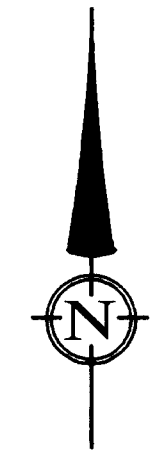


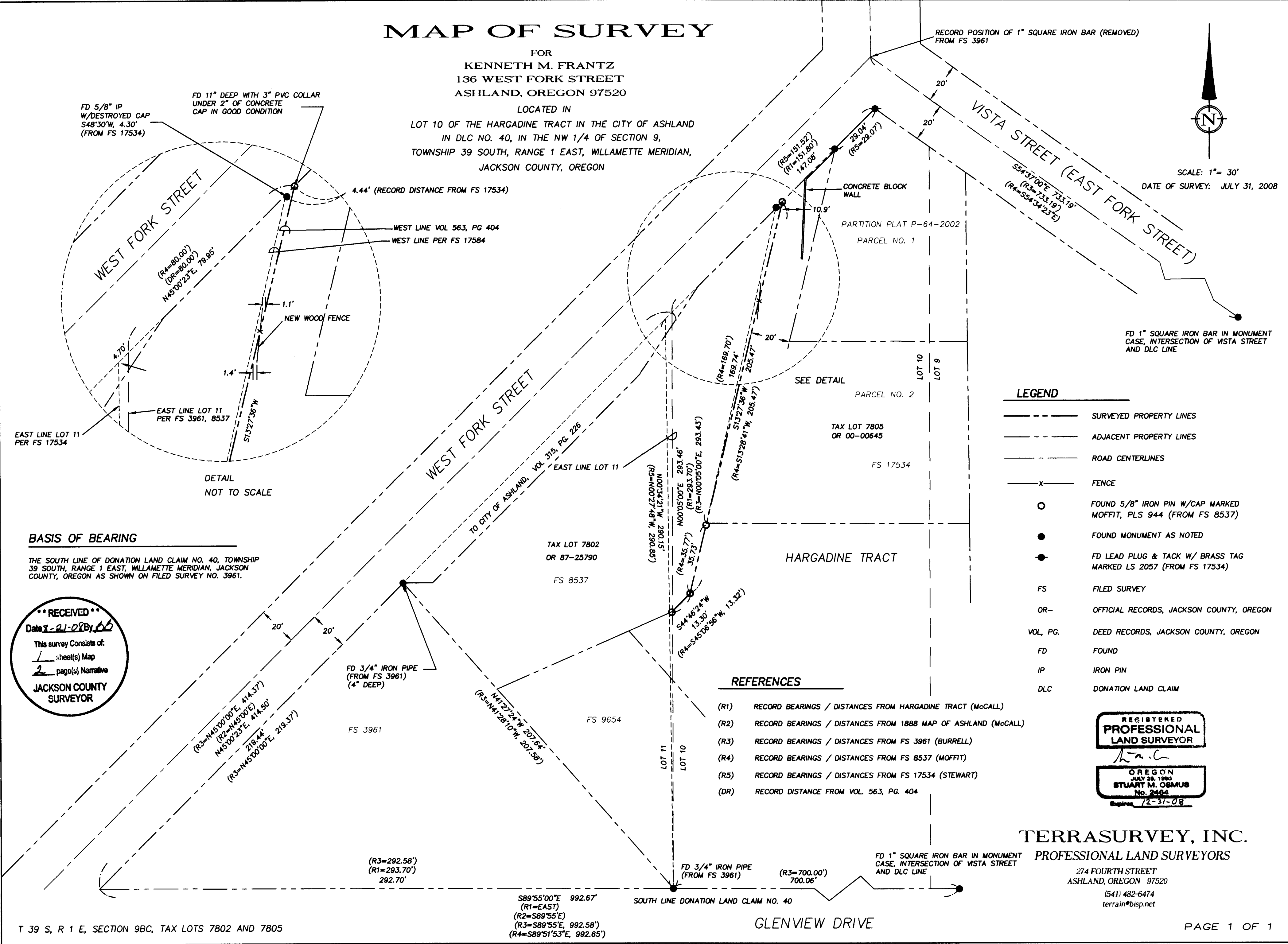
# MAP OF SURVEY

FOR  
KENNETH M. FRANTZ  
136 WEST FORK STREET  
ASHLAND, OREGON 97520

LOCATED IN  
LOT 10 OF THE HARGADINE TRACT IN THE CITY OF ASHLAND  
IN DLC NO. 40, IN THE NW 1/4 OF SECTION 9,  
TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,  
JACKSON COUNTY, OREGON



SCALE: 1" = 30'  
DATE OF SURVEY: JULY 31, 2008



- LEGEND**
- SURVEYED PROPERTY LINES
  - ADJACENT PROPERTY LINES
  - ROAD CENTERLINES
  - FENCE
  - FOUND 5/8" IRON PIN W/CAP MARKED MOFFIT, PLS 944 (FROM FS 8537)
  - FOUND MONUMENT AS NOTED
  - FD LEAD PLUG & TACK W/ BRASS TAG MARKED LS 2057 (FROM FS 17534)
  - FS FILED SURVEY
  - OR- OFFICIAL RECORDS, JACKSON COUNTY, OREGON
  - VOL, PG. DEED RECORDS, JACKSON COUNTY, OREGON
  - FD FOUND
  - IP IRON PIN
  - DLC DONATION LAND CLAIM

- REFERENCES**
- (R1) RECORD BEARINGS / DISTANCES FROM HARGADINE TRACT (McCALL)
  - (R2) RECORD BEARINGS / DISTANCES FROM 1888 MAP OF ASHLAND (McCALL)
  - (R3) RECORD BEARINGS / DISTANCES FROM FS 3961 (BURRELL)
  - (R4) RECORD BEARINGS / DISTANCES FROM FS 8537 (MOFFIT)
  - (R5) RECORD BEARINGS / DISTANCES FROM FS 17534 (STEWART)
  - (DR) RECORD DISTANCE FROM VOL. 563, PG. 404

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 28, 1993  
STUART M. OSBUS  
No. 2484  
Expires 12-31-08

TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520  
(541) 482-6474  
terrain@bisp.net

**BASIS OF BEARING**

THE SOUTH LINE OF DONATION LAND CLAIM NO. 40, TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AS SHOWN ON FILED SURVEY NO. 3961.

**\*\* RECEIVED \*\***  
Date 8-21-08 By *SS*  
This survey consists of:  
1 sheet(s) Map  
2 page(s) Narrative  
JACKSON COUNTY  
SURVEYOR

He shows a distance of 598.15 feet along this centerline which compares with a calculated distance of 603.34 feet from the map of the Hargadine Tract.

Returning to the Map of the Hargadine Tract, and noting that the south DLC line runs east-west and the bearing shown for West Fork Street is South 45 degrees West, then the line between Lot 10 and Lot 11, which is equal in distance to the south line of Lot 11, has to be perpendicular to the DLC line. A distance of 151.80 feet is shown from the most northerly corner of Lot 10 to the east line of Lot 11.

In 1969, in a resurvey of a portion of Lot 11 by George Burrell (filed survey No. 3961), a 3/4" iron pipe was set at the southeast corner of Lot 11. Mr. Burrell then sets two iron pipes along the line between Lot 10 and Lot 11 at record angle (90 degrees) off the DLC line. The southerly of these two pipes is shown as the south end of the line that is in question.

In 1980, the property owned by Kenneth M. Frantz was surveyed by Loyd Moffit. Loyd accepted the work done by George Burrell in this area, including the location of the line between Lots 10 and 11, and set a pin on the northerly end of the line in question.

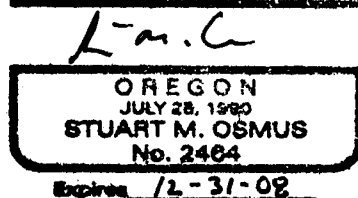
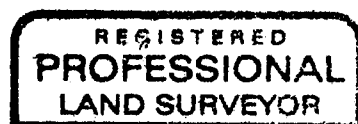
In 2001, Martin Stewart surveyed the property lying easterly of the line at issue. He uses a (proportioned) record distance along the southerly line of Vista (East Fork) Street from the Hargadine Tract and a calculated point on the south line of DLC No. 40 to establish the line between Lots 9 and 10, then makes the east and west lines of Lot 10 parallel with each other. His calculated distance between the most northerly corner of Lot 10 and the east line of Lot 11 becomes 151.52 feet which is close to the record distance of 151.80 feet but the length of said east line is nearly three feet shorter than the record distance. Curiously, he does not find the pin, set by Moffit, on the northerly end of the line in question although he sets a pin some four feet away. We found the pin, with intact cap, 11" deep. A 3" plastic pipe had been placed around the pin and 2 inches of concrete had been poured over the top of the cap as if to conceal it. It is also noteworthy that Mr. Stewart did not find another pin, set by Moffit at the southerly end of the line in question. This pin was found during this survey near the surface of the ground in good condition.

In the Map of the Hargadine Tract, McCall makes clear his intention that the line between Lots 10 and 11 is perpendicular to the southerly line of the Tract. He also shows a distance of 2.30 chains from the most northerly corner of Lot 10 to said line between Lots 10 and 11.

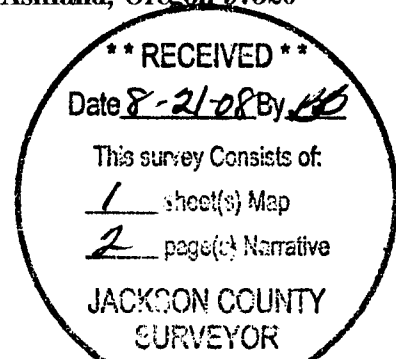
Subsequent surveys have revealed a conflict between these two plat elements. By 1888, McCall had done enough surveying in the area to arrive at revised bearings for the south line of DLC No. 40 and the southerly right of way of East Fork (Vista) Street. His measured distance along West Fork Street is more than five feet short of his calculated distance when he created the Hargadine Tract. This may be due to a revised location for the intersection of East Fork and West Fork Streets and a rotation of the bearing of the DLC line. Because of this, the plat record distance along West Fork Street becomes less reliable than the plat record angles. George Burrell's decision to hold the record angle off the south DLC line seems to be the best choice based on the evidence available.

Mr. Stewart's use of proportionate measurement to distribute the error along Vista Street follows the lead of Surveyor Everett Swain in his work on Lots 9 through 7 and is certainly defensible. However, his assumption that the east and west lines of Lot 10 must be parallel is not supported by the dimensions shown on the original plat. His failure to locate the two key monuments which previously defined the line at issue calls into question the thoroughness of his field work on this survey. It is accepted survey practice to hold existing monuments if they are the first monuments to define a line, unless evidence can be found that the original surveyor blundered in placing them. The iron pipes set by Burrell and the iron pins set by Moffit along the east line of Lot 11 and along the line at issue were the first corners set within these lots. They were relied upon as marking the true parcel lines for more than thirty years. Without better evidence of McCall's intentions regarding the interior lot lines in this portion of the subdivision, I have to hold these original monuments, not the pin set by Mr. Stewart, as the best evidence of the location of the line at issue.

August 20, 2008



Stuart M. Osmus, PLS 2464  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



**SURVEY NARRATIVE**  
TO COMPLY WITH PARAGRAPH 209.250, OREGON REVISED STATUTES

**DATE OF SURVEY:**

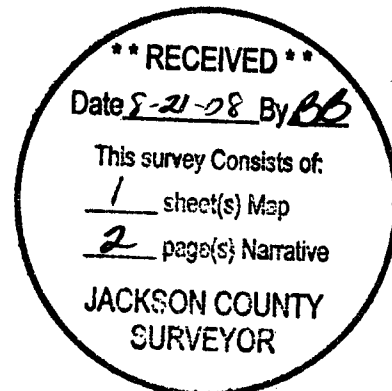
July 31, 2008

**SURVEYED BY:**

Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520

**SURVEY FOR:**

Kenneth M. Frantz  
136 West Fork Street  
Ashland, Oregon 97520



**LOCATION:**

Located in Lot 10 of the Hargadine Tract, City of Ashland, in Donation Land Claim No. 40 and the Northwest Quarter of Section 9, Township 39 South, Range 1 East, Willamette Base and Meridian, Jackson County, Oregon.

**PURPOSE:**

To resolve a survey overlap in the location of a common line between two tracts.

**BASIS OF BEARINGS:**

The south line of Donation Land Claim No. 40 as shown on Filed Survey No. 3961 and the 1888 Map of the City of Ashland.

**PROCEDURE:**

The line in question runs between property described in Document No. 87-25790, Official Records, Jackson County, Oregon (39 1E 09BC, Tax Lot 7802), and Parcel No. 2 of Partition Plat P-64-2002 (39 1E 09BC, Tax Lot 7805). The line was surveyed and monumented in the course of Surveys No. 3961 by George Burrell in 1969 and No. 8538 by Loyd R. Moffit in 1980. The line was resurveyed by Martin C. Stewart in 2001 (Survey No. 17534) and a different location was calculated for the line. The distance between the surveys at the north end of the line is about 4 feet with a common point on the south end. We were hired by the owner of the westerly parcel to review the surveys and, if possible, to resolve the conflict. There is no deed record overlap or gap in the descriptions of this line and there are no old improvements such as fences or hedges to assist in the line location.

The northerly end of the line is described as North 45 degrees East, 80.00 feet from the Northwest corner of Lot 10 of the Hargadine Tract and it is the location of this Northwest corner upon which the surveyors disagree. The Hargadine Tract was platted by M.L. McCall in 1883. Bearings are provided on the plat for all exterior lot lines that do not run due north-south or due east-west. The south line of the Tract, which is the south line of DLC No. 40, has no bearing but an 1879 survey by McCall of the Town of Ashland shows a bearing along this same DLC line as East-West and I submit this as the bearing that McCall was working with in 1883. Five years after the Hargadine Tract was recorded, McCall filed his 1888 Map of the City of Ashland. This Map shows a bearing of South 89° 55' East along the south line of DLC NO. 40. At this time, McCall set iron bars at the West Fork Street intersection with East Fork (now Vista) Streets and at the intersection of the West Fork Street centerline and the south DLC line.