

EAGLE-EYE SURVEYING CORPORATION
(formerly Edwards Surveying & Land Planning Inc.)
23 North Ivy Street, Medford
P.O. Box 4397, Medford, Oregon 97501-0170
Tel. (541) 776-2313 Fax. (541) 776-9978

SURVEY NUMBER **15751**

SURVEY NARRATIVE TO COMPLY WITH CHAPTER 209, PARAGRAPH 250,
OREGON REVISED STATUTES

SURVEY FOR: James & Sheila Straus
223 Granite Street
Ashland, Oregon 97520

LOCATION: In the Southeast 1/4 of Section 8,
T. 39 S., R. 1 E., W.M., Jackson County, Oregon.

PURPOSE: **MAP OF SURVEY:** To locate and monument the
boundaries of Tax Lots 702 and 1200 as shown on the
accompanying map and to prepare a 'Map of Survey'
for filing.

PROCEDURE: Extensive research was performed to develop a chain
of title on the subject properties back to the U.S.
Patent issued to J.O.C. Wimer on June 16, 1879 and
recorded as Volume 8, Page 491, Deed Records for
Jackson County, Oregon. In order to ascertain the
relationships of the deeds in questions, some
judgements and assessments were made:

First, all the deeds in question, of the Parent
Tract and those subsequent, make no reference to
aliquot parts of the Section and are 'Metes and
Bounds' in nature; none of the descriptions of the
of the Parent Tract make qualifying calls to other
bounding documents. Also, all the courses given in
the descriptions are cardinal and therefore, this
survey has been performed on a Basis of Bearings
referenced to the True Meridian; all courses by the
by the corresponding deeds were also held to
cardinal on this survey, allowing deviations from
Deed Record to fall in the last course returning to
the True Point of Beginning.

Second, the common 'point of commencement' being "a
point on the West Line of Granite Street, 10.00
chains South and 5.62 chains West of the 1/4 Corner
between Sections 8 and 9" needed to be established.
This was accomplished by establishing a point
660.00 feet (10.00 chains) South of the
aforementioned 1/4 Corner and intersecting a West
bearing line, from this point, with the Westerly
Right of Way Line of Granite Street, as determined
by existing centerline monumentation, at a distance
of 344.55 feet (5.22 chains). This solution
more accurately corresponds to the actual lines
of occupation than would a vector solution
which pushes the same point approximately 14
feet Southeasterly.

The Parent Tract of the subject properties was
created through the Warranty Deed from J.W. Alnutt
& wife to J.W.O. Gregory in October 6, 1887 and
recorded as Volume 14, Page 200, Deed Records. The
description of the Parent Tract contained in Volume
14, Page 200, Deed Records, is consistent through
Volume 72, Page 73, Deed Records, recorded on March
4, 1909. This description created an over-lap with
the North line of that tract described in Volume 8,
Page 238, Deed Records, of approximately 3.96 feet,
to be discussed later in this narrative.

On February 27, 1911, a Warranty Deed was executed from R.L. Moffit to E.C. Moffit that cut out a tract of land in the Northeast quadrant of the Parent Tract, recorded November 9, 1912 as Volume 95, Page 238, Deed Records. On February 28, 1911, Joseph Zeigler executed a Warranty Deed to R.L. Moffit (recorded October 6, 1920 as Volume 129, Page 479, Deed Records) that overlapped the boundaries of a tract described in that Quitclaim Deed, also executed on February 28, 1911, by Joseph Zeigler to E.C. Moffit and recorded on November 9, 1912 as Volume 97, Page 542, Deed Records. The Quitclaim Deed, Volume 97, Page 542, Deed Records, was held as senior, establishing the Northeasterly boundaries of the subject property (T.L. 702).

In Volume 98, Page 503, Deed Records, recorded on January 26, 1914, R.L. Moffit conveyed his interests in the remainder of the Parent Tract to Frank Jordan. Frank Jordan obtained a Quitclaim Deed from H. Boje, Georgiana Boje, Marguerite C. Mills, James R. Clary and Adelaide S. Clary through Volume 200, Page 13, Deed Records, recorded September 1, 1934. This Quitclaim Deed resolved the West and South boundaries of the Parent Tract, including the overlap with the North line of that tract described in Volume 8, Page 238, Deed Records. For this reason, no attempt was made to recover those monuments called for in Volume 8, Page 238, Deed Records. The closing course of Volume 200, Page 13, Deed Records, measures South 89° 53' 56" East a distance of 901.97 feet (Deed Record East, 904 feet).

Subsequent deeds: Volume 457, Page 76, Deed Records, Document Number 66-10997, Official Records and Document Number 96-14322, Official Records, were then cut out of the remaining Parent Tract, leaving the boundaries of the subject properties (T.L. 702 & T.L. 1200). It must be noted that due to the discrepancy of bearing in the closing course of Volume 200, Page 13, Deed Records, Volume 457, Page 76, Deed Records and Document Number 66-10997, Official Records, attempted to convey title to properties to which the grantor had no interest resulting from the Quitclaim Deed, Volume 200, Page 13, Deed Records (See Details A & B on accompanying Map of Survey).

Numerous monuments were found in the vicinity of the corners of Tax Lots 701, 1200 & 1201 as shown on the accompanying Map of Survey. These monuments, excepting those set on Survey Number 8171 and Survey 11420, were reported as either found or set on an unfiled survey performed by L.E. Ager, dated August, 1966. These monuments are in conflict with the deeds of the subject properties and do not correspond with the locations given on the unfiled survey, i.e. "POINT 10.0 CHAINS SOUTH & 5.62 CHAINS WEST OF E1/4 CORNER, SEC. 8, T. 39 S., R. 1 E., W.M.," at the southeast corner of Tax Lot 1201 -see accompanying Map of Survey. These monuments were not called for in the deeds and were not held as controlling.

Boundary Control and Legal Principals, 2nd Edition by Brown; Chapter 4.21, Page 133:

"For a monument itself to be controlling it must be (1) called for, (2) identifiable, and (3) undisturbed...In written deeds, uncalled for monuments usually cannot be considered controlling. If it is the intention of the parties to have a monument controlling, it should be so stated in the deed"

Evidence and Procedures for Boundary Location, 2nd Edition, by Brown, Robillard & Wilson; Chapter 2-3, Page 11:

"Thus most surveyors understand that a called-for, found and undisturbed monument is given preference over calls for measurements; but it must be understood that the monument must be called for by the written evidence, either directly or implied, to have primary significance."

Evidence and Procedures for Boundary Location, 2nd Edition, by Brown, Robillard & Wilson; Chapter 2-39, Page 41:

"A monument to control the intent of the a deed must be called for either directly, indirectly by reference, or required by law. ...A deed that calls for bearing and distance but does not call for a monument either directly, indirectly or by reference, and is not required by law cannot be altered by giving control to a monument found in the vicinity of the bearing and distance termination."

Acceptance of the uncalled for monuments would produce a hiatus of approximately 8.5 feet in width along the South boundaries of Tax Lots 701 & 1201; which is clearly not the intent of the deeds.

The monuments set on Survey Numbers 8171 and 11420 are the resultant of interpreting the deeds to be associated with aliquot parts of Section 8 and I do not find this to be the case. Although the deeds use distances that are common place in an aliquot part descriptions, the deeds make no references to aliquot parts of Section 8 and therefore are considered to be 'pseudo-metes and bounds' descriptions. The above said surveys also do not take into account the full effect of that quitclaim deed recorded as Volume 200, Page 13, Deed Records for Jackson County, Oregon ("Beginning at a point on the West side of Granite Street, in the City of Ashland, Jackson County, Oregon 660 feet South and 370.9 feet West of the quarter section corner between Sections 8 and 9...").

With all of the above taken under careful consideration, the deeds to the subject properties were held as the best evidence as to the intent of the parties involved in the conveyances. Utilizing existing control per S.N. 13838 the field notes of which are in the possession of this office, the found monuments as shown, and the above mentioned deeds, the corner positions of the subject properties were then determined at the appropriate deed corner locations and the Easterly boundaries of the subject properties were then monumented as shown on the accompanying Map of Survey. Legal descriptions for Encroachment Easements were also supplied to the client.

In conclusion, the monuments set on this survey are at the deed corner locations. The monumented lines differ substantially from the lines of occupation which may affect the limits of possession. My clients, the adjoiners and the real estate agent for the buyers of my clients property have been made aware of my findings throughout the course of this survey. They are also aware that surveyors

do not define property ownership, but merely monument the boundaries of the deed that is in their possession. Monuments set on this survey consist of 5/8" X 30" steel pins with red plastic caps mkd. 'R. BRAUGHTON-LS 2657'.

BASIS OF BEARINGS:

N.O.A.A. True Bearing. Reference meridian taken at the North-South centerline of Section 8, per S.N. 6174 and rotated 0° 00' 23" clockwise (at a rate of 48"/5280ft. to the East of meridian) at the centerline monument at the intersection of Granite Street and Strawberry Lane.

EQUIPMENT:

Nikon DTM-A5 Electronic Total Station.

DATE

COMPLETED:

January 25, 1998
Revised May 20, 1998

