24056

Map of Survey

For:

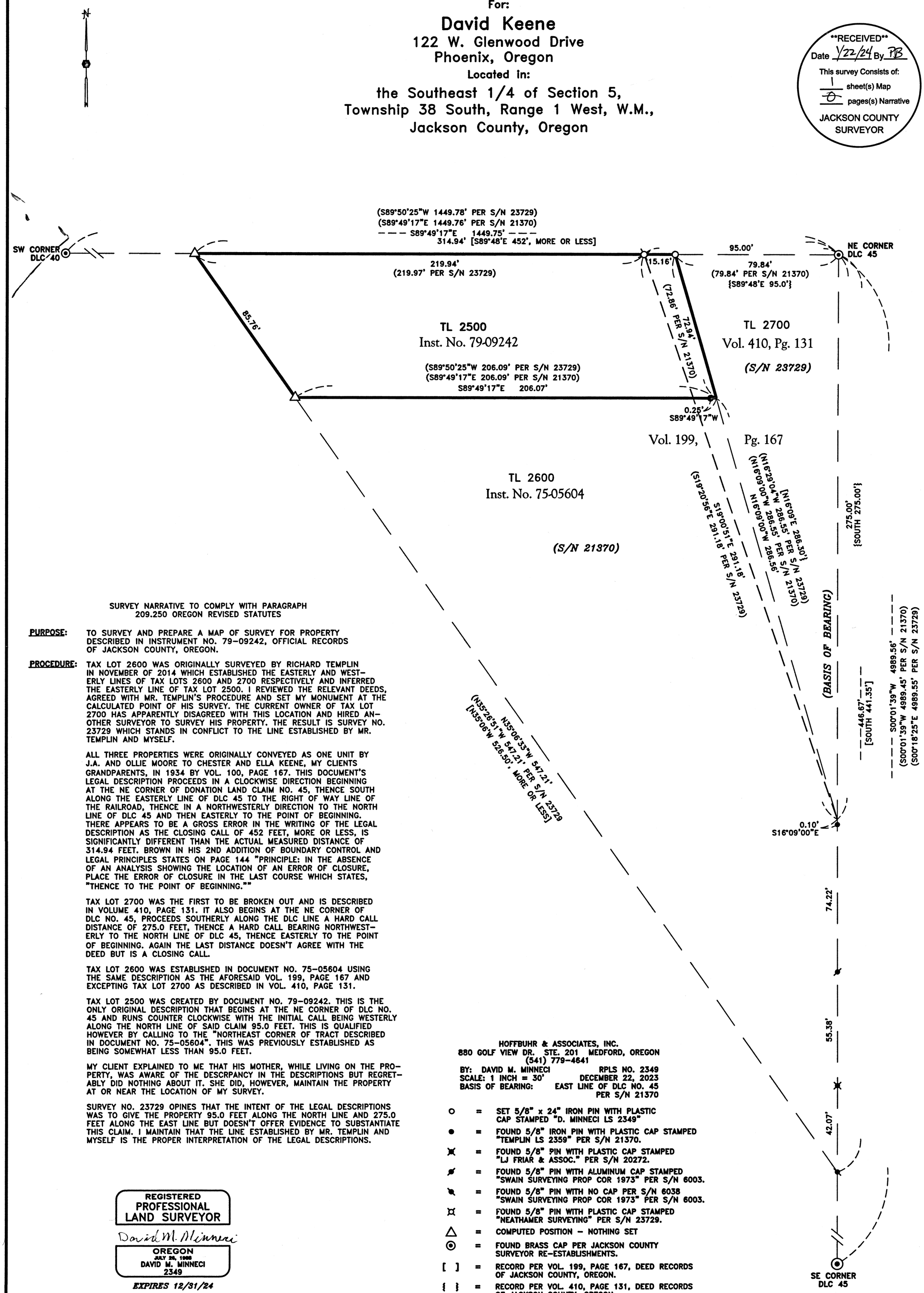
David Keene

122 W. Glenwood Drive
Phoenix, Oregon

Located in:

the Southeast 1/4 of Section 5,
Township 38 South, Range 1 West, W.M.,
Jackson County, Oregon

RECEIVED
Date 1/22/24 By PB
This survey Consists of:
1 sheet(s) Map
0 pages(s) Narrative
JACKSON COUNTY SURVEYOR



SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250 OREGON REVISED STATUTES

PURPOSE: TO SURVEY AND PREPARE A MAP OF SURVEY FOR PROPERTY DESCRIBED IN INSTRUMENT NO. 79-09242, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.

PROCEDURE: TAX LOT 2600 WAS ORIGINALLY SURVEYED BY RICHARD TEMPLIN IN NOVEMBER OF 2014 WHICH ESTABLISHED THE EASTERLY AND WESTERLY LINES OF TAX LOTS 2600 AND 2700 RESPECTIVELY AND INFERRED THE EASTERLY LINE OF TAX LOT 2500. I REVIEWED THE RELEVANT DEEDS, AGREED WITH MR. TEMPLIN'S PROCEDURE AND SET MY MONUMENT AT THE CALCULATED POINT OF HIS SURVEY. THE CURRENT OWNER OF TAX LOT 2700 HAS APPARENTLY DISAGREED WITH THIS LOCATION AND HIRED ANOTHER SURVEYOR TO SURVEY HIS PROPERTY. THE RESULT IS SURVEY NO. 23729 WHICH STANDS IN CONFLICT TO THE LINE ESTABLISHED BY MR. TEMPLIN AND MYSELF.

ALL THREE PROPERTIES WERE ORIGINALLY CONVEYED AS ONE UNIT BY J.A. AND OLLIE MOORE TO CHESTER AND ELLA KEENE, MY CLIENTS GRANDPARENTS, IN 1934 BY VOL. 100, PAGE 167. THIS DOCUMENT'S LEGAL DESCRIPTION PROCEEDS IN A CLOCKWISE DIRECTION BEGINNING AT THE NE CORNER OF DONATION LAND CLAIM NO. 45, THENCE SOUTH ALONG THE EASTERLY LINE OF DLC 45 TO THE RIGHT OF WAY LINE OF THE RAILROAD, THENCE IN A NORTHWESTERLY DIRECTION TO THE NORTH LINE OF DLC 45 AND THEN EASTERLY TO THE POINT OF BEGINNING. THERE APPEARS TO BE A GROSS ERROR IN THE WRITING OF THE LEGAL DESCRIPTION AS THE CLOSING CALL OF 452 FEET, MORE OR LESS, IS SIGNIFICANTLY DIFFERENT THAN THE ACTUAL MEASURED DISTANCE OF 314.94 FEET. BROWN IN HIS 2ND ADDITION OF BOUNDARY CONTROL AND LEGAL PRINCIPLES STATES ON PAGE 144 "PRINCIPLE: IN THE ABSENCE OF AN ANALYSIS SHOWING THE LOCATION OF AN ERROR OF CLOSURE, PLACE THE ERROR OF CLOSURE IN THE LAST COURSE WHICH STATES, "THENCE TO THE POINT OF BEGINNING.""

TAX LOT 2700 WAS THE FIRST TO BE BROKEN OUT AND IS DESCRIBED IN VOLUME 410, PAGE 131. IT ALSO BEGINS AT THE NE CORNER OF DLC NO. 45, PROCEEDS SOUTHERLY ALONG THE DLC LINE A HARD CALL DISTANCE OF 275.0 FEET, THENCE A HARD CALL BEARING NORTHWESTERLY TO THE NORTH LINE OF DLC 45, THENCE EASTERLY TO THE POINT OF BEGINNING. AGAIN THE LAST DISTANCE DOESN'T AGREE WITH THE DEED BUT IS A CLOSING CALL.

TAX LOT 2600 WAS ESTABLISHED IN DOCUMENT NO. 75-05604 USING THE SAME DESCRIPTION AS THE AFORESAID VOL. 199, PAGE 167 AND EXCEPTING TAX LOT 2700 AS DESCRIBED IN VOL. 410, PAGE 131.

TAX LOT 2500 WAS CREATED BY DOCUMENT NO. 79-09242. THIS IS THE ONLY ORIGINAL DESCRIPTION THAT BEGINS AT THE NE CORNER OF DLC NO. 45 AND RUNS COUNTER CLOCKWISE WITH THE INITIAL CALL BEING WESTERLY ALONG THE NORTH LINE OF SAID CLAIM 95.0 FEET. THIS IS QUALIFIED HOWEVER BY CALLING TO THE "NORTHEAST CORNER OF TRACT DESCRIBED IN DOCUMENT NO. 75-05604". THIS WAS PREVIOUSLY ESTABLISHED AS BEING SOMEWHAT LESS THAN 95.0 FEET.

MY CLIENT EXPLAINED TO ME THAT HIS MOTHER, WHILE LIVING ON THE PROPERTY, WAS AWARE OF THE DESCRPANCY IN THE DESCRIPTIONS BUT REGRETABLY DID NOTHING ABOUT IT. SHE DID, HOWEVER, MAINTAIN THE PROPERTY AT OR NEAR THE LOCATION OF MY SURVEY.

SURVEY NO. 23729 OPINES THAT THE INTENT OF THE LEGAL DESCRIPTIONS WAS TO GIVE THE PROPERTY 95.0 FEET ALONG THE NORTH LINE AND 275.0 FEET ALONG THE EAST LINE BUT DOESN'T OFFER EVIDENCE TO SUBSTANTIATE THIS CLAIM. I MAINTAIN THAT THE LINE ESTABLISHED BY MR. TEMPLIN AND MYSELF IS THE PROPER INTERPRETATION OF THE LEGAL DESCRIPTIONS.

HOFFBUHR & ASSOCIATES, INC.
880 GOLF VIEW DR. STE. 201 MEDFORD, OREGON
(541) 779-4641
BY: DAVID M. MINNECI RPLS NO. 2349
SCALE: 1 INCH = 30' DECEMBER 22, 2023
BASIS OF BEARING: EAST LINE OF DLC NO. 45 PER S/N 21370

○	=	SET 5/8" x 24" IRON PIN WITH PLASTIC CAP STAMPED "D. MINNECI LS 2349"
●	=	FOUND 5/8" IRON PIN WITH PLASTIC CAP STAMPED "TEMPLIN LS 2359" PER S/N 21370.
	=	FOUND 5/8" PIN WITH PLASTIC CAP STAMPED "LJ FRIAR & ASSOC." PER S/N 20272.
	=	FOUND 5/8" PIN WITH ALUMINUM CAP STAMPED "SWAIN SURVEYING PROP COR 1973" PER S/N 6003.
	=	FOUND 5/8" PIN WITH NO CAP PER S/N 6038 "SWAIN SURVEYING PROP COR 1973" PER S/N 6003.
	=	FOUND 5/8" PIN WITH PLASTIC CAP STAMPED "NEATHAMER SURVEYING" PER S/N 23729.
△	=	COMPUTED POSITION – NOTHING SET
⊙	=	FOUND BRASS CAP PER JACKSON COUNTY SURVEYOR RE-ESTABLISHMENTS.
[ ]	=	RECORD PER VOL. 199, PAGE 167, DEED RECORDS OF JACKSON COUNTY, OREGON.
{ }	=	RECORD PER VOL. 410, PAGE 131, DEED RECORDS OF JACKSON COUNTY, OREGON.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
David M. Minneci
OREGON
JULY 28, 1988
DAVID M. MINNECI
2349
EXPIRES 12/31/24

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