

COUNTY SURVEYORS FILE DATA
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COUNTY SURVEYOR
DOUGLAS COUNTY, ORE

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RECORD OF SURVEY

IN THE SOUTHEAST 1/4, SECTION 30, T.25S., R.7W., W.M.,
DOUGLAS COUNTY, OREGON

SCALE ONE INCH=200 FEET

SURVEY NARRATIVE

FOR: HIRAM B. GERMOND

BY: KARL W. FERRIER, LS2209
PO BOX 290, Eugene, Oregon 97440
(503)345-2456

DATE: December 1989 - January 1990

PURPOSE: To investigate and evaluate all prior surveys in the SE 1/4, Sec.30, T.25S., R.7W., W.M., existing monumented survey lines, existing fence lines, and any signs of occupation or possession lines, to form an expert opinion as to where the ownership boundary lines of the adjoining landowners, Germond, Roeder, Fisher and Amerson, properties are located, to aid in the litigation pending (Case No. CV89-0112).

BASIS OF BEARINGS: Bearings on my plat, which were used in all my computations, are based on the H.L. Northcraft survey (CS# M102-79). Prior surveys were rotated to this survey so a meaningful relationship between the surveys could be obtained for evaluation. The Oscar Thiel survey (CS# Vol.1, Page83) was rotated 00-30-40 counter-clockwise. The Fritz Ingram survey (CS# File 60/29) was rotated 00-12-32 counter-clockwise. Any ties I made in the field utilized a magnetic compass bearing (Variation 20 East).

FIELD EQUIPMENT USED: Field ties were made with a Lietz 100' tape and Silva Hand Compass.

PROCEDURE: I researched all prior recorded surveys located in the Douglas County Surveyor's office and the pertinent deeds affecting the boundaries in question. Refer to Sheet Two of Two of this record of survey for notes on corners evaluated and the history of surveys in the disputed area. I also went out in the field and examined evidence and made field ties with a compass and tape as further explained in the notes section.

EVALUATION AND OPINION: The land in dispute is located in the SE 1/4 of Sec.30, T.25S., R.7W., W.M., Douglas County, Oregon. This area is a rural, forested area west of Sutherland, Oregon, which was settled in the last 1/2 of the nineteenth century. The bottom land was farmed and fenced and the higher ground was dense forest land, some fenced and some not. Refer to Sheet Two of Two for a complete history of prior recorded surveys in this 1/4 section. Fortunately for any surveyor who may retrace boundary lines in this section, there is a very complete record available. From the record, it appears, that as early as 1883 County Surveyor's were enlisted to locate boundaries in this section (John Littrell, CS# Vol. 1, Page 15) and in 1899 (Oscar Thiel CS# Vol.1, Page83). Though there is now some dispute whether correct procedure was followed there is no doubt the purpose of these surveys was to locate ownership boundaries which were accepted and defended by the adjoining landowners.

Between 1883 and 1979 the boundaries between adjoiners seemed to be accepted. I base this on old fences that exist today, timber cutting lines which are evident and parcel testimony of Ed Fisher, John Roeder and H.B. Germond, parties to this dispute. It would appear that either or both legal doctrines of adverse possession and acquiescence had vested title in each adjoiner during this time period and should apply to any gap, overlap, or hiatus that the subsequent surveys have discovered.

Discontent as to the boundaries in question began in 1979 when County Surveyor Fritz Ingram (CS# File 60/29) re-established the South 1/2 of Sec.30, this re-establishment was accepted and utilized in the subdivision of Sec.30 in 1983 by Champion International, Inc. (CS# M94-31) and further by H.L. Northcraft in 1986 (CS# M102-79) in his subdivision of the Southeast 1/4 of Sec.30. While I have doubts as to Ingram's survey, i.e. the location of the South 1/2, and the perpetuation of said corner by Champion and Northcraft, even if one assumes they are correct, these three surveys do not take in consideration any unwritten rights to the land in question which the adjoiners may enjoy.

It is my opinion that the limits of the ownership boundaries of Mr. Fisher, Mr. Roeder, Mr. Amerson, and Mr. Germond were fixed in place, as mentioned above, many years ago, and that the new existing fence and posts built by Mr. Fisher and Mr. Roeder are not boundary lines at all, but at best, reflect an attempt to locate the aliquot parts of the section which may or may not be based on correct assumptions.

Please refer to the notes and my entire plat for further explanation of the basis for my opinion and location of the limits of ownership boundaries in question.

I, Karl W. Ferrier, a registered land surveyor in the State of Oregon, hereby certify that this plat, both sheets one and two, and the notes hereon are a correct representation of a survey I performed at the request of H.B. Germond in accordance with the statutes of the State of Oregon.

Karl W. Ferrier
Karl W. Ferrier, LS2209

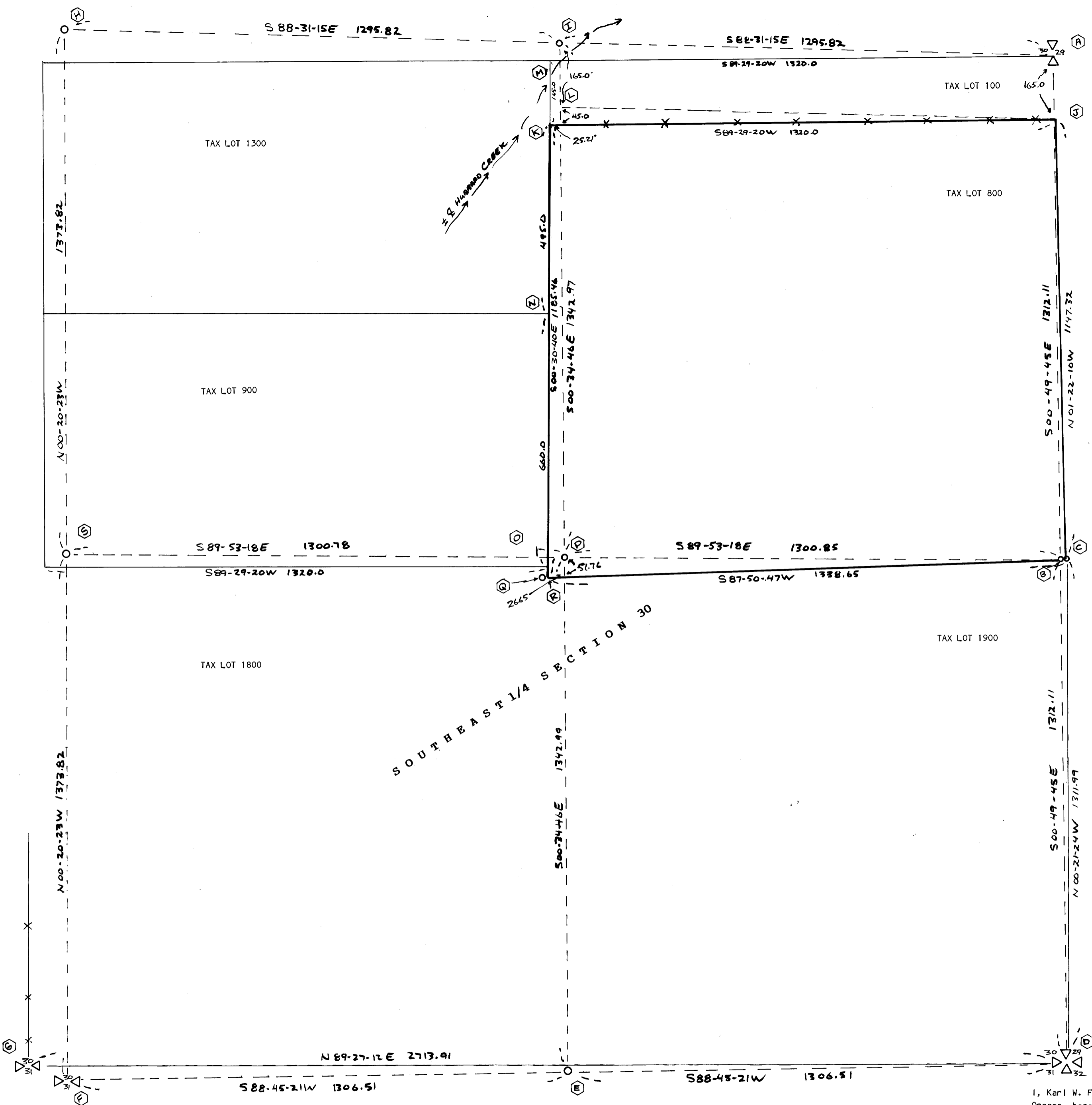
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Karl W. Ferrier

OREGON
JULY 17, 1986
KARL W. FERRIER
2209

LEGEND

- OWNERSHIP BOUNDARY LIMITS OF THE GERMOND PROPERTY
- - - LINES BASED ON THE THIEL SURVEY, AND BOYER SURVEY
- - - LINES BASED ON THE NORTHCRAFT, INGRAM AND CHAMPION SURVEYS
- x - - - INDICATES OLD FENCES
- (A) INDICATES A CORNER EITHER MONUMENTED OR CALCULATED, REFER SHEET TWO



MAP FILE M102-79-5710

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