

SURVEYED FOR: CONNIE TERWILLIGER

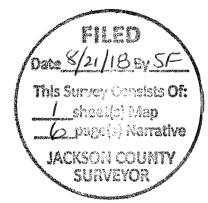
200 TOLMAN CREEK ROAD

ASHLAND, OR 97520

SURVEYED BY: STEPHAN BAROTT

STEPHAN BAROTT LAND SURVEYING

1446 ST. ANDREW WAY MEDFORD, OREGON 97504



LOCATION: A parcel of land located in the Southwest quarter of Section 11, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon.

BASIS OF BEARING: Grid Bearing from GPS, Oregon Coordinate Reference System (OCRS) Grants Pass-Ashland Zone. Average mapping angle 0°26'42.85" between Station Tolman and SSW DLC 48 as shown as "Basis of Bearing." Current Magnetic Declination is 14°28'19" East.

PURPOSE: The purpose of this survey is to survey a portion of the exterior boundary of the Terwilliger parcel known as 39-1E-11CD-00100 as described in Document No. 2008-34509. The purpose is to also identify an adjacent parcel know as 39-1E-11CD-00200 as described in Document No. 2017-043565. Both documents are recorded in the Office of the Clerk of Jackson County, Oregon.

HISTORY OF SURVEYS: The history of surveys of T.39 S., R. 1 E. pertaining to this survey is as follows:

The original subdivision of Township 39 South, Range 1 East, Willamette Meridian was as follows: The exterior boundary of Section 11 was surveyed IVES & HYDE under Contract No. 47 dated August 18, 1854, and surveyed July 30, 1855. Note that Stewarts Creek as shown flowing through Section 11 is now known as Bear Creek. The magnetic declination was shown as being 18°15' East. The East boundary of Section 11 was shown as being S.0°15'East and West boundary of Section 11 was shown as being S.0°17'East.

Donation Land Claim (DLC) No. 44 was surveyed by Sewell Truax dated 11-22-1856.

Donation Land Claim (DLC) No. 45 was surveyed by Sewell Truax dated 11-22-1856.

Donation Land Claim (DLC) No. 48 was surveyed by Sewell Truax dated 11-22-1856.

Donation Land Claim (DLC) No. 52 was surveyed by Sewell Truax dated 11-22-1856.

Cash Entry No. 6085 (149.5 acres not surveyed). Serial Patent No. 6085 was issued to William TS Patton on 12/1/1891. This Cash Entry Serial Patent included the following:

039-001E-SE1/4SW1/4 SECTION 11 039-001E-SW1/4SE1/4 SECTION 11 039-001E-NW1/4NE1/4 SECTION 14 039-001E-LOT/TRCT 10 SECTION 11 039-001E-(NW1/4NE1/4) LOT/TRCT 8) SECTION 11

Cash Entry No. 4651 (40 acres not surveyed). Serial Patent No. 4651 was issued to Haines True on 4/20/1882. This Cash Entry Serial Patent included the following:

039-001E-NE1/4SW1/4 SECTION 11

The Original Donation Land Claim Diagram (DLC) showing lots adjacent to the Claims is dated August 24, 1857. A true copy of the original is dated December 17, 1921.

Over the years, Section 11 has basically disappeared. With the exception of the South line of Section 11, the controlling Section and one-quarter Section corner positions have been lost, for the most part. The corner positions for most of the DLC's have been recovered and maintained. Other lands outside of the DLC's were disposed using the April 24, 1820: Sale-Cash Entry (3 Stat. 566) authority. Most of the lands were described by aliquot parts of the Sections. Because of the lack of control for Section 11, this has caused confusion on the true location of certain properties. This is an issue even today because we cannot determine exactly where Section 11 is located without an extensive BLM Cadastral Survey. Because of the expense of performing an official Cadastral Survey, many "Boundary Line Agreements" have been performed in and around Section 11. Surveys reviewed during this current survey include the following surveys adjacent to my client's parcel, or within Section 11:

- C.S. 2499 dated April 16, 1964- A portion of the East line and OSHD Interstate 5 R.O.W.
- C.S. 5517 dated December 21, 1973 A portion of the South line and a Boundary Line Agreement.
- C.S. 5613 dated March 12, 1974 A portion of Tolman Creek Road and Boundary Line Agreements to the West of Tolman Creek Road. The South line of Section 11 and the position for the West 1/16 corner for Sections 11 and 14 were noted.
- C.S. 8466 dated July 1980 Portions of DLC 44, 45, 46, 47, and Ashland Acres Subdivision basically North of East Main Street and Interstate 5.
- C.S. 8604 dated November 17, 1980 Portions of Tolman Creek Road and a Boundary Line Agreement for property west of Tolman Creek Road. Refer to Survey 5613.
- C.S. 9084 dated October 1981 A portion of Tolman Creek Road and a Portion of the South line and a Boundary Line Agreement. The south line of Section 11 was also shown.
- C.S. 9668 dated June 24, 1983 Surveys for property located south of Highway 66. Shows the south ½ corner for Section 11.
- C.S. 9811 dated December 17, 1983 A portion of the property to the Southeast of my client's parcel. Shows the south line of Section 11 and a portion of Interstate 5 R.O.W.
- C.S. 9812 dated November 22, 1983 A portion of Tolman Creek Road and a Boundary Line Agreement for parcels west of Tolman Creek Road.

- C.S. 11033 dated September 28, 1987 A portion of Tolman Creek Road and a Boundary Line Agreement for parcels west of Tolman Creek Road.
- C.S. 12320 dated September 10, 1990 Tolman Park condominiums A portion of Tolman Creek Road.
- C.S. 12451 dated December 7, 1990 Documents a portion of the South and East boundary of my clients parcel and shows a Boundary Line Agreement along the southern boundary. Shows the South line of Section 11 and a portion of Tolman Creek Road.
- C.S. 12541 dated April 16, 1991 Documents a portion of the South and East boundary of my clients parcel and shows a Boundary Line Agreement along the southern boundary. Shows the South line of Section 11 and a portion of Tolman Creek Road. Also show an easement for the Talent Irrigation District (TID) ditch located along the south line of the current TL 100 and TL 200. These two tax lots are the parcels of this current survey. It must be noted that the Deed Reference noted on this Partition Plat for TL 200 (86-17325) is misleading and not correct. The westerly line of said deed description does not follow the Right-of-Way line for Tolman Creek Road. Refer to the current Map of Survey.
- C.S. 14977 dated April 25, 1996 A portion of Tolman Creek Road, Boundary Line Agreement, and Annexation into the City of Ashland for a parcel Westerly of Tolman Creek Road. This survey showed a tie to the South ¼ Corner for Section 11.
- C.S. 15686 dated February 25, 1998 A portion of Tolman Creek Road and subdivision of Chautauqua Trace, Phase I, A Planned Community. Refer to C.S. 14977.
- C.S. 16686 dated September 21, 2000 Horizontal Control, Monument Recovery, and Centerline Retracement Map for Interstate 5.
- C.S. 17840 dated July 10, 2003 Horizontal Control, Monument Recovery, and Centerline Retracement Map for Greensprings Hwy 66. Survey shows the intersection of Tolman Creek Road and Hwy 66.
- C.S. 20071 dated June 12, 2008 Retracement of a portion of Donation Land Claim (DLC) No. 48.
- C.S. 20261 dated November-December 2008 Horizontal Control, Monument Recovery, and Centerline Retracement Map for Interstate 5. Survey emphasis was the South Ashland Interchange, OR 66 (Hwy 21) at Pacific Hwy (I-5), Bundle 314-S, and Bridge Number 08745.
- C.S. 20809 dated November 30, 2010. Survey of a portion of Donation Land Claim (DLC) No. 48. This survey noted Computed Point for the Northeast Corner of Section 11.
- C.S. 21879 dated December 28, 2015 Survey of a portion of Donation Land Claim (DLC) No. 48.

No other surveys of record that are directly connected to this Property are noted.

PROCEDURE:

Deed descriptions for the two parcels involved in this survey are as follows:

Connie Terwilliger Property 200 Tolman Creek Road (39-1E-11CD-TL00100) Document No. 2008-034509 also refer to 97-023466)-

PARCEL 2 – The Northeast Quarter of the Southwest Quarter of Section 11, Township 39 South, Range 1 East of the Willamette Meridian, Jackson County, Oregon.

EXCEPTING THERFROM that portion of herein property conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 508, Pages 270-71, Jackson County, Oregon, Deed Records.

ALSO EXCEPTING that portion conveyed to Gary D. Kent and Patricia A. Kent legally described as:

Beginning at the Southwest corner of the Northeast quarter of the Southeast quarter of the Southwest Quarter of Section 11, Township 39 South, Range 1 East of the Willamette Meridian. Jackson County, Oregon; thence East along the South line thereof, 169.60 feet; thence North 0°40'West, 100.00 feet; thence North 89°45' West 168.49 feet to the West line thereof; thence South 100.00 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within public roads.

Eric Mainini Property 350 Tolman Creek Road (39-1E-11CD-TL00200) Document No. 2017-043565.

Beginning at the Southwest corner of the Northeast quarter of the Southeast quarter of the Southwest Quarter of Section 11, Township 39 South, Range 1 East of the Willamette Meridian. Jackson County, Oregon; thence East along the South line thereof, 169.60 feet; thence North 0°40'West, 100.00 feet; thence North 89°45' West 168.49 feet to the West line thereof; thence South 100.00 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within the boundaries of Tolman Creek Road.

ALSO EXCEPTING THEREFROM any portion lying South of that line described in Exhibit C of Boundary Line Agreement recorded as Instrument No. 84-16808, Official Records of Jackson County, Oregon.

It must be noted that other than the South boundary, no other Boundary Line Agreements or Property Line Adjustments could be found for this parcel. The property is described as "Beginning at the Southwest corner of the Northeast quarter of the Southeast quarter of the Southwest Quarter of Section 11, Township 39 South, Range 1 East of the Willamette Meridian. Jackson County, Oregon" It does not begin at the East right-of-way for Tolman Creek Road, or the found 3/8-inch iron pin marking said point.

Several misleading maps and diagrams were found that do not match the legal land description.

- 1. Survey C.S. 12541 indicates this parcel may start at the found 3/8-inch iron pin and refers to Doc. No. 86-17325 O.R. However, Document 86-17325 uses the same legal description as shown above. The notation on Survey C.S. 12541 is not correct, or at the very least is misleading.
- 2. Jackson County Tax Lot Map 39-1E-11CD incorrectly labels Tax Lot 200 as beginning at the right-of-way line for Tolman Creek Road. It further misleads one by noting BLA

- O.R. 84-16808. That particular Boundary Line Agreement is valid, but only fixes the South Line of TL 200 and not the other portions of it.
- 3. It also must be noted that Survey C.S. 12541 shows an easement for Talent Irrigation District (TID) along said southerly line.

Eric Mainini Property 350 Tolman Creek Road (39-1E-11CD-TL00200) Document No. 2017-043565.

The legal land description for the current Tax Lots 100 and 200 are clear. The one issue is, many of the controlling corners for said Section 11 have been lost over time. The one sure line is the line between Sections 11 and 14. Most DLC lines are also documented, as are the right-of-way lines for public roads. As noted earlier in this narrative, many surveyors found similar issues and performed many Boundary Line Agreements because of it.

After extensive survey ties, I calculated a best fit for the position of the Southwest Corner of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 11, as shown on the Map of Survey. I reviewed the original subdivision of Section 11 and used a "mean bearing, or proportioned" method, similar to what we would use for a fractional section. Beginning at the Eastwest 1/64 position on the south line of Section 11, I measured along this north-south calculated line to the intersection of the existing line as described further. In addition to the original Cadastral Survey plat for Section 11, adjacent north-south lines evaluated include lines as shown on surveys C.S. 5613 and C.S. 2499.

The Boundary Line Agreement line as noted in Document No. 84-16808 was held as marking the South Boundary of Tax Lot 200. This adjusted boundary may not fit the actual aliquot section subdivision, but was agreed to by Boundary Line Agreement (BLA). The SW Corner position of parcel as described in Document 2017-043565 falls in the asphalt surface of Tolman Creek Road, 22.75 feet Westerly of the found 3/8-inch diameter iron pin marking the right-of-way for Tolman Creek Road. This calculated position is based on a tie to the South line of Section 11, the existing south line for tax lot 200 (BLA line), and the existing centerline of Tolman Creek Road.

I believe a fair and best fit solution would be to accept this said South line and measure 100 feet North, creating a Proposed Boundary Line Agreement between the existing tax lots 100 and 200.

The old fence that followed the North and East lines of said TL 200 have been removed by the current owner. However, prior to removal I had previously tied to several fence posts while conducting a floodplain survey for tax lot 100. I did find a wooden post within 2 feet of the new surveyed position for the SE corner of the current TL 200. I also noted trees, brush, and an old fence at the same location as the monument I established at the NE corner. A site visit with my client, a long-time owner of TL 100 as well as a person who knows the land well, indicated my surveyed line accurately represents where the property lines and fences previously existed.

This surveyed parcel cannot be verified as a true aliquot part of Section 11. I recommend this survey to be a Proposed Boundary Line Agreement between the owners of tax lot 100 (Terwilliger) and tax lot 200 (Mainini).

Monument Established:

I set 5/8-inch x 24-inch long iron pins with a 1 ¾-inch diameter green plastic Morasse caps as noted on the Map of Survey. At the Northeast corner, I set a Witness Corner 1.0 feet easterly. The corner point falls under a wooden fence, 1.6 feet south of a fence corner. This witness corner is marked with a 2-ich diameter aluminum cap.

At the Southeast corner, I set a Witness Corner 5.0 feet North. The corner points fall on a plastic irrigation pipe. From said point, an old wooden fence corner now laying on the ground, bears Southwest 2.0 feet.

GPS control was established utilizing a Leica GS14 GNSS duel frequency Real Time Kinematic (RTK) GPS adjusted utilizing Oregon Department of Transportation's (ODOT) GPS network-corrected solutions. Coordinates as shown, with additional information on file with this office are Oregon Coordinate Reference System (OCRS), Grants Pass-Ashland Zone, in International Feet. The current adjustment from ODOT is NAD83 (2011) epoch 2010.00, and vertical is NAVD88 using Geoid 12A.

EQUIPMENT:

Equipment utilized throughout this survey includes a Leica TCRP-1203 Robotic Total Station and Leica GS14 GNSS RTK GPS receiver.

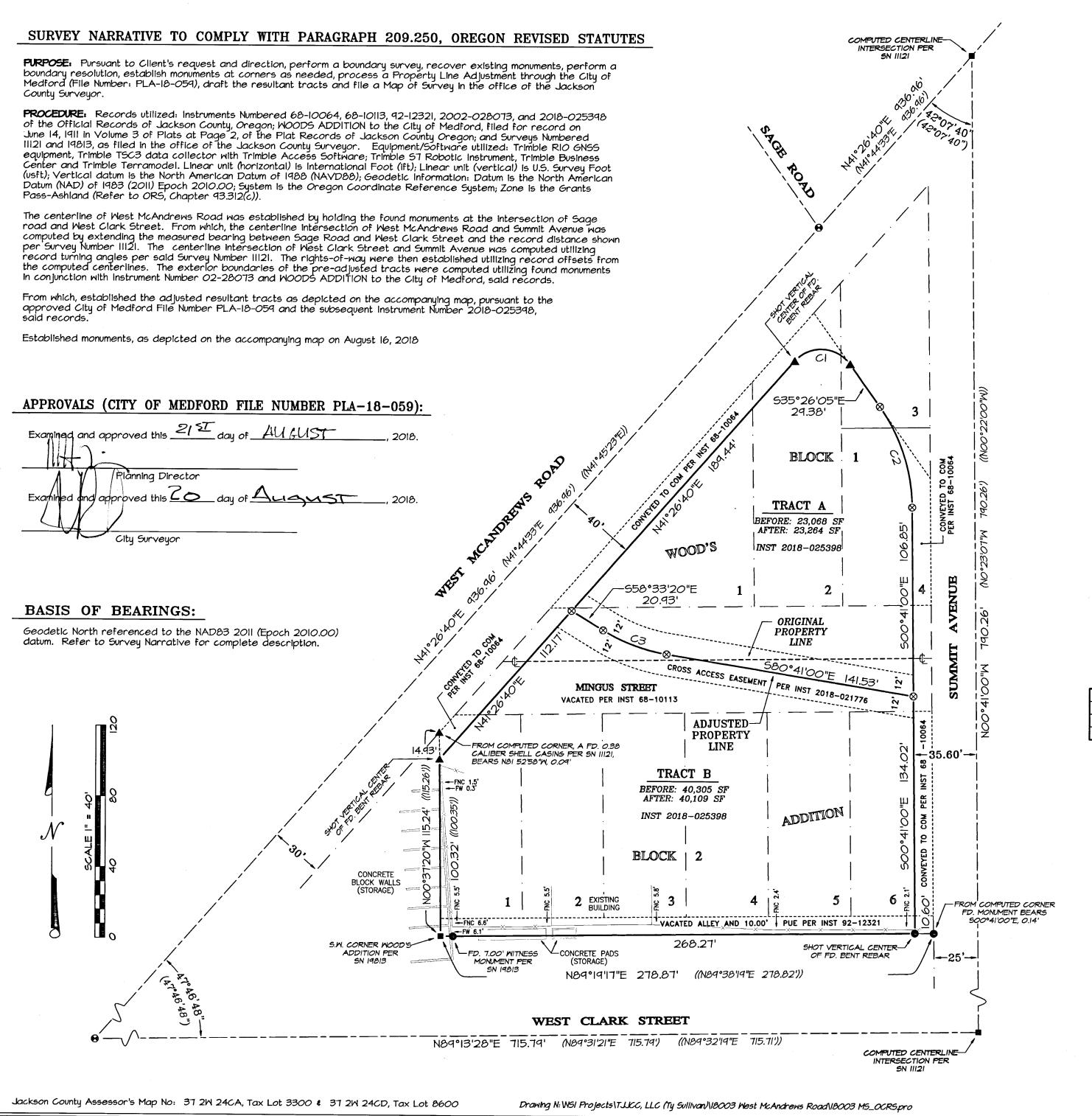
REGISTERED PROFESSIONAL LAND SURVEYOR

Stephan Banott

OREGON JULY 26, 1988 STEPHAN L. BAROTT 2332

RENEWS: DECEMBER 31, 2019

DATE OF SURVEY: August 18, 2018.



MAP OF SURVEY PROPERTY LINE ADJUSTMENT

Located in the East One-half of the Southwest One-quarter of Section 24, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

PREPARED FOR:

TJJCC, LLC 5310 Bounty Lane Central Point, OR 97502

LEGEND:

- Indicates a set 5/8-inch diameter by 24 inches long iron pln with a plastic cap marked "NEATHAMER SURVEYING".
- Indicates a found 5/8 inch diameter iron pin with plastic cap marked "HOFFBUHR AND ASSOC. INC" per SN 19813.
- Indicates a found 1-1/2 inch diameter brass cap in a monument case per SN 11121.
- Indicates a found 5/8 inch diameter iron pin with cap marked "City Surveyor" per SN 11121 or as noted.
- Indicates a computed position, nothing found or set.
- () Indicates record data per SN 11121.
- (()) Indicates record data per SN 19813.
- COM Indicates the City of Medford.
- INST Indicates an instrument recorded by number pursuant to the Official Records of Jackson County, Oregon.
- PUE Indicates an existing public utility easement.
- $\stackrel{-\times}{}$ Indicates centerline of an existing fence line.
- IC 1.8'— Indicates the distance and which side from the boundary line that the centerline of fence line is located.
- 0.3'— Indicates the distance and which side from the boundary line that the face of a wall is located.

CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
Cl	103°07'15"	20.00'	36.00'	586°59'42"E	31.33'
C2	34°45'05"	100.00'	60.65'	518°03'32"E	59.73'
<i>C</i> 3	22°07'40"	100.00'	38.62'	569°37'10"E	38.38'

This survey consists of:

| DATE | 9/2//18 | BY SF
| This survey consists of:
| Sheet(s) Map | Page(s) Narrative

sheet(s) Map
page(s) Narrative

JACKSON COUNTY
SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR

Cohert V. Neathamer

OREGON
JULY 19, 1994
ROBERT V. NEATHAMER
2675

Renewal Date 12/31/18

PREPARED BY:

Neathamer Surveying, Inc. 3126 State St, Suite 203 P.O. Box 1584 Medford, Oregon 97501 Phone (541) 732-2869 FAX (541) 732-1382

PLOT DATE: August 16, 2018

PROJECT NUMBER: 18003

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