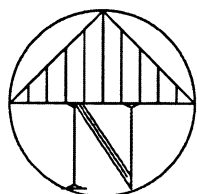


MAP of SURVEY

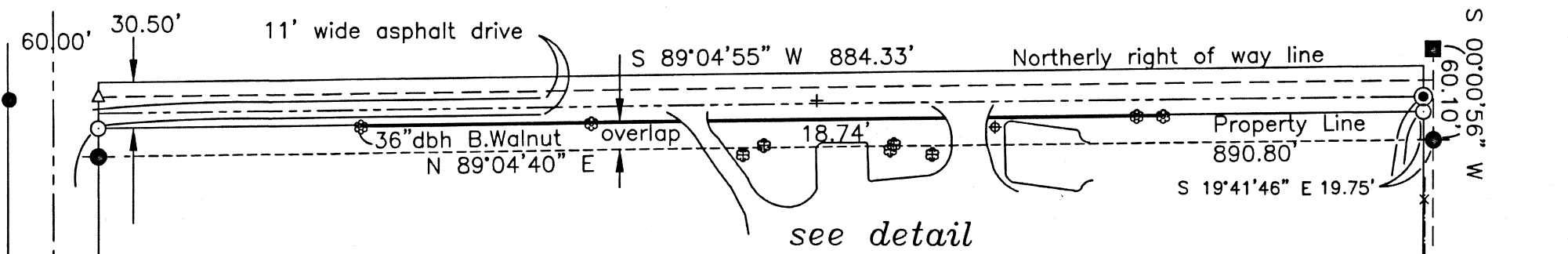
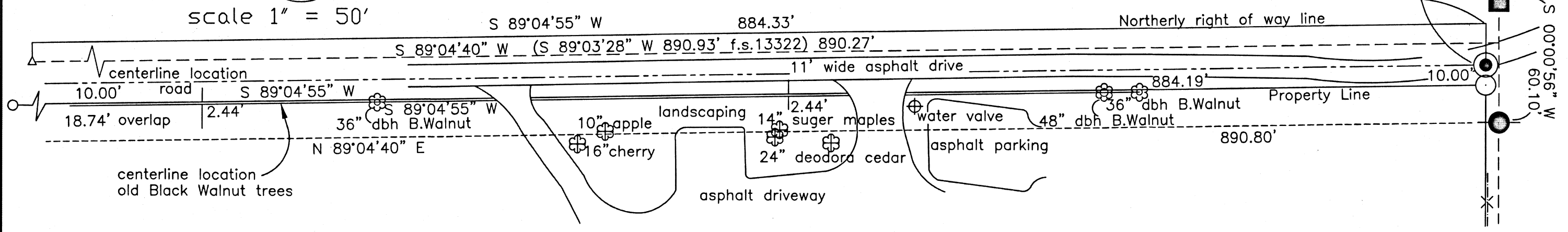
located in
the Southeast One/Quarter of Section 19
Township 38 South of Range 1 East of the
Willamette Base & Meridian in Jackson County, Oregon

South 1/16th corner for
Sections 19 & 20 as per
f.s. 13322

detail



scale 1" = 50'



Howard Forkash
1780 North Valley View
Ashland, Oregon 97520
Document No. 2017-043021 O.R.J.Co.

FILED
Date 5/25/19 By PB
This Survey Consist Of:
1 sheet(s) Map
3 page(s) Narrative
JACKSON COUNTY
SURVEYOR

fences shown hereon are of longstanding and conform closely to historic deed calls as mentioned by then County Surveyor Mark Boyden in f.s.2024 subsequent surveys done by Ager, Lovejoy, Hurst, Swain and Huck placed their property corner monuments in said fences and this local and well accepted practice spanned some 55 years.

Legend

- found Lovejoy 5/8" smooth iron rod as per f.s. 2360
- fd. Hurst 5/8" Iron as per f.s. 2614
- fd. Hurst 5/8" iron as per f.s. 3141
- fd. 5/8" iron rod with faded plastic cap marked "E.L.Swain" as per f.s.4471
- fd. 5/8" iron rod with orange plastic cap marked "LS1656" as per f.s.13322
- fd. 5/8" iron rod with a red plastic cap marked: "PLS 2363 Alspach" as per filed survey No. 21866
- set a 1/2" by 3/2" iron rod with a plastic red cap marked: "STEWART LS 2057"
- ◁ computed location nothing found nor set
- () = Bearing & Distance as per filed survey, deed record or official record
- f.s.=filed survey found in the Jackson County Surveyor's Office
- O.R.J.Co. =Official Records of Jackson County
- D.R.J.Co. =Deed Records of Jackson County
- note* if there is no record dimension shown in brackets () it is identical to the bearing and distance shown (record being the most recent document of record)

found: 2.5" brass disk w/ references as per f.s. 13322 for the Southeast Section Corner for Section 19

S 76°53'33" W 8.58'
(N 89°22'06" E f.s.3141)
N 89°22'06" E 18.00'

(N55°W 19.45 chains V.227 P.48 D.R.J.Co.)
N 00°09'34" W 820.44'
1306.15'
centerline
North Valley View County Road

60:00'

S 89°22'06" W 878.25'
(S89°W 13.54 chains ((893.64')) V.342 P.295 D.R.J.Co.)

revised May 2, 2019
file: 391e19.crd & 391e19-1.dwg

STEWART SURVEYING & FORESTRY
LAND SURVEYING-TIMBER APPRAISALS
MARTIN C. STEWART, P.L.S.

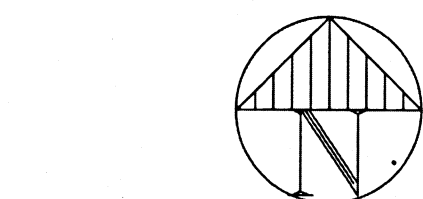
2585 E. Main Street ASHLAND, OREGON 97520 PHONE: (541) 301-2096
EMAIL: Marty.Stewart1@gmail.com

JOB #06-001 PREPARED FOR: **HOWARD FORKASH**
DATE: 11/24/2018 FOR: 1780 N. Valley View
DRAWN BY: MCS ASHLAND, OREGON 97520
CHECKED BY: JDP FILE NAME: 381E19.crd & 381E19-1.dwg SHEET 1 of 1

Registered Professional LAND SURVEYOR
Martin C. Stewart
Oregon July 15, 1983
MARTIN C. STEWART 2057

Surveyor's Registration
Renewal Date is June 30, 2020

Narrative of Survey
is a separate document

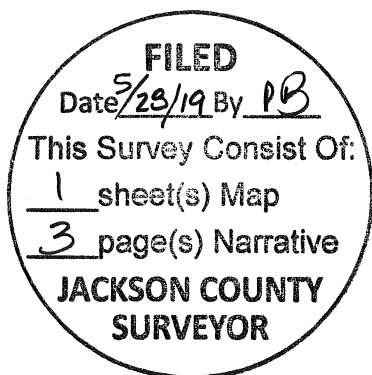


0' 100' 200' 300'
scale 1" = 100'

ASSESSOR'S MAP NO.: 38-1E-19 Tax Lots 500 & 503

This Plat was prepared with a HP Designjet 430 using HP product #51640A on Continental #JPC4m2 polyester film

SHEET 1 of 1



NARRATIVE of SURVEY
to comply with O.R.S. 209.250
located in
the Southeast One/Quarter of Section 19
Township 38 South of Range 1 East of the
Willamette Base & Meridian

November 24, 2018
Revised 04/30/2019

Basis of Bearing: at the East line of Section 19 as per f.s.13322

Purpose: to correctly establish the Northerly line for Document No. 2017-043021 of the Official Records of Jackson County, Oregon

Procedure:

Filed surveys Nos. 13322 and 21866 have created numerous gaps and overlaps. They ignored the precedents that had been established in numerous prior surveys, performed by several different surveyors, spanning over 100 years in time. It is surprising, that neither survey mentions any of these prior surveys, nor the precedents established by them, nor recovered any of the monumentation established by those previous surveys.

Filed survey No.2024 done in 1962 by then County Surveyor Mark Boyden clearly states this precedent. He states in his survey narrative: "In that the official plat does not indicate any permanent monuments having been set on said subdivision, it was assumed that the wooden stakes set for the lot corners would in all probability, have been destroyed by deterioration through the past 54 years. Therefore it was determined that a coordination of old existing fences with the possibility of old-time resident's testimony to verify these fence lines with respect to the original lot corners, would be the most reasonable approach to the establishment of definite corner control.....Coordination of the position of these fences indicated a surprising accuracy with the plat record".

In the case of Mr. Howard Forkash, there was no found evidence of the old fence along his Northerly boundary which would have coincided with the Southerly right of way line for a private road, the easement for which was created in 1913. What did remain was a row of very old black walnut trees, they were measured, and an accurate center for those trees was calculated. It revealed a surprising accuracy consistent with the record by striking a line through their centers. There are several of these right of way plantings of black walnut trees in the area especially at the end of Wilson Road. These were planted for early day dust control as their thick foliage kept the dust off the fruit trees but did not harm the walnuts. The orchards are long gone, but the black walnut trees remain.

cont....

That alignment was used to position the centerline of this private road from a 5/8" iron rod that we found several inches below the pavement of this road . This monument was established in filed survey No. 2614 in 1964 by Surveyor Charlie Hurst and clearly shows being set at the centerline of 20' wide private road. Once a 10 foot offset was taken from this computed centerline it passed on the north side of this row of black walnuts just as the bld right of way fence most likely had. Accordingly this line was used and revealed a 18.74' overlap created by filed survey No. 21866. My survey is the first in over 100 years to accurately locate this private road and it's right of way lines.

On Mr. Forkash's Easterly boundary line, a gap is created by Filed Survey No.13322. This surveyor also ignored 13 previous surveys that established the property lines based on the old fence lines(lines of occupation). I recovered monumentation from five of those previous surveys that substantiated their location in a very old fence line along Mr. Forkash's Easterly line and this line is held as the best location for this property line in conformance with the precedents established in those surveys .

On the 1933 Metsker's Map of the area it shows the ownership of not only Volume 113 Page 123 of the Deed Records, but also the ownership of Mr. Forkash's property and the adjoining property to the East known as Valley View Vineyards. These were vested in J.M. Wagner et aux. These were contiguous and owned by the same persons, so that the necessity for the easement created in said Volume 113 Page 123 was no longer needed and was ignored. The 1913 description has been reused until today and uses early measurement units of chains rather than feet. It is unfortunate that these early day descriptions have not been updated to reflect the changes that have occurred since then. The fractional units for a chain is 0.66', (a 66' Gunter's chain was divided into 100 links) which allows for at least that much in error i.e. plus or minus one link. The current descriptions convert the chain measurements to hundredths of feet which is a highly dubious method of conversion i.e. 19.45 chains becomes 1283.70 feet (a 4 place number becomes a 6 place number). The conversion shouldn't exceed four places i.e. 1284 feet is correct and 1283.70 is not correct.

Surveyor Alspach ignores the illogic of creating a 60.5' wide right of way for an orchard lane. North Valley View County Road has a 60' wide right of way. It's also a two lane high speed arterial. Carter Lane which serves multiple residences has only a 40 foot right of way, as well as Wilson Road. My survey creates a 30.5' wide right of way for said Orchard and Winery lane.

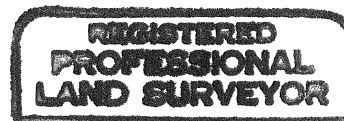
cont...

According to testimony by residents of longstanding Michael Ziemba and his brother Thomas who have lived their entire lives in this neighborhood. They have stated that the black walnut trees have always been seen as the Northerly limits of Mr. Forkash's property, and the road has been in the same place for as long as they can remember. The previous owner of Mr Forkash's property, Steven Halterman concurs that the row of black walnuts have always been seen as the Northerly property line of his former property. A 36" black walnut is a very old tree and it is reasonable to assume they were planted along the right of way fence when the orchard was planted in 1919.

In terms of lines of occupation, there never was a fence at the location that was used by Surveyor Alspach to erroneously position a boundary line from a recent survey (f.s.13322) that ignored the historical perspective. This survey and Surveyor Alspach's survey do not preserve the property rights of the adjoiners nor do they protect the public welfare. These surveys only benefit the clients of these two surveyors. The substantial previous record indicates that the only real control is the remaining lines of occupation. I suggest a thorough reading of Curtis Brown's book "Boundary Control and Legal Principles 4th edition" with special attention given to the chapter on "Locating Sequential Conveyances". Within that chapter it lists the order of importance of conflicting elements. In that regard it shows that the right of possession (unwritten conveyances i.e. fence lines) as the most dominant controlling element. We find that in second place is the written conveyance, i.e. the deed, which should always reflect it's subordinate position when in conflict with a unwritten conveyance. Surveyors usually do this by showing fence line locations when in conflict with the deed or survey lines.

for: Howard Forkash
1780 North Valley View Road
Ashland, Oregon 97520

by: Martin C. Stewart Surveying
2585 East Main Street
Ashland, Oregon 97520



Martin C. Stewart



renews 06/30/2020