on the ground. The general description is one acre, 100 feet by 435.60 feet, and includes the existing bridge. The precise description has problems with the bearing and distance calls. I used the same basis of bearings as the legal description, N. 89° 15' W, both of which are based on the B.L.M. 1966 survey. It is apparent the scrivener came to the same mid-point position as my survey for the East-East 1/64 corner.

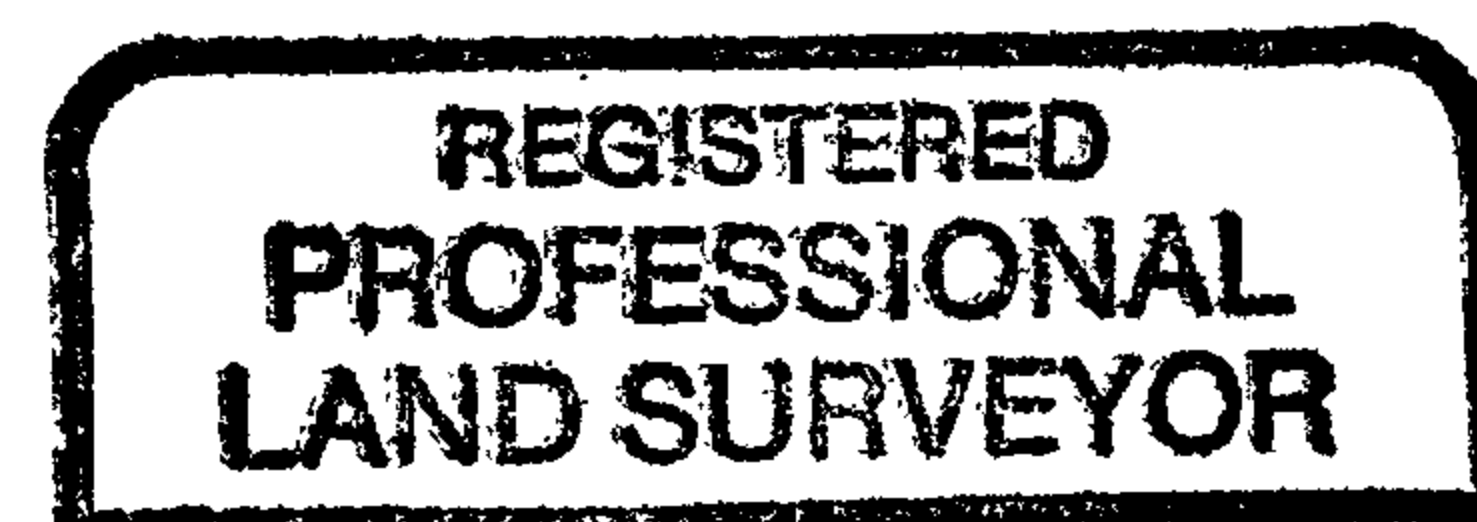
The primary call of "the West boundary of the East 1/2 of the East 1/2 of the Northwest quarter" places the description on the property line. The bearings are 07-1/2 minutes different from my surveyed bearing.

The distance southward along the property line, 996.51 feet, from the East-East 1/64 corner to the Point of Beginning doesn't correlate with the legal description's call of "65.00 feet to the center of the existing neighborhood private road known as Freadman Lane". There is a difference of approximately 7.7 feet between these two deed calls. I hold the Freadman Lane call, since this is a superior call to a man-made monument.

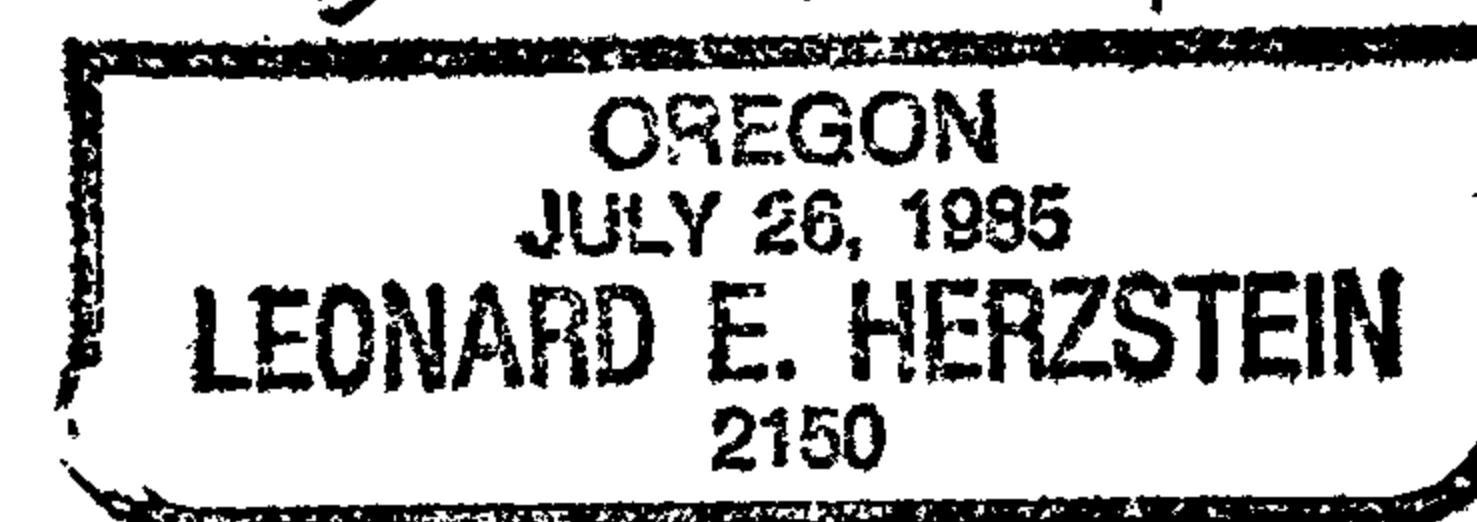
Approximately 1-foot of the northwesterly bridge foundation is not within the parcel. The parcel is 1.00 acres.

LEONARD E. HERZSTEIN JR. SERVICES
OREGON L.S. 2150
1741 BYRON CREEK ROAD
WINSTON, OR 97496

MY CURRENT CERTIFICATE
EXPIRES 06/30/2009



LEH



JULY 18, 2008