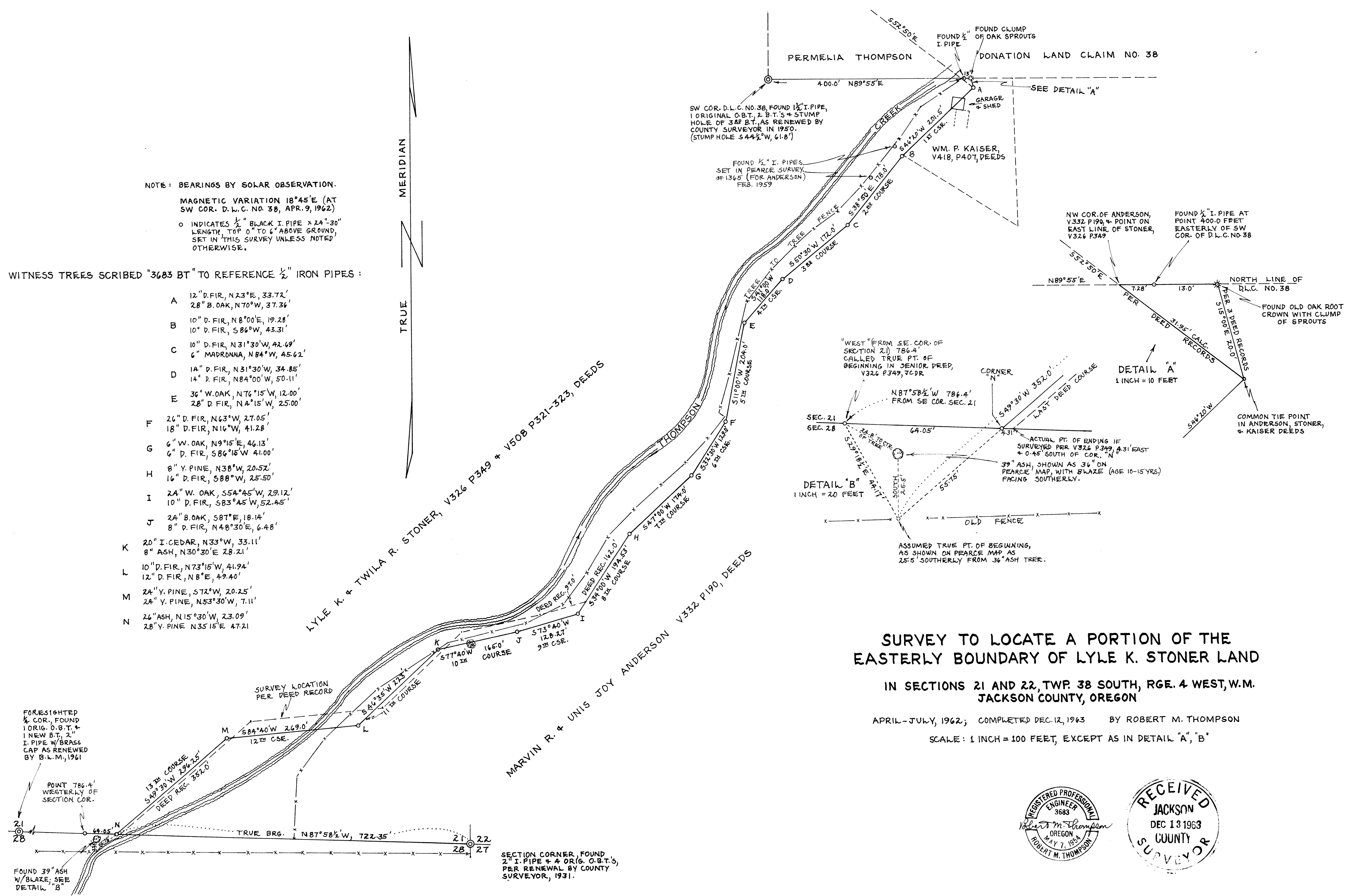


NOTE: BEARINGS BY SOLAR OBSERVATION.
 MAGNETIC VARIATION 18°45'E (AT SW COR. D.L.C. NO. 38, APR. 9, 1962)
 O INDICATES 1/2" BLACK I. PIPE x 24"-30" LENGTH, TOP 0" TO 6" ABOVE GROUND, SET IN THIS SURVEY UNLESS NOTED OTHERWISE.

WITNESS TREES SCRIBED "3683 BT" TO REFERENCE 1/2" IRON PIPES:

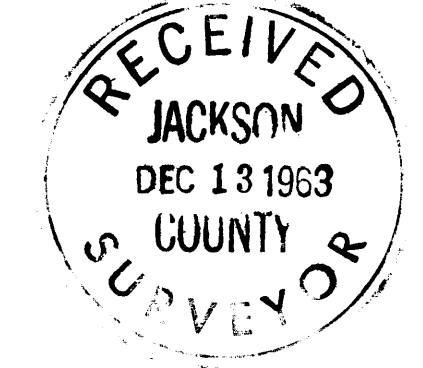
- A 12" D. FIR, N23°E, 33.72'
28" B. OAK, N70°W, 37.34'
- B 10" D. FIR, N8°00'E, 19.28'
10" D. FIR, S86°W, 43.31'
- C 10" D. FIR, N31°30'W, 42.69'
6" MADRONNA, N84°W, 45.62'
- D 14" D. FIR, N31°30'W, 34.85'
14" D. FIR, N84°00'W, 50.11'
- E 36" W. OAK, N76°15'W, 12.00'
28" D. FIR, N4°15'W, 25.00'
- F 26" D. FIR, N63°W, 27.05'
18" D. FIR, N16°W, 41.28'
- G 6" W. OAK, N9°15'E, 46.13'
6" D. FIR, S86°15'W, 41.00'
- H 8" Y. PINE, N38°W, 20.52'
16" D. FIR, S88°W, 25.50'
- I 24" W. OAK, S54°45'W, 29.12'
10" D. FIR, S83°45'W, 52.45'
- J 24" B. OAK, S87°E, 18.14'
8" D. FIR, N48°30'E, 6.48'
- K 20" I. CEDAR, N33°W, 33.11'
8" ASH, N30°30'E, 28.21'
- L 10" D. FIR, N73°15'W, 41.94'
12" D. FIR, N8°E, 49.40'
- M 24" Y. PINE, S72°W, 20.25'
24" Y. PINE, N53°30'W, 7.11'
- N 26" ASH, N15°30'W, 23.09'
28" Y. PINE, N35°15'E, 47.21'



**SURVEY TO LOCATE A PORTION OF THE
 EASTERLY BOUNDARY OF LYLE K. STONER LAND**

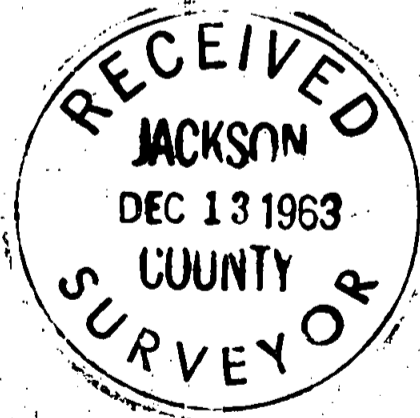
**IN SECTIONS 21 AND 22, TWP. 38 SOUTH, RGE. 4 WEST, W.M.
 JACKSON COUNTY, OREGON**

APRIL-JULY, 1962; COMPLETED DEC. 12, 1963 BY ROBERT M. THOMPSON
 SCALE: 1 INCH = 100 FEET, EXCEPT AS IN DETAIL 'A', 'B'



DONE FOR, AND THIS MAP PREPARED FOR THE EXCLUSIVE USE OF:
 LYLE K. STONER, ROUTE 1, BOX 2C, APPEGATE, OREGON

during the original survey, as being an indication of the location of the Section line. Said indicated true point of beginning now appears to fall in the Westerly edge of the waters of Thompson Creek. The final course of my adjusted survey could be made to coincide with that of the original survey, as retraced, except that to do so would place said point of beginning and ending in the middle of Thompson Creek. It is unlikely that the original survey was started from the middle of the Creek. I set a one-half inch iron pipe at the point where my final course of the adjusted survey intersects said Section line. This makes the final course 296.25 feet instead of the record 352.0 feet. I then monument the other angle points on this Easterly boundary, using one-half inch iron pipes and marking bearing trees as shown on my map. In this attempt to remonument the original survey, as exactly as possible, all the original bearings and distances have been preserved, except for the alteration of the distance in the ninth, tenth, and final courses.



lengthening the eighth and ninth courses, all of the original bearings can be used and the survey can be made to close upon the point shown on Pearce's map as the point of beginning and ending, a point 25.5 feet Southerly of said Ash tree. Furthermore, with this adjustment, the following evidence seems to fall into place:

1. All of the survey will now fall at or above the place where the steep Easterly bank of Thompson Creek becomes a gentle slope.

2. The ninth course passes through a few dim old slashings of small trees.

~~3. The line of sight of the tenth course passes between the forked top limbs of an Oak tree which is on line.~~

4. The course called for as crossing Thompson Creek now crosses through a natural opening in the brush and trees.

5. The last course will now close, both in bearing and distance, on the point indicated on Pearce's map as being the true point of beginning of the survey for the Deed description.

6. Item numbers one, three, and four are consistent with the location that an experienced Surveyor or Surveyor's helper would choose for a survey line, if exercising freedom of choice.

This apparent point of beginning is South of the true Section line and outside of Stoner's property. It falls in line with a fence running Easterly and Westerly, which might mistakenly have been assumed,

(Continued)

although he had made survey, he was unable to locate any records or field notes concerning this survey in his files. He agreed (after I had requested this on two previous occasions) to accompany me and point out the actual location of his survey on the ground. While Mr. Pearce and I looked for evidence of the survey on the ground, he stated that this area had been cleared since his survey was done, which made it look extremely unfamiliar to him. He also stated that Elmo Throckmorton, the land owner, who had had considerable experience as a surveyor's helper, had slashed out the location of the survey prior to the survey's actually being run. He stated that the details of this survey were now very dim in his memory. When I asked if any portion of the survey could have dropped over the steep bank of Thompson Creek, nearly to the water's edge, and then returned to the top of the slope, he stated that he could not remember doing any such thing, and that it did not appear logical. Even where the survey entered land which had not been cleared, Mr. Pearce was unable to show me where his original survey had passed, or had crossed Thompson Creek, or had ended, or begun. When I showed him his map and asked him if he could have begun, as indicated, 25.5 feet South of the 36 inch Ash, he stated that he could have done so, but simply didn't remember. It then became apparent that it would be necessary to find the true location of the original survey without any help from Mr. Pearce.

After both field and office trials, I find that no amount of uniform rotation of the bearings of this retracement can make it either fit the existing fence, satisfy the intent of the Deed, or close upon the stated true point of beginning. Neither does rotation of only a few bearings seem to solve the discrepancies. But I find that by

(Continued)

equals one inch, March 1949". This map shows bearings and distances on Stoner's Easterly boundary, which are identical with those in his Deed. This map shows said boundary as being well to the East of Thompson Creek. Course No. 10, which my retrace-ment finds nearly in the waters of Thompson Creek, is shown on Pearce's map as being approximately 30 feet from said Creek. This map also shows that the true beginning and ending point of this survey was at a point 25.5 feet Southerly of (no bearing shown) a 36 inch Ash tree. Said true point of beginning is also shown as being on the Westerly edge of the waters of Thompson Creek, at a point that is 786.4 feet West of the Southeast corner of said Section 21.

Returning to the vicinity of said true point of beginning, I find the Ash tree, which is now 39 inches in diameter, with a blaze (10 to 15 years old) facing Southerly. But this tree is actually South of, rather than North of the true Section line as indicated on Pearce's map. All other Ash trees or stumps in the immediate vicinity are much too small to approach this size. When I locate a point which is 25.5 feet South of said tree I find that it is South $29^{\circ} 18 \frac{1}{2}'$ East, 44.17 feet from that point which the Deed calls the true point of beginning. It now appears obvious that there are certain omissions or discrepancies in the original survey, which would make it impossible for the record bearings and distances of either the survey or the Deed to satisfy the intent of the Senior Deed. It therefore appears more logical to establish said Easterly boundary on the ground in the same location as that occupied by the original survey.

I inquired of Mr. Pearce on this matter, and he stated that

(Continued)

from the Easterly edge of the Creek. The ninth course crosses the fence. The tenth course drops abruptly over the precipitous Creek bank very nearly to the edge of the water, proceeds along the water's edge for a short distance, and then climbs part way up the steep slope. This is the only course which was not out in the cleared field, but the trees and brush show no evidence of any survey line having been run through. The record courses then climb back up onto a gentle flat, now in scattered small timber, and re-crossing to the East side of said fence. The courses then cross Thompson Creek and turn Southwesterly to intersect the said Section line. But said point of intersection falls 68.31 feet Easterly of the true point of beginning of the Deed.

This error of closure is too large to adjust out in either the several courses or in the final course of this survey. Also, the tenth course did not fit the intent of the Deed, having abruptly left, and then returned to the "top of the Easterly slope of Thompson Creek". It appears obvious that some kind of a survey has been made in the past, from which this Deed was written, but my previous search of the County Surveyor's files has revealed no such survey.

I learned from Mrs. Gertrude Winningham, widow of the original grantor of the property which is now Stoner's, that Elmo Throckmorton's legal affairs were handled by Attorney Harry Skyman of Medford, Oregon. When I personally questioned Mr. Skyman about this matter, he stated that Throckmorton had had Mr. Tom Pearce of Grants Pass make this survey.

Mr. Skyman then loaned me a map from his files, which map he stated had been prepared by Mr. Pearce. This is a pencil map on tracing paper titled "Throckmorton survey, T. 38 S, R 4 W, W.M., scale 200 feet

(Continued)

establish said point of beginning, and ending, which is the Southern extremity of the portion of the boundary to be monumented, I move to the Southeast corner of Section 21. I find a 2 inch iron pipe and 4 original old bearing trees, agreeing with the County Surveyor's renewal of 1931. I then clear sufficient brush and trees to foresight the South Quarter corner of said Section 21, at which point I find a 2 inch iron pipe with brass cap, plus one original and one new bearing tree as renewed by the Bureau of Land Management in 1961. From said Section corner, I measure Westerly along the true Section line 786.4 feet per Deed, setting temporary points to facilitate later intersection with Stoner's Easterly boundary. I observe a true bearing of North $87^{\circ} 58 \frac{1}{2}'$ West on said Section line.

I then return to said common tie point, which is Stoner's Easternmost Northeast corner, and continue survey, using Stoner's Deed Record bearings and distances, to point of intersection with said Section line. The first course of this boundary passes nearly through the middle of Kaiser's garage and shed, which appears to have been built within the last ten years. The next seven courses are within the edge of a cleared field. They are also 5 to 40 feet Easterly of a fence. This fence appears to have been built within the last ten years and is mostly strung from tree to tree. Near the fence the slope becomes a nearly vertical bank, 20 to 30 feet high, which drops abruptly into the Easterly edge of Thompson Creek. The fence lies at a variable horizontal distance of from 37 to 55 feet

(Continued)

Stoner's description closes "thence South 52° 50' East, 225.0 feet to a point which is South 15° East 20.0 feet from an Oak tree, said tree being 413.0 feet East of the Southwest corner of Donation Land Claim No. 38". This is a tie point which must control the remainder of the Survey and Deed, which further states, "thence along the top of the Easterly slope of Thompson Creek as follows: Etc." There are then several courses and distances described, until one is reached which states, "thence on a course crossing Thompson Creek, said course being South 84° 40' West, 269.0 feet; thence South 49° 30' West, 352.0 feet to the true point of beginning."

To retrace and monument the desired portion of the survey, I begin at the Southwest corner of the Permelia Thompson D.L. C. No. 38, finding a 2 inch iron pipe, two recent bearing trees plus stump hole of a third, agreeing with data of the County Surveyor's 1950 renewal; I also find the original Northwest bearing tree with scribed "B" visible. Foresighting a one-half inch iron pipe which measures 400.0 feet distant, I take solar observation and determine true bearing of North 89° 55' East. Projecting this line 13.0 feet beyond the one-half inch iron pipe, I find sprouts and root crown of what appears to be the "Oak tree" described in said Deeds. Thence South 15° 00' East, 20.0 feet to said common tie point.

Stoner's Deed begins at the Southeast corner of Section 21, stating, "thence West along the Section line 786.4 feet to the true point of beginning". The deed then proceeds generally Westerly, Northerly, and Easterly until it reaches said common tie point. To

(Continued)

SURVEY TO LOCATE A PORTION OF THE EASTERLY BOUNDARY OF
LYLE K. STONER LAND IN SECTIONS 21 AND 22, TOWNSHIP 38
SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN JACKSON
COUNTY, OREGON.

Narrative to comply with Paragraph 209.250, O.R.S.

For: Lyle K. Stoner, Route I, Box 2C, Applegate, Oregon.

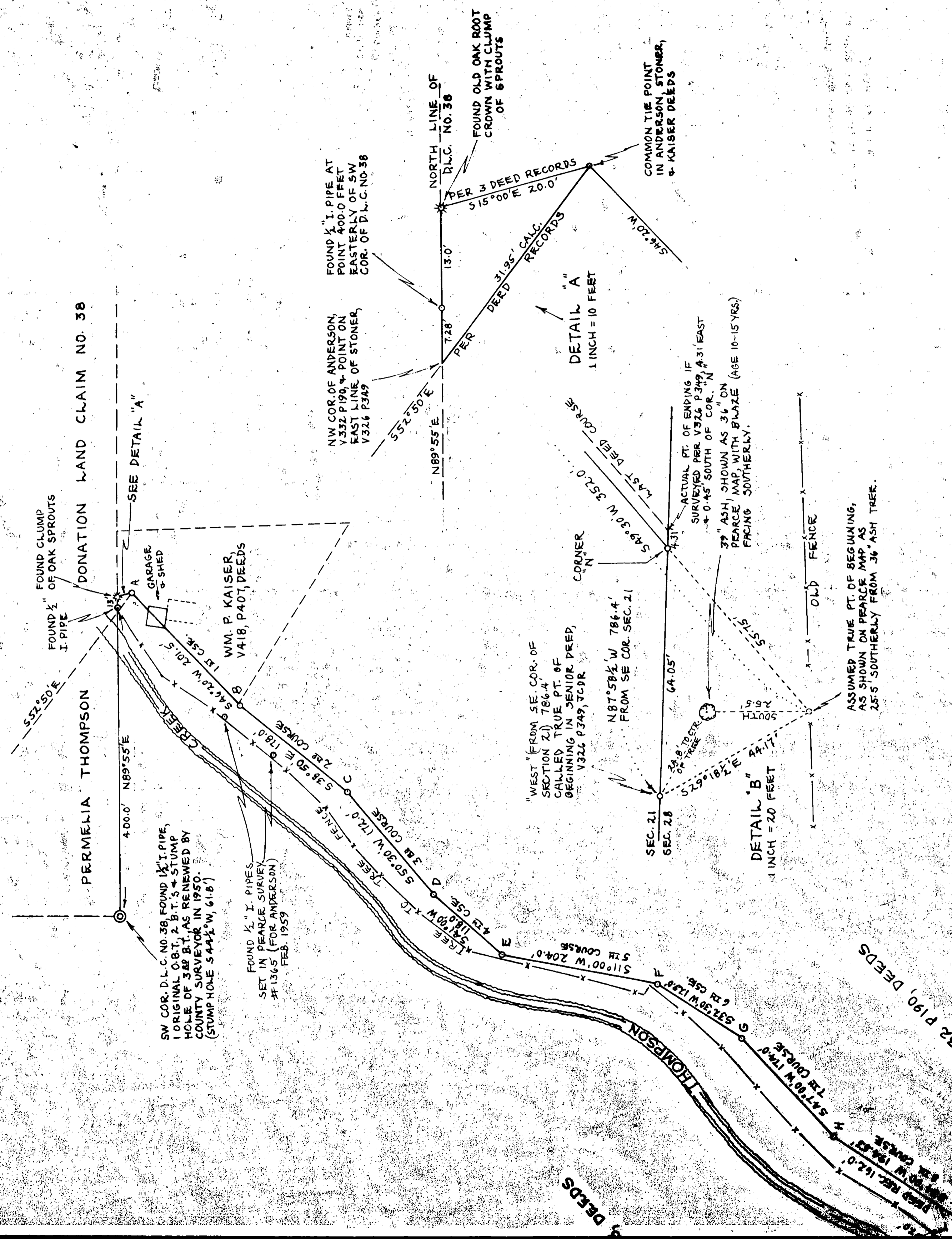
Purpose: To establish that portion of Stoner's Easterly boundary
that coincides with Marvin Anderson's Westerly boundary.

Procedure:

The Stoner property was originally a parcel cut out
from the property of Elmo Throckmorton, who deeded it to Winningham
(V. 326 P. 349) in November, 1949. This same parcel, of the same
description, was conveyed to Stoner in March, 1956, later recorded
in V. 508 P. 321-323, Jackson County Deed Records. In the meantime,
after the Winningham transaction, Throckmorton deeded an adjoining
tract to Anderson (V. 332 P. 190). The description of Anderson's
Westerly boundary is identical with a portion of Winningham's (now
Stoner's) Easterly boundary, both having common ties to Government
corners, except that the directions of Anderson's bearings were re-
versed. Anderson then conveyed a small portion of property, in the
Northwest corner of his tract, to Kaiser, V. 418 P. 407, Jackson County
Deed Records.

In comparing the Deed descriptions, I find that all three
(Stoner, Anderson, and Kaiser) have a common tie point, to which

(Continued)

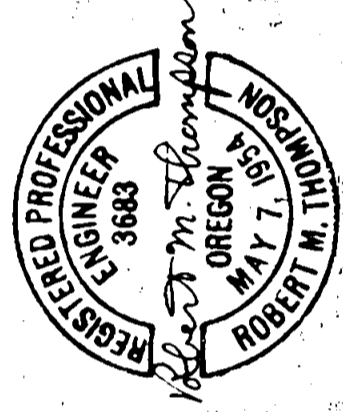
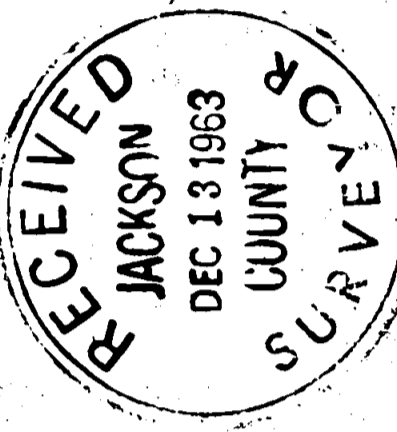


**SURVEY TO LOCATE A PORTION OF THE
EASTERLY BOUNDARY OF LYLE K. STONER LAND**

**IN SECTIONS 21 AND 22, TWP. 38 SOUTH, RGE. 4 WEST, W.M.
JACKSON COUNTY, OREGON**

APRIL-JULY, 1962; COMPLETED DEC. 12, 1963 BY ROBERT M. THOMPSON

SCALE: 1 INCH = 100 FEET, EXCEPT AS IN DETAIL "A", "B"



DONE FOR, AND THIS MAP PREPARED FOR THE EXCLUSIVE USE OF:
LYLE K. STONER, ROUTE 1, BOX 2C, APPLEGATE, OREGON