

N.E. Corner D.L.C. No. 45
Position Calculated from information
obtained in R.S. No. 4839

Fd. P.K. Nail, Tied in 1979
Sta. Painted 17+49.70 (State Dwg. No. 10C-50-6 shows Sta. 17+49.70)
Centerline Angle Point

P.O.B. Vol. 346 Pg. 268 &
N.W. Cor. Vol. 236 Pg. 543
D.R. J.C.O.

Fd. 3" Bronze Disk
Initial Point of
FOSTER TRACTS
Re: R.S. No. 4547

Fd. Rock Nail & Shiner, Tied in 1979
Sta. Painted 23+98.24 (State Dwg. No. 10C-50-6 shows Sta. 23+98.19)
Centerline Angle Point

R/W HWY No. 66 Per
Recorded Survey No. 4547

Fd. 3/4" Iron Pipe
Rg: R.S. No. 4547
S. 89° 27' 39" E. 237.81'
(P.R. S. 89° 33' E. 238')

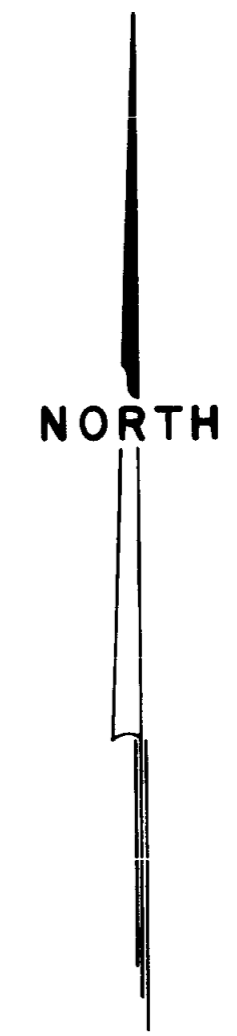
N. 89° 27' 39" W. 418.83'
N. 89° 27' 39" W. 419'
(D.R. West, 419')

648.34'
648.49'
N. 88° 41' 40" W.
(State: S. 87° 12' 00" E.)

NEW SOUTHERLY R/W
GREEN SPRINGS HWY (HWY No. 66)
See Oregon State Highway Dwg.
No. 10C-50-6 dated Nov. 1977
Rev. Apr., 1978; Aug. 1978

D.R. OVERLAP
Vol. 504 Pg. 472
D.R. J.C.O.

Fd. 2" o.d. Iron Pipe
with crimped top,
4' exposed.



MAP OF SURVEY
LOCATED IN
NE 1/4 OF SEC. 15, TWP. 39S., R. 1 E.W.M.
JACKSON COUNTY OREGON
for

STEPHEN D. BROWN

2409 GREENBROOK DRIVE
MEDFORD, OREGON 97504

SWAIN SURVEYING, INC.
27 1/2 N. MAIN STREET
ASHLAND, OREGON 97520
BASIS OF BEARING:

JANUARY 5, 1984

SCALE: 1" = 50'
TRUE MERIDIAN AT N-S & SEC. 15
(derived from N.O.A.A. net)

- FOUND MONUMENT AS SHOWN
- ◆ FOUND MONUMENT SET BY OREGON STATE HIGHWAY SURVEY CREW IN 1979
- FOUND 5/8 INCH IRON PIN WITH ALUMN. CAP mkd. OREG. STATE HWY. DEPT.
unless otherwise shown
- MONUMENTS FOUND AND TIED IN 1970
- SET 5/8 x 24 INCH IRON PIN WITH YELLOW PLASTIC CAP mkd. SWAIN
LS 789

S.E. Corner D.L.C. No. 45
Fd. 2 1/2" Bronze Disk

**** RECEIVED ****
Date 1/23/84 By BSK
This survey consists of:
1 sheet(s) Map
3 page(s) Narrative
JACKSON COUNTY
SURVEYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Everett L. Swain
OREGON
JULY 8, 1968
EVERETT L. SWAIN
759

Stephen D. and Terry Brown
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However, for the purpose of this survey our main concern was the west boundary line of that tract or parcel of land as was conveyed by C. C. Clark and wife to Kenneth Bayless and wife in 1961.

Existing monuments were found and tied as shown. Other monuments, some now existing and some not existing, were correlated with this survey through ties made to these monuments when they were found in place during the years of 1970 and 1979. I have monumented both the west boundary line of the C. V. Flanders (C. C. Clark) ownership, which falls northerly of the C. C. Clark Subdivision boundary, as found monumented, and the easterly boundary of the C. C. Clark Subdivision, as found monumented, where it intersects the new southerly right of way of the "relocated Green Springs Highway".

The client and his representative have been made aware of these conditions and advised that if clear title to these two (2) strips of land is desired, that either "Quit Claim Deeds" from the heirs of the record title owners should be sought or a "Suit to Quiet Title" could be initiated with the court. Further legal questions should be referred to an attorney.

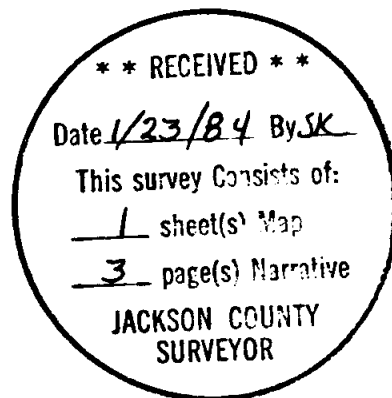
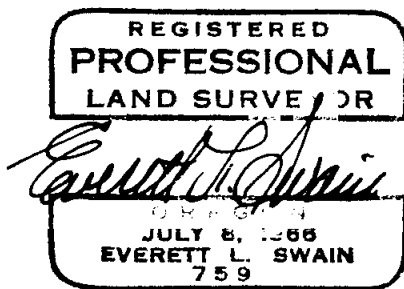
Other information is as shown on the accompanying map.

BASIS OF BEARING:

True Meridian at the N-S centerline of Section 15 as derived from the National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey) survey net established in 1968 and filed in the office of the Jackson County Surveyor.

January 17, 1984

Swain Surveying, Inc.
27 1/2 N. Main Street
Ashland, Oregon 97520



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would be common to the Northeast corner of the J. P. Clark tract. This is the only common point between the Flanders (C. C. Clark) property and the J. P. Clark property. In reviewing the legal description of both parcels of land, the C. V. Flanders tract proceeds South 472 feet and thence East a distance of 419 feet, more or less to the Donation Land Claim line. It is my opinion that if the intent of the Flanders conveyance was to have the west boundary line parallel with the East boundary line of Donation Land Claim No. 45, then the course "of 419 feet, more or less" would not have included the wording "more or less". Therefore, the west boundary line of the Flanders tract or parcel of land was intended to go South and then let the distance along the southerly boundary line take up the excess or deficiency. Now turning to the legal description of the J. P. Clark property. Upon leaving the one (1) common point between the C. V. Flanders (C. C. Clark) ownership and the J. P. Clark ownership, the J. P. Clark legal description proceeds "thence continue West, along the south line of said highway, 238.0 feet; thence South $0^{\circ}27'$ West 472.3 feet to the North line of tract described in Volume 237, page 523 of the Deed Records of Jackson County, Oregon; thence South $89^{\circ}57'$ East along said line, 238.0 feet, to a point South $0^{\circ}27'$ West from the True Point of Beginning; thence North $0^{\circ}27'$ East 470.66 feet, more or less, to the true point of beginning." As can be seen, no adjoiner call was made to close upon the west boundary line of the C. V. Flanders (C. C. Clark) property. The J. P. Clark legal description was very clear about the terminus of the southerly boundary line being at a point South $0^{\circ}27'$ West of the true point of beginning. Therefore, with both the Flanders (C. C. Clark) and J. P. Clark legal descriptions having compatible bearings along said highway right of way and for the reasons stated hereinabove about the direction of the west boundary line of the C. V. Flanders tract and the direction of the east boundary line of the J. P. Clark tract, I can only come to the conclusion that a deed record gap was created when William E. McMinn and wife, conveyed these two (2) parcels of land.

To further complicate matters, when the C. C. Clark Subdivision was surveyed and monumented by the late surveyor, L. E. Ager, he failed to start at the East boundary line of Donation Land Claim No. 45 and therefore did not establish a portion of the easterly boundary line of said C. C. Clark Subdivision upon the deed record easterly boundary line of the J. P. Clark ownership. Therefore, an underplattling of J. P. Clark ownership, along the east boundary line of Lots 1 and 2 of Block 2, now exists. To further complicate matters, C. C. Clark and wife sold their home site on the 27th day of March, 1961. See Volume 504, page 472 of the Deed Records of Jackson County, Oregon. In conveying this property, they begin at the northeast corner of Lot 1 of Block 2 of the C. C. Clark Subdivision, to the City of Ashland and went thence South $0^{\circ}27'$ West along the east line of Lots 1 and 2 of Block 2, etc. It has been previously established that when C. C. Clark and J. P. Clark took title to their lands there was a deed record gap between their properties with only the Northwest corner of the C. C. Clark property being common to the northeast corner of the J. P. Clark property. Therefore, upon conveying this property, as so stated in Volume 504, page 472 there was a deed record overlap created. This deed record overlap still exist today.

Due to the underplattling of the J. P. Clark ownership along the east boundary line of Lots 1 and 2 of Block 2 of the C. C. Clark Subdivision, there is a small strip of land still vested in the heirs of J. P. and Anna Clark. Also, there is a title problem with Lots 7, 8, 9, and 10 of Block 2 due to the previously discussed title gap between the C. V. Flanders (C. C. Clark) ownership and the J. P. Clark ownership. This small strip of land is still vested in the heirs of William E. and Alice N. McMinn.

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES

- SURVEY FOR: Stephen D. and Terry Brown
2409 Greenbrook Drive
Medford, Oregon 97504
c/o Medinger Construction, Inc.
520 Terrace Street
Ashland, Oregon 97520
- LOCATION: Situated in Donation Land Claim No. 45 and the Northeast quarter of Section 15, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.
- PURPOSE: To establish the westerly boundary line of a tract or parcel of land as set forth in Exhibit 'A' Order No. 610483 B of the Southern Oregon Title Company report. This description was furnished by the client's representative and was found to be the same as that legal description shown in that document recorded in Volume 504, page 472 of the Deed Records of Jackson County, Oregon. The client's representative indicated they wanted to build within one (1) foot of the westerly boundary line.
- PROCEDURE: The westerly boundary line of the property being purchased by the client is contiguous with the easterly boundary line of Lots 1 and 2 of Block 2 of the C. C. Clark Subdivision to the City of Ashland. The east boundary of Lots 1 and 2 of Block 2 is subject to the retracement of the outer boundary of said subdivision: Therefore deed research was first conducted to verify the junior and senior title rights and the compatibility of all boundaries prior to said subdivision. In reviewing the chain of title it became apparent that deed record problems existed. William E. McMinn and wife purchased property from the Talent Irrigation District which encompasses all of the area wherein this survey is situated. See Volume 210, page 128 and Volume 210, page 170 of the Deed Records of Jackson County, Oregon.
- William E. McMinn and wife sold property to C. V. Flanders and wife on the 4th day of May 1942. See Volume 236, page 543. Then C. V. Flanders and wife sold property to C. C. Clark and wife on the 3rd day of July, 1945. See Volume 260, page 524.
- William E. McMinn and wife sold property to J. P. Clark and wife on the 29th day of January, 1951. See Volume 346, page 268 of the Deed Records of Jackson County, Oregon. This is where the title problem begins. The property sold to C. V. Flanders begins at the intersection of the East line of Donation Land Claim No. 45 and the southerly right of way of a "road known as U. S. Highway No. 66, formerly Pacific Highway"; thence it proceeds west along the south line of said highway right of way a distance of 419 feet; thence South 472 feet; thence East 419 feet, more or less to the East line of said Donation Land Claim; thence North 472 feet to the place of beginning.
- The property sold to J. P. Clark and wife commences at the location where the Flanders deed record begins. Thence Clark's deed proceeds "West, along the south line of said Pacific Highway, 419.0 feet to the True Point of Beginning" which is common to the Northwest corner of the C. V. Flanders deed record. There is a common bearing and distance along said Pacific Highway (Hwy. No. 66) right of way for both deeds. Therefore, the Northwest corner of the Flanders tract