

Section

Town

North of Range

East

10

33

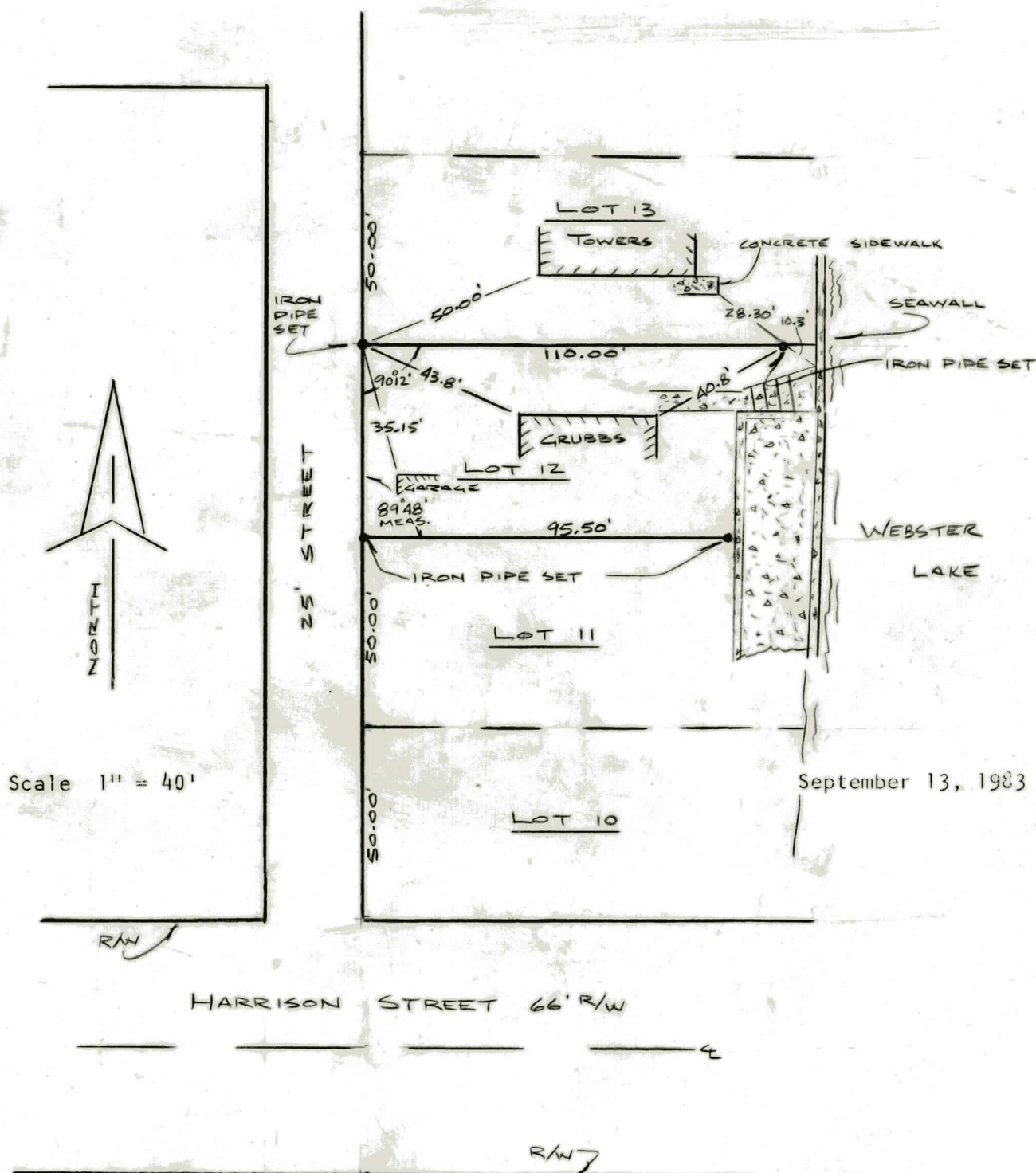
7

LINE BETWEEN LOT 12 & LOT 13

WAS LINE IN QUESTION. FOUND AN ORIGINAL IRON PIPE AT NW CORNER OF LOT 25. MEASURED 475' TO ESTABLISH EAST LINE OF 25' STREET. MEASURED FROM IRON PIPE FOUND AT SW CORNER OF LOT 10 TO DETERMINE E-W LOT LINES

Survey prepared for - BRAD GRUBBS

Bockman's Park Addition to North Webster



ENTERED
SEPTEMBER 13, 1983

DESCRIPTION

Lot number 12 in Bockman's Park Addition to the Town of North Webster, Kosciusko County, Indiana.

CERTIFICATION

I the undersigned Registered Land Surveyor in the State of Indiana, hereby certify that I have surveyed the above described tract of land according to monuments found, and that the above is a correct representation thereof.

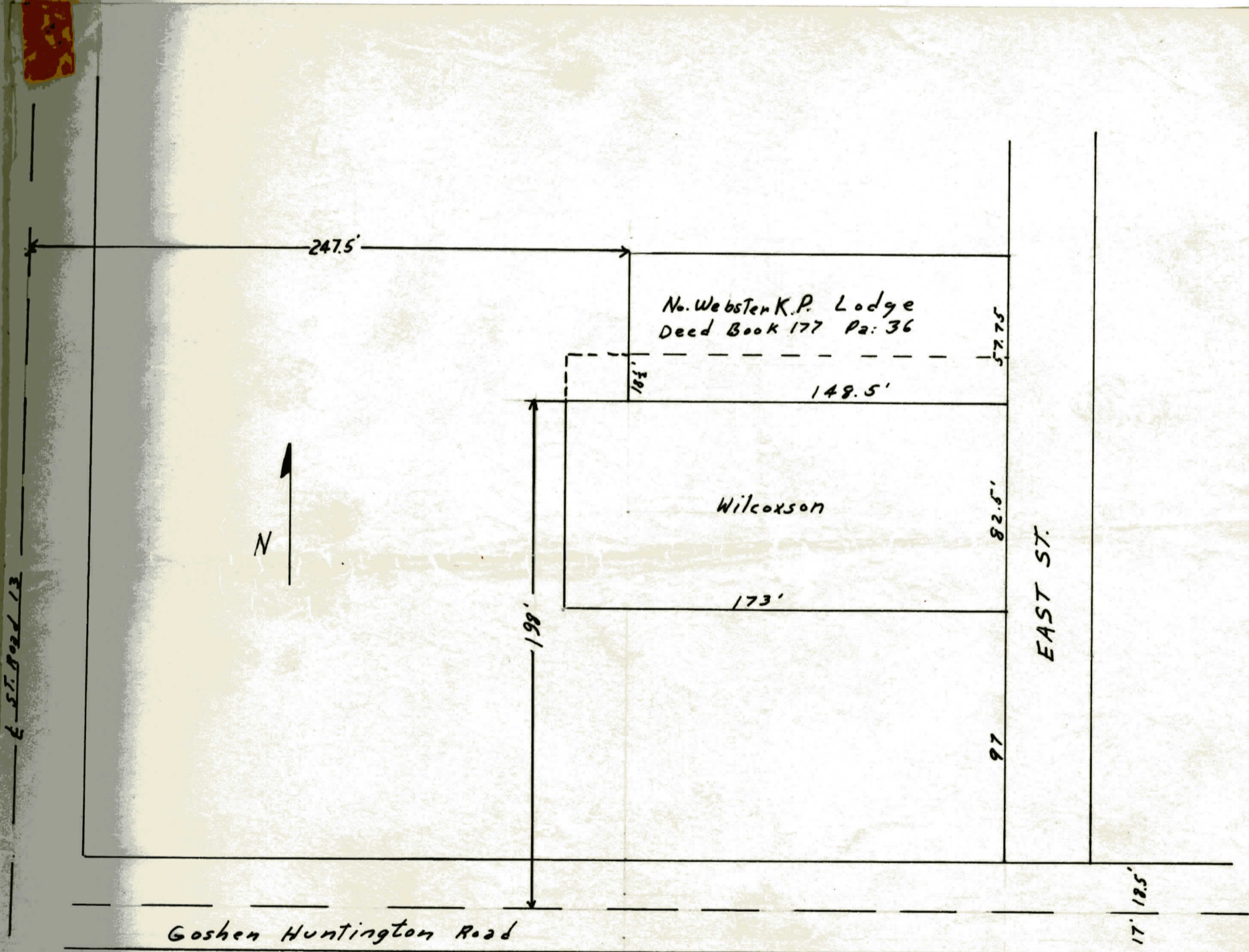


Charles M. Brower
Charles M. Brower
Reg. Land Surveyor Lic.#12065

RK

KOSCIUSKO COUNTY, INDIANA

Section 10 Town 33 North of Range 7 East



The 18½' x 10 rods 85' in question was decided to belong to the K.P. Lodge, and was taken off Wilcoxsons Taxes May 3, 1961

Kos. County Surveyor
Charles M. Brower

RECORD OF SURVEYS

Section

Town

North of Range

East

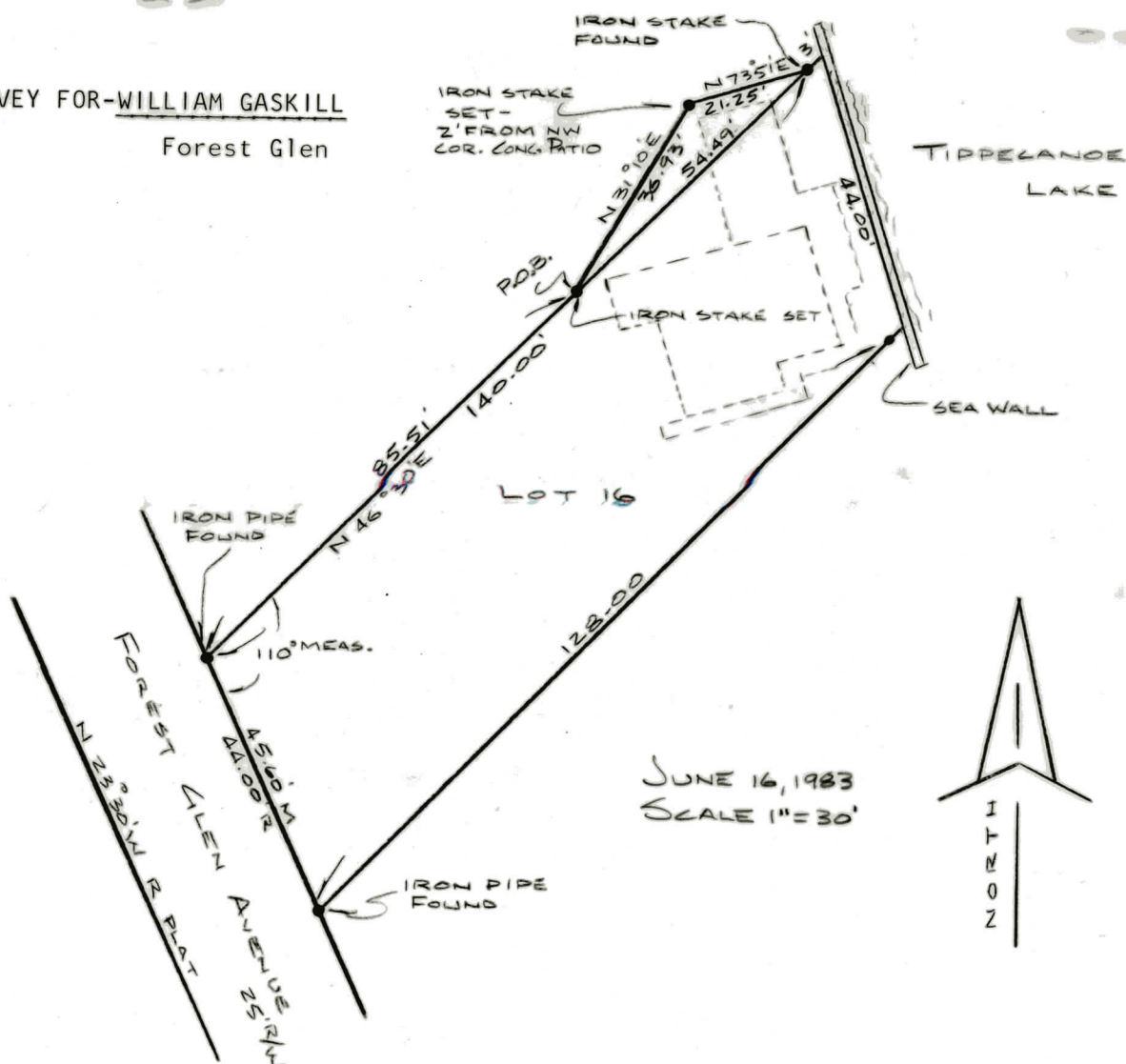
12

33

6

WILLIAM GASKILL SURVEY. SURVEYED ADDITIONAL TRIANGULAR SHAPED TRACT
TO LOT 16 PER CIRCUIT COURT JUDGEMENT.

SURVEY FOR-WILLIAM GASKILL
Forest Glen



DESCRIPTION

A part of Lot number 15 in Forest Glen on Tippecanoe Lake, further described as follows:

Commencing at the Northwest corner of Lot number 16 in the Plat of Forest Glen on Tippecanoe Lake; thence North 46 degrees 30 minutes East 85.51 feet to an iron stake marking the Place of Beginning; thence North 31 degrees 10 minutes East 36.93 feet to an iron stake; thence North 73 degrees 51 minutes East 21.25 feet to an iron stake on the North line of said Lot number 16; thence South 46 degrees 30 minutes West 54.49 feet to the Place of Beginning and containing .006 acres more or less.

CERTIFICATION

I the undersigned Registered Land Surveyor in the State of Indiana hereby certify that I have surveyed the above described tract of land based on existing monuments found per a survey performed on Lot number 16 by "ASURCO INC" Land Surveyors dated July 9, 1981, job #81-0234, and that the above is a correct representation of said survey.



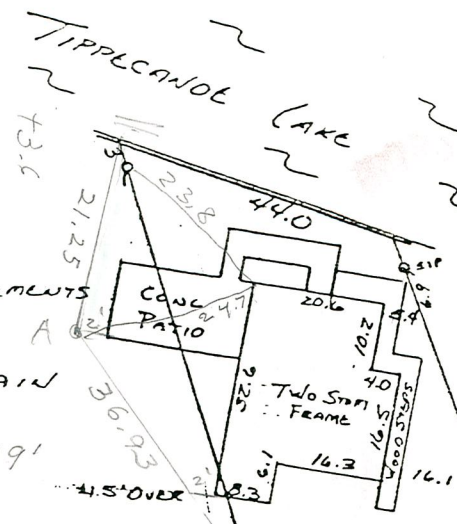
Charles M. Brower
Charles M. Brower
Reg. Land Surveyor Lic.#12065

BUYER:
TOM + PAM LOLLAR

NOTE:
NO SETBACK OR EASEMENTS
SHOWN ON PLAT

NOTE:
NOT IN FLOOD PLAIN

137°19'



SCALE: 1"=30'
DATE: 9 JULY 1981
JOB No: 81-0234

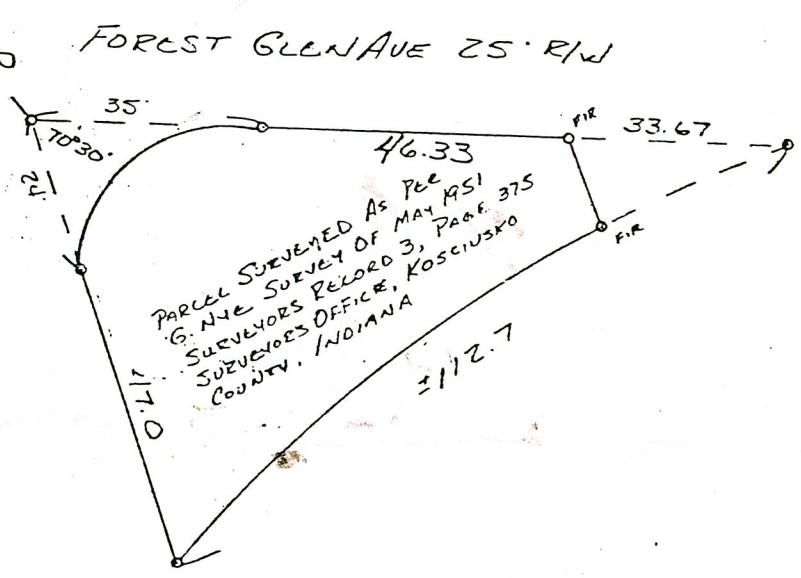
LOT #16 FOREST GLEN
ONTIPPECANOE LAKE & A
PART OF THE NE 1/4, SECTION
12-33-7 TIPPECANOE TWP.,
KOSCIUSKO COUNTY, INDIANA

I, Ronald A. Weaver, a Registered Land
Surveyor, hereby certify that I have surveyed
the parcel(s) of land delineated hereon, and
that there are no encroachments visible
other than shown.

Iron Stakes are located at all places shown
thus O

Monuments are located at all places shown
thus □

[Signature]
RONALD A. WEAVER, R.L.S.
REG. NO. 50217



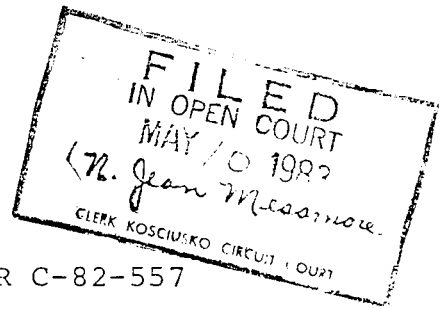
ASURCO INC.

LAND
SURVEYING
PLANNING
SUBDIVISION
DEVELOPMENT

ROUTE 1 • BOX 364 • MIDDLEBURY, IN • 46540
Phone 825-5588

108.50
30-00

IN THE KOSCIUSKO CIRCUIT COURT
KOSCIUSKO COUNTY, INDIANA



WILLIAM E. GASKILL AND
DIANE H. GASKILL

CAUSE NUMBER C-82-557

VS

HOWARD L. CLAMME

JUDGMENT

The Court having heretofore taken under advisement the issues arising upon the evidence heard in this action and being sufficiently advised now finds for the plaintiff and against the defendant and upon its finding enters interlocutory order under the terms of which the boundary line between the plaintiffs and the defendant may be ascertained by survey and established hereafter by appropriate evidence.

IT IS, THEREFORE, CONSIDERED AND ORDERED that the plaintiffs have acquired by adverse possession title to a certain portion of the lands of the defendant and over Lot Number 15, Forest Glen on Tippecanoe Lake, that land upon which adverse possession has been so acquired being a roughly triangular shaped parcel to be determined by straight lines the Eastern most line of which shall be what is now the Western line of Lot 16 in Forest Glen and the Northern line of which shall be Tippecanoe Lake, as so projected into that lake as may be the underlying title to Lots 16 and 15; and the Western and Southwestern and Southern lines shall be two straight lines, the first of which shall commence at the Northwestern end of the seawall in front of Lot 16 but no more easterly than the existing survey line of Lot 16; and which shall then run in a Southwesterly direction to a point which shall be described in this judgment as Reference Point A; and a second straight line which shall run from Reference Point A to a point on the existing West line of Lot 16 passing through a point which shall be described in this judgment as Reference Point B.

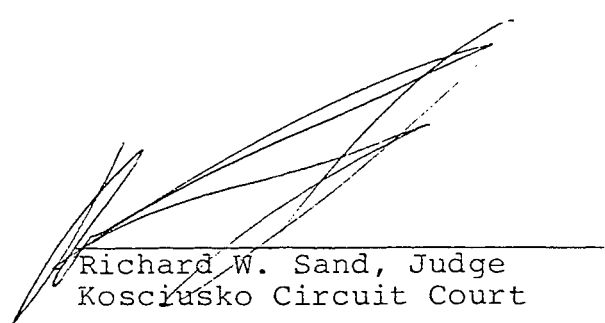
IT IS FURTHER CONSIDERED AND ORDERED that Reference Point A shall be that point located in a North of Northwesterly direction of the concrete patio annexed to plaintiffs' dwelling and so

situate by extending the Southern line of that patio in a straight line parallel with itself to a point which will permit the first line to intersect Reference Point A and intersect Reference Point B without deviation from a straight line but not less than two feet.

IT IS FURTHER CONSIDERED AND ORDERED that Reference Point B shall be that point which is not less than two feet from the Western and Southern most corner of plaintiffs' dwelling house and the same projects upon Lot 15 and so situate as to permit the second line to travel in a straight direction from Point A to the West line of Lot 16.

IT IS FURTHER CONSIDERED AND ORDERED that plaintiff shall forthwith obtain a survey of the tract upon which the Court indicates in this judgment that plaintiff has acquired adverse possession at plaintiffs' expense first giving defendant notice of the time at which the survey may take place and at which defendant may attend and if he wish employ his own surveyor to verify the determination of plaintiffs' surveyor and after which the parties shall file the survey with the Court indicating whether a judgment should be entered thereon or whether further evidentiary hearing should be had with respect thereto for the purpose of entering final judgment herein.

Dated May 10, 1983.



Richard W. Sand, Judge
Kosciusko Circuit Court

IN THE MATTER OF THE:

AUG 2 5 1980

FILED

"NOTICE
of
Completion of Legal Survey
of the
Entry and Recording Thereof by The County Surveyor
in the
Legal Survey Record Book Of The Kosciusko County Surveyor
and
Notice Of Your Right To Appeal"

as mailed to:

Fred Wilcox
Ruth Wilcox
R.R. #1, Box 275H
Syracuse, Indiana 46567

Lowell G. Showalter
Cynthia S. Showalter
R.R. #5, Box 37
Syracuse, Indiana 46567

Tom G. McClain
R.R. #1, Box 185
Syracuse, Indiana 46567

Donald H. Beer
Ruth A. Beer
R.R. #1, Box 235A
Milford, Indiana 46542

Robert J. Dangler
Catherine K. Dangler
1212 Leland Avenue
Indianapolis, Indiana 46219

via U.S. Certified Mail, postage prepaid, with "Green Return Receipt

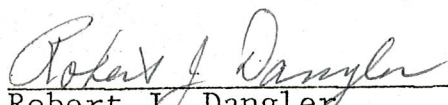
Requested", on July 29, 1980, all as shown by the aforementioned "Notice".

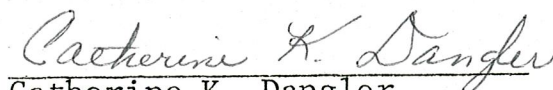
The aforementioned "Notice", so mailed, was duly received by all of the above mentioned and designated nine (9) persons on or before August 7, 1980, that is, at least ten (10) days from July 28, 1980, which was the date the Plat of the said Legal Survey was presented to the Kosciusko County Surveyor and/or to the Office of the County Surveyor of Kosciusko County, Indiana, for entry in the Legal Survey Record Book of Kosciusko County, and which date of July 28, 1980 was the date that the said Plat of said Legal Survey was duly entered and recorded in the Legal Survey Record Book of the County Surveyor of Kosciusko County, Indiana, all as required by law.


Copies of the "Green Return Receipts Requested" are attached hereto as Exhibit "A", as evidence and proof of the fact that the aforementioned "Notice", as mailed on July 29, 1980, was duly received by said designated nine (9) persons, via said U.S. Certified Mail, within said ten (10) day period after July 28, 1980, all as required by law.

Although not required to be done under the law, nevertheless a copy of this document and/or proof of receipt of said "Notice", as above stated, will be mailed to each of the above designated nine (9) persons.

Dated this 25th day of August, 1980.


Robert J. Dangler


Catherine K. Dangler


Charles M. Brower
Licensed Land Surveyor

FILLENWARTH & FILLENWARTH
ATTORNEYS AT LAW

EDWARD J. FILLENWARTH
EDWARD J. FILLENWARTH, JR.
FREDERICK W. DENNERLINE III
WILLIAM R. GROTH
RICHARD G. MC CRACKEN

FILED

AUG 25

AUG 25 1980

SUITE E6A, SHADELAND SQUARE
6919 EAST 10TH STREET
INDIANAPOLIS, INDIANA 46219
TELEPHONE: (317) 353-9363

August 19, 1980

Mr. Charles M. Brower
c/o Office of County Surveyor
Kosciusko County Court House
Warsaw, Indiana 46580

Dear Mr. Brower:

Enclosed please find a proposed verification as to the "receipt" of the Notice that was mailed out via Certified Mail to all concerned on July 29, 1980; please sign all the necessary copies of the enclosed, and mail out via ordinary mail; as in the past, an extra copy is enclosed for your files.

I am indeed sorry to state that some of the "red flags" disappeared almost immediately after you placed them at the "corners" and/or "places" so surveyed by you, for when I left your office on July 29, 1980, I stopped by Dewart Lake, on my way to the Post Office at Syracuse, Indiana, to view the "surveying stakes" that you had erected; I could not see any stakes, but I did observe some "red flags".

I did not notice any "red flag" at the northeast corner of Lot 15 in the "Third Addition To Redmon Park"; it could be, that you may have hesitated to place a "red flag" at such point, because of the driveway, but I sincerely believe a "red flag" should be so placed, so that we may know where the northeast corner of Lot 15 is actually located; we have observed an "old iron" pipe in the driveway, but we do not know if such is the northeast corner of said Lot 15, as so surveyed by you.

I did not observe any "red flags" at the four (4) corners of Lot 11 in the "Second Addition To Redmon Park"; of course, the southeast and southwest corners of said Lot 11 are also the northeast and northwest corners of the "Lake Approach" (15' x 100'), as called for in the Plat of the said "Second Addition To Redmon Park"; it is most important to us to know where said corners are so located.

Also, I could not observe any "red flag" at the southeast corner of Lot 12, which is also a corner of Lot 13 in the "Second Addition To Redmon Park".

It could be that you found the corners, drove the necessary iron stakes, and placed "red flags" thereat, because on the afternoon of said July 29, 1980 I did notice a "red flag" on and/or along the north line of said Lot 11 in the "Second Addition To Redmon Park" about 50 feet from the northwest corner of said Lot 11; I also observed three (3) "red flags" on the arm of a chair, which chair was approximately on the southeast corner of said Lot 11.

Mr. Charles M. Brower
August 19, 1980
Page 2

We would sincerely appreciate it if four (4) "red flags were erected, and/or again erected, at the said four (4) corners of said Lot 11 in the "Second Addition To Redmon Park", as well as at the southeast corner of said Lot 12; and, if we may so suggest, would you be so kind as to notify in writing the occupants (Terry Jodry and Sue Jodry, who are one and the same as the son-in-law and daughter of the owners, Fred Wilcox and Ruth Wilcox), to the effect that said "red flags" were legally placed at the said four (4) corners of said Lot 11, and that it is a violation of the law for anyone to remove the same and/or the said stakes so located by you.

If you should have any questions, please do not hesitate to contact me, and I will be more than willing to come to Warsaw to discuss this matter with you, as well as anyone else.

My clients have gone to considerable trouble and expense to obtain a legal survey all in order to avoid any personal controversy and/or trouble with the adjoining owners and/or tenants; we sincerely believed the "legal survey" route, although an expensive and troublesome route, was the only proper way to handle the "lines and corners" problems involving the "2nd" and "3rd" Additions to Redmon Park, in view of the difficulties involved.

The afternoon of July 29, 1980, I personally delivered to Mr. Brooks C. Pinnick a copy of the "Notice of Completion Of Legal Survey Of The Entry And Recording Thereof By The County Surveyor In The Legal Survey Record Book Of The Kosciusko County Surveyor And Notice Of Your Right To Appeal", and discussed briefly with Mr. Pinnick the "Plat" of the "Survey" attached as Exhibit "E" to said "Notice"; subsequently on July 30, 1980, I called Mr. Pinnick from my office in Indianapolis to further discuss said "Survey" with him involving the real estate interests of Mr. and Mrs. Donald H. Beer, but as of said time (7-30-80), Mr. Pinnick stated that he had not yet had an opportunity to discuss such "Survey" with either Mr. Beer or you; Mr. Pinnick indicated over the telephone that obviously he wanted to talk to Mr. Beer and also with you.

Thanking you, we are

Very truly yours,

FILLENWARTH & FILLENWARTH

By: 
Edward J. Fillenwarth

EJF/tb
Encls.

cc: Brooks C. Pinnick
Attorney at Law
First National Bank Bldg.
Warsaw, Indiana 46580

E. Lee Bazin
222 North Buffalo Street
Warsaw, Indiana 46580

FILLENWARTH & FILLENWARTH

IN THE SUPERIOR COURT OF KOSCIUSKO COUNTY

STATE OF INDIANA

LOWELL G. SHOWALTER and
CYNTHIA A. SHOWALTER,
Plaintiffs

vs.

CAUSE NO: 43D01-9310-CP-348

DONALD BEER
and RUTH BEER,
Defendants

AFFIDAVIT

Comes now Dick Kemper and being duly sworn upon his oath states:

1. That the Affiant herein is the present County Surveyor duly elected for the County of Kosciusko, State of Indiana.

2. That the Affiant herein is aware of a certain survey performed for and on behalf of Donald Beer and Ruth Beer in 1980.

3. That it is the belief of the Affiant that said survey established a line of reference lying adjacent to a portion of the boundary line of lot thirteen (13) owned by Donald Beer and Ruth Beer.

4. That it is further the understanding of the Affiant that said survey established a line of reference only.

5. That it is the belief and understanding of the Affiant that said survey did not establish a boundary line between Donald Beer and Ruth Beer and Lowell G. Showalter and Cynthia A. Showalter, all of whom are parties in the above-captioned cause of action.

6. That said line of reference is not directly adjacent to any property deeded to Lowell G. Showalter and Cynthia A. Showalter.

7. That this Affidavit has been prepared and executed in support of the Plaintiffs' Motion in Opposition to Defendants' Motion for Summary Judgment.

Further Affiant sayeth naught.

Dated this 14th day of December, 1994.


Dick Kemper

I affirm, under the penalties for perjury, that the foregoing representations are within my personal knowledge and are true and correct.

Dick Kemper

Elden E. Stoops, Jr. (#1827-85)
Attorney for Plaintiffs
DAGGETT, SCHLITT & STOOPS, P.C.
118 East Main Street, P.O. Box 330
North Manchester, IN 46962
(219) 982-8511

LAST RECEPTION REPORT

Act.No	Type	Doc.R.	Identifier	Date/time	Length	Page	Result
0323	RX		219 982 8511	14/12 '94 14:15	01:54	03	OK

RECORD OF SURVEYS

A. E. BOYCE CO., MUNCIE, IND. 47303

August 23, 1994

Section

12

Town

33

North of Range

7

East

11:25 AM

NW 12

33N

R7E

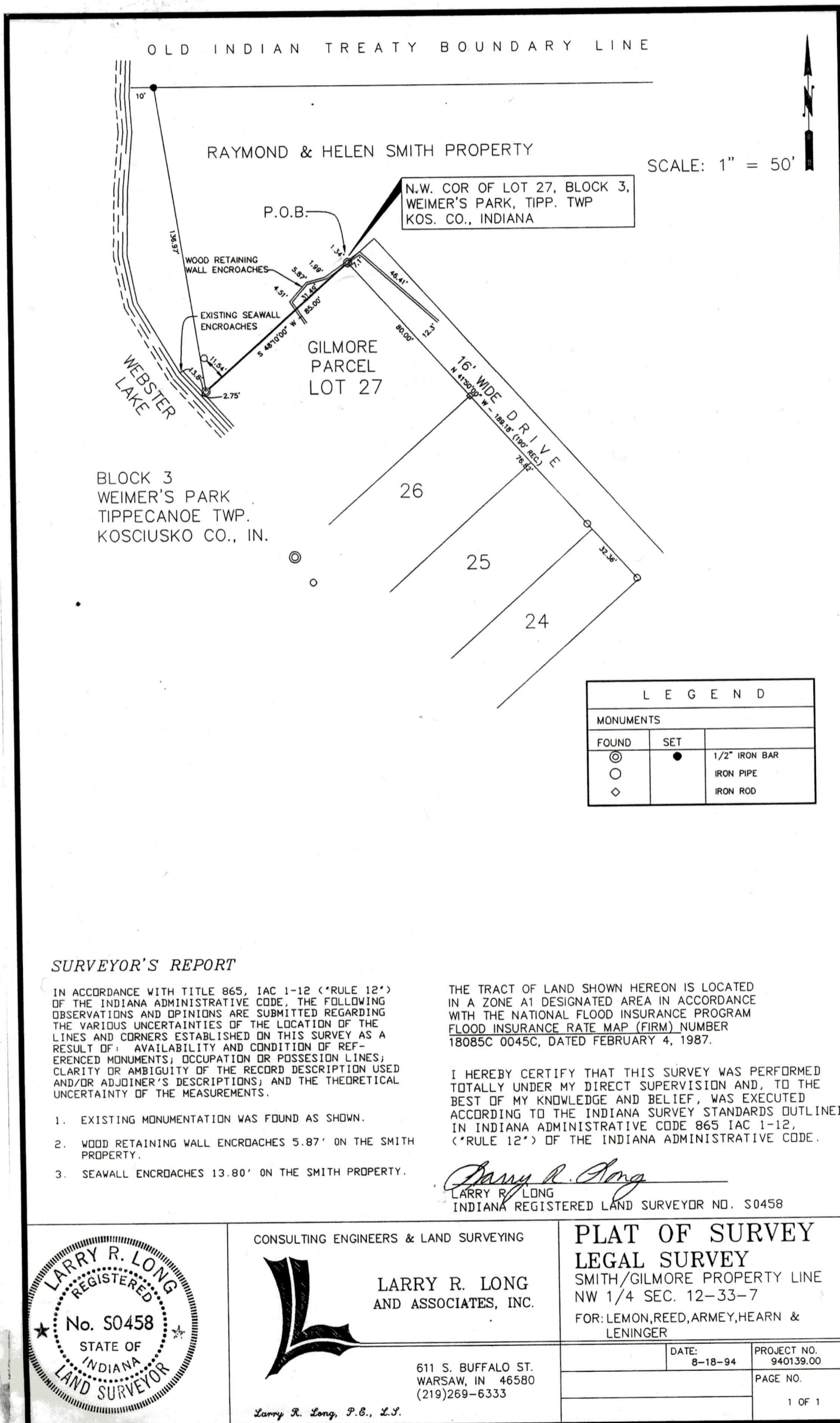
PREPARED FOR: LEMON, REED, ARMEY, HEARN & LENINGER

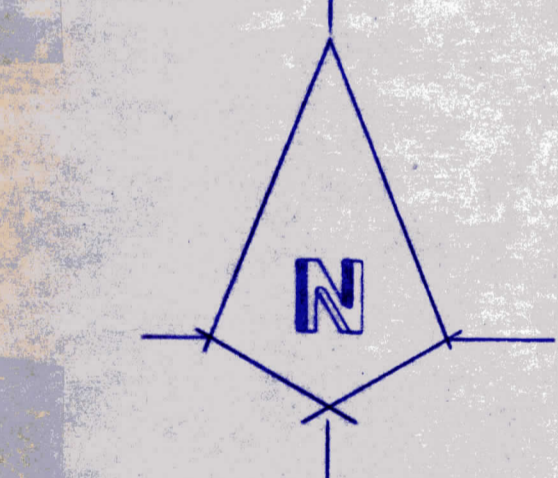
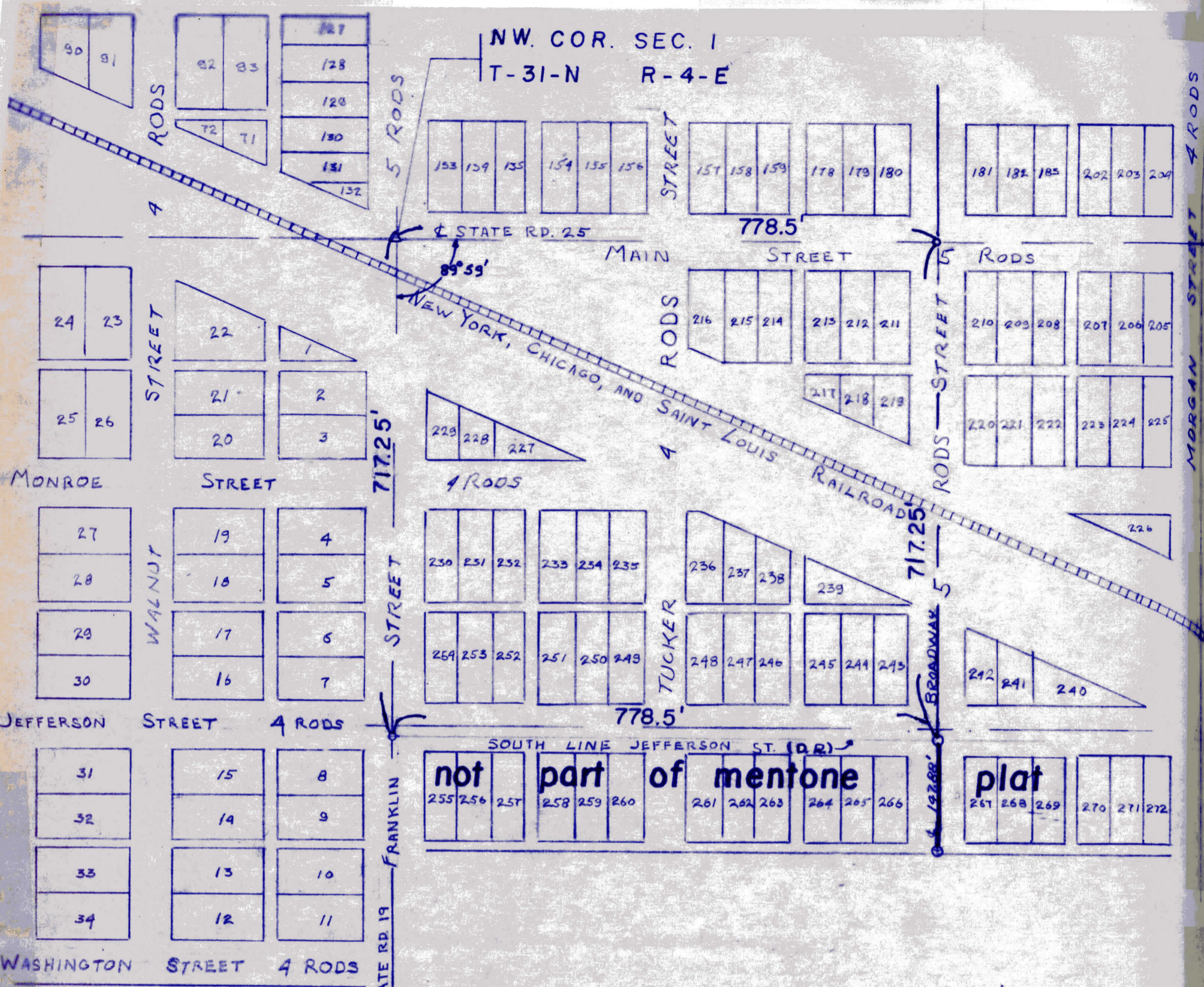
ESTABLISHED NW LINE OF LOT 27 BLOCK 3 "WEIMER'S PARK"

NOTJOINING OWNER: GREG SMITH

OWNER LOT 27: HERBERT & SANDRA GILMORE

- SEE ATTACHED NOTES -





SEPT. 13, 1976

LEGEND

- D - RAILROAD SPK FOUND
- O - IRON PIN SET
- o - PK Nail Set
- DR - DEED RECORD

SW. COR. OF NW. 1/4
SEC. 1, T-31-N, R-4-E

COMMENTS

This legal survey was performed to establish the centerline of Broadway street as it extends South from the South line of Jefferson street. The afore mentioned centerline was established by using the West line of section one (1) in Franklin township and measuring East 778.5 feet as shown on the original plat of Mantone as recorded in the recorders office at the Kosciusko county courthouse in Warsaw, Indiana

I hereby certify that I have surveyed the line as described above and that the plat drawn hereon is a correct representation of said survey.

Berton A. Retz
Berton A. Retz LS-12880



HAROLD & GERTRUDE SMYTHE

LEGAL SURVEY

SEC-1 T-31-N R-4-E

Town North of Range East

NOTICE OF LEGAL SURVEY

State of Indiana, Kosciusko, County, ss:

To Mr. & Mrs. H. Smythe, Mentone, Indiana

You are hereby notified that I, Berton A. Retz,
A registered Land Surveyor in the State of Indiana, have been emp-
loyed by Mr. & Mrs. H. Smythe,, to survey, establish
and monument the line separating the properties of Smythe
and Walton, situated in
section 1, Township 31 North and Range 4 East,
Kosciusko County, Indiana

Your land being affected by said survey is located ~~N~~ South
of Jefferson Street on the extended centerline of Broadway street
In Mentone, Indiana
and you should take notice and meet at the above noted location on
the date and at the time shown below.

The survey will commence on the 3rd day of AUGUST @ 10:30 AM.
1976, and if inclement weather or any other reason prevents the survey
taking place on said date, said survey will stand continued from day
to day until finished.

(State of Indiana Kosciusko County, ss:)

I, the undersigned, swear that I gave to the above named parties the
above notice. Berton A. Retz, L.S. *Berton A. Retz*

Subscribed and sworn to before me, the 1st day, of July
1976 *E. Lee Bayne*

E. Lee Bayne

My Comm. Expires July 21, 1979.

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show to whom, date and address where delivered ☐ Deliver ONLY to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO. 778087
INSURED CO.

Mr. H. Smythe
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

7-10-76

Town North of Range East

NOTICE OF LEGAL SURVEY

State of Indiana, Kosciusko, County, ss:

To Mr. & Mrs. H. Smythe, Mentone, Indiana

You are hereby notified that I, Berton A. Retz,
A registered Land Surveyor in the State of Indiana, have been emp-
loyed by Mr. & Mrs. H. Smythe,, to survey, establish
and monument the line separating the properties of Smythe
and Walton, situated in
section 1, Township 31 North and Range 4 East,
Kosciusko County, Indiana

Your land being affected by said survey is located ~~N~~ South
of Jefferson Street on the extended centerline of Broadway street
In Mentone, Indiana

and you should take notice and meet at the above noted location on
the date and at the time shown below.

The survey will commence on the 3rd day of AUGUST @ 10:30 AM.
1976, and if inclement weather or any other reason prevents the survey
taking place on said date, said survey will stand continued from day
to day until finished.

(State of Indiana Kosciusko County, ss:)

I, the undersigned, swear that I gave to the above named parties the
above notice. Berton A. Retz, L.S. *Berton A. Retz*

Subscribed and sworn to before me, the 7th day, of July
1976 *19*

E. Lee Bayne

Comm. Expires July 21, 1979.

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show to whom, date and address
when delivered ☐ Deliver ONLY
to addressee

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

778087

Mr. H. Smythe
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

POST OFFICE DELIVERY (Only if requested, and include ZIP Code)

7-16-76

KOSCIUSKO COUNTY, INDIANA

73

Section 13 Town 32 North of Range 6 East
NW 1/4

PREPARED FOR: FRED KING

ESTABLISH E. LINE W 1/2 NORTH 20 ACRES W 1/2 NW 1/4 SEC. 13-T32N-R6E

ENTERED 7-5-2000



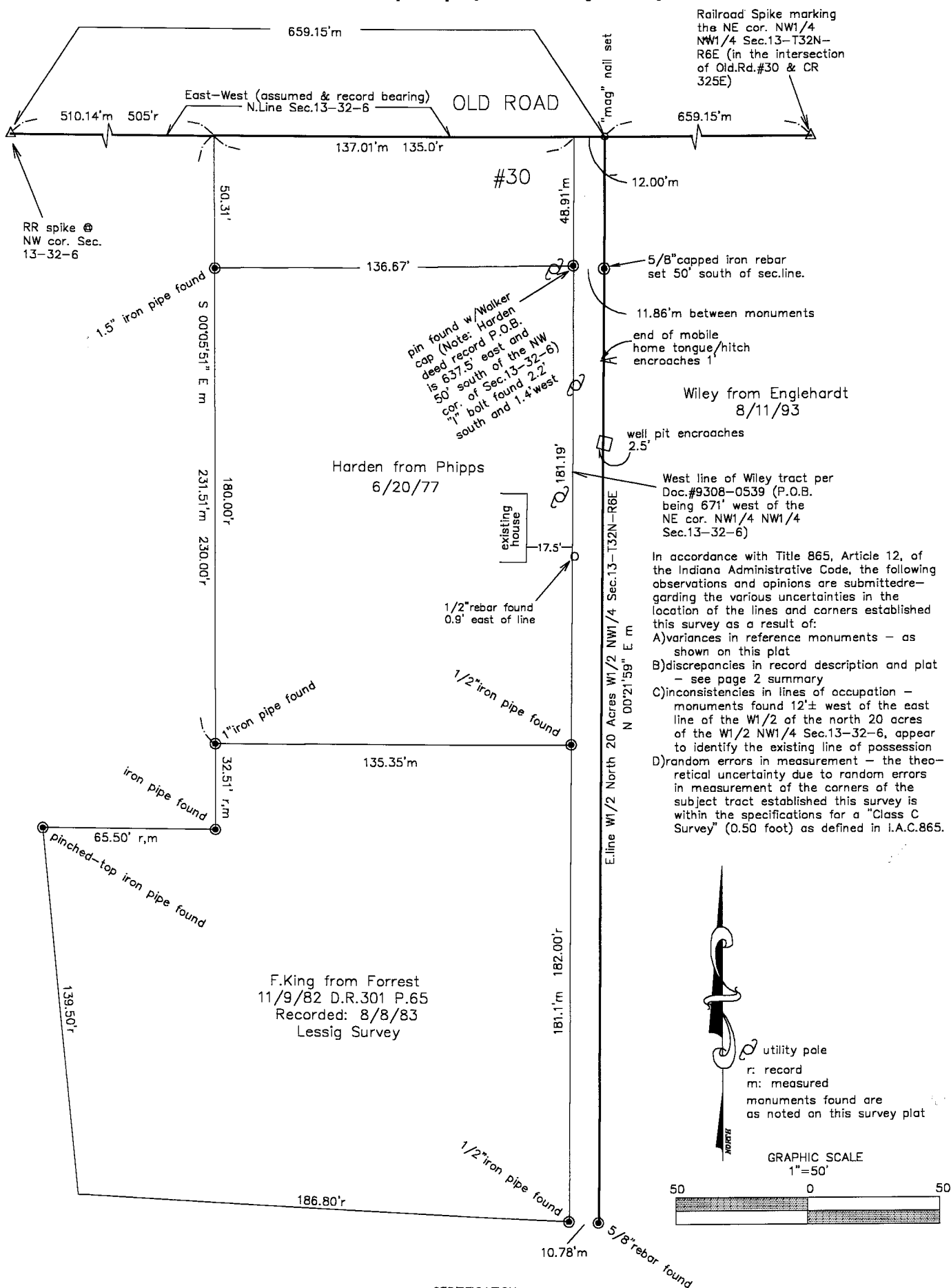
SURVEY PREPARED FOR: FRED KING

ORIGINAL SURVEY DATED: 12/29/1989

DATE OF LEGAL SURVEY: 5/17/2000

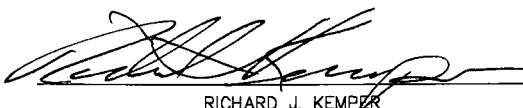
ENTERED IN KOSCIUSKO COUNTY LEGAL SURVEY BOOK #4 PAGE #73: 7/5/2000

-See attached sheet for scope of project & Surveyor's Report narrative-



CERTIFICATION

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THAT THE ABOVE DESCRIBED TRACT OF LAND WAS SURVEYED BY ME FOLLOWING GENERALLY ACCEPTED STANDARDS AND THAT THE ABOVE IS A CORRECT REPRESENTATION THEREOF.

PREPARED FOR: FRED KING		
PROJECT #99-065	SCALE 1"=50'	Legal Survey
DR BY MK	5/17/2000	
		
RICHARD J. KEMPER REG. LAND SURVEYOR LIC. #880012		



King/Wiley survey 13-32-6
Wayne Township
Kosciusko County, Indiana

Dispute: The existence of an ingress and egress easement of record bordered on the East by the East line of the West half of the North 20 acres of the West half of the Northwest Quarter of section 13-32-6.

Survey purpose: To locate and identify the East line of the West half of the North 20 acres of the West half of the Northwest Quarter of section 13-32-6.

Survey summary: A railroad spike was recovered marking the Northwest corner of section 13. A railroad spike also exists at the Northeast corner of the Northwest quarter of the Northwest quarter of said section 13 (intersection of Old Rd#30 and CR 325 E.
The North line of section 13 was projected holding these monuments. Measured distance between held monuments is 1318.30 feet. This was split equally @ 659.15 feet to establish the North end of the subject line. The line was projected Southerly through existing iron re bar recovered and documented from previous surveys. (see reference listing for documents and surveys.

Reference documents:

Deed record #301 Page#65-Forrest to King 1983
185 492-Widaman to Forrest 1957
228 621-Hopkins to Green 1980
314 573-Patterson to Engelhardt 1986
335 181-Green to Engelhardt 1989
217 1 - Gib Hopkins to Randall Hopkins 1966
93-08-0539 Engelhardt to Wiley 1993
348 534-Engelhardt to Wiley 1991
370 489-Phipps to Harden 1977
235 150-Forrest to Phipps 1971

Reference surveys:

DH Lessig 1983-King
Walker&Assoc#BX-148
Green 1989
Walker&Assoc#DU-160
Engelhardt 1991

FOR PUBLICATION

APPELLANT PRO SE: ATTORNEYS FOR APPELLEES

ROY AND TERRECIA WILEY:

FRED D. KINGKokomo, Indiana **STEPHEN R. SNYDER****RANDALL L. MORGAN**

Snyder, Birch, Cornwell & Morgan

Syracuse, Indiana

IN THE COURT OF APPEALS OF INDIANA

FRED KING and DEBORAH KING,)	
)		
Appellants-Defendants,)	
)	
vs.)	No. 43A03-0204-CV-102
)	
ROY WILEY and TERRECIA M. WILEY,)	
)	
Appellees-Plaintiffs,)	
)	
LESLIE ROBERT HARDEN,)	
)		
Appellee-Third Party Plaintiff.)	

APPEAL FROM THE KOSCIUSKO SUPERIOR COURT

The Honorable Duane G. Huffer, Judge

Cause No. 43D01-0008-CP-491

March 31, 2003**OPINION – FOR PUBLICATION**

BAILEY, Judge

Case Summary

Fred and Deborah King (the Kings) appeal from an order quieting title to real estate in favor of Roy Wiley and Terrecia M. Wiley (the Wileys) and Leslie Robert Harden (Harden) on the basis of adverse possession. We reverse and remand.

Issues

The Kings raise three issues for our review, which we consolidate and restate as:

I. Whether the “legal survey” performed under Indiana Code section 36-2-12-10(b) establishes the boundaries of the Kings’ easement as a matter of law; and

II. Whether the trial court erroneously quieted title to property on the basis of adverse possession. *See footnote*

Facts and Procedural History

In 1982, the Kings purchased a tract of land and a twenty-foot easement for ingress and egress to the otherwise landlocked parcel from Raymond and Oweeda Forrest. The Forrests retained ownership of other land nearby. The warranty deed, recorded on August 8, 1983, describes the parcel as follows:

A tract of land in the Northwest Quarter of the Northwest Quarter of Section 13, Township 32 North, Range 6 East, in Kosciusko County, Indiana, better described as follows:

Commencing at the Northwest Corner of said Section 13 and running thence East, along the North section line (said line being the centerline of Old Road #30), 505.0 feet; thence South, 230.0 feet to a Point of Beginning; thence further South, 32.5 feet; thence West, 65.5 feet; thence South 5 degrees 46 minutes East, 139.5 feet; thence South 86 degrees 43 minutes East, 186.8 feet; thence North, 182.0 feet; thence West, 135.0 feet to the Point of Beginning; and containing 0.7402 acres[.]

Also, an easement for ingress and egress to and from said real estate, over a strip of land 20 feet wide, lying along the East boundry [sic] of the above described tract, and extending North to the right-of-way of Old Road 30, a county road.

(Exh. 3, emphasis supplied).

Since 1977, Harden owned acreage abutting the King tract to the north. The Wiley tract lies east of the Harden tract, but it does not touch the King tract. The purported easement implicates the east boundary of the Harden tract and the west boundary of the Wiley tract.

Initially, the Kings did not use their easement, but sometime in 1996, Fred King told the Wileys and Harden of his intention to build a driveway there. To locate the deeded easement, the Kings hired Kosciusko County Surveyor Richard J. Kemper to perform a “legal survey” pursuant to Indiana Code section 36-2-12-10(b). Kemper issued notices of the survey to each of the Wileys and to Harden. *See footnote* No notice was sent to the Forrests. *See footnote* After studying recorded deeds and inspecting the area, Kemper prepared a survey outlining a strip of land lying between the Harden and Wiley tracts extending from the King tract to Old Road 30. See appended survey. Ownership of that strip of land is at issue in this case.

Kemper’s survey showed that a well pit, which supplied water to a mobile home on the Wiley tract, extended 2.5 feet onto the property. A foot of the mobile home hitch rested on the disputed tract, which also held a utility pole with a fuse box and meters servicing the Wileys’ property. Kemper entered the survey into the Kosciusko County Legal Survey Book.

The Wileys initiated an appeal of the legal survey along with a complaint requesting a declaration regarding “the exact location of the lines and boundaries of the ingress and egress easement[.]” (App. 96.) The Kings counterclaimed, requesting that title to the real estate be quieted in their names. In his separate appeal of the legal survey and quiet title action, Harden argued that Kemper was “without jurisdiction” to perform a legal survey under the relevant statute; that the legal survey improperly interpreted the easement’s location; and that any easement was extinguished based on adverse possession. (App. 106-09.)

At the ensuing evidentiary hearing, Kemper noted that the King deed referenced 505 feet and the Harden deed referenced 135 feet, leaving 20 feet at the end of those descriptions in a perfect 660 by 660 foot square. He “assume[d] that the intent was for a 20 foot easement to lie . . . along the east side of the King tract running to Old Road 30.” (Tr. 45.) The monuments, however, show a smaller “gap ranging from 10.78 to 12 feet in width” located between the Harden tract and the historic western boundary of

the Wiley tract. (Tr. 44.) Kemper further testified that, in 1980, the deeds in the Wileys' chain of title changed the legal description of the Wiley tract's western boundary, effectively moving the boundary and deeding footage the prior owner did not own. Thus, from 1980, the purported easement, as well as the servient estate, fell within the legal description of the Wiley tract. Kemper theorized that someone had observed the monuments on the eastern portion of the Harden tract and thought that the line was also the western boundary of the Wiley tract.

Following the hearing, the trial court entered findings of fact, conclusions thereon, and its judgment quieting title to the disputed property in the Wileys and Harden. The court determined that, although the Kemper survey contained accurate measurements, Kemper had no jurisdiction to perform the legal survey because the Kings were not landowners of adjacent property. Thus, the court declared the survey void. The court further determined that the Wileys and Harden had adversely possessed any interest that the Kings claimed in the easement. Without addressing ownership of the servient estate, the court concluded that title to the Wiley tract "should be quieted in Wiley to a point coexistent with the East line of the Harden tract" as shown in Kemper's survey. (App. 12.) The Kings filed a motion to correct error, which was denied. This appeal followed. *See footnote*

Discussion and Decision

I. Legal Survey

The Kings contend that the trial court erred when it declared the legal survey void, and they insist that Kemper's survey is determinative of their easement boundaries. Indiana Code section 36-2-12-10(b) provides:

A landowner desiring to establish the location of the line between the landowner's land and that of an adjoining landowner by means of a legal survey may do so as follows:

The landowner shall procure a land surveyor registered under IC 25-21.5 to locate the line in question and shall compensate that surveyor.

The land surveyor shall notify the owners of adjoining lands that the land surveyor is going to make the survey. The notice must be given by registered or certified mail at least twenty (20) days before the survey is started.

If all the owners of the adjoining lands consent in writing, the notice is not necessary.

The lines and corners shall be properly marked, monumented by durable material with letters and figures establishing such lines and corners, referenced, and tied to corners shown in the corner record book in the office of the county surveyor or to corners shown on a plat recorded in the plat books in the office of the county recorder.

The land surveyor shall present to the county surveyor for entry in the legal survey record book a plat of the legal survey and proof of notice to or waiver of notice by the adjoining landowners. The land surveyor shall give notice to adjoining landowners by registered or certified mail within ten (10) days after filing of the survey.

Ind. Code § 36-2-12-10(b); *Leons v. Bloemker*, 649 N.E.2d 1041, 1043 (Ind. Ct. App. 1995). "The lines located and established under subsection (b) are binding on all landowners affected and their heirs and assigns, unless an appeal is taken under section 14" of the chapter. Ind. Code § 36-2-12-10(c); but see *Criss v. Johnson*, 169 Ind. App. 306, 348 N.E.2d 63, 67 (1976) (considering former statute and citing cases for the proposition that "even an undeniably correct survey could not establish or defeat title").

A. Standard of Review

We first consider whether the Kings are "landowners" as contemplated by the statute. Resolving that issue requires interpretation of Indiana Code section 36-2-12-10(b), a question of law reserved for the courts. See *Spears v. Brennan*, 745 N.E.2d 862, 869 (Ind. Ct. App. 2001), reh'g denied. Appellate courts review questions of law under a de novo standard and owe no deference to a trial court's legal conclusions. *State Auto Ins. Companies v. Shannon*, 769 N.E.2d 228, 231 (Ind. Ct. App. 2002), trans.

denied. When construing a statute, we seek to ascertain and give effect to the legislature's intent. *Koppin v. Strode*, 761 N.E.2d 455, 461 (Ind. Ct. App. 2002), trans. denied. We examine and interpret the statute as a whole and refrain from overemphasizing a strict literal reading of individual words. *Id.*

B. Analysis

The Wileys argued before the trial court that Kemper had no authority to perform the legal survey because, at most, the Kings hold only an easement over the disputed parcel. The Wileys suggested that the "landowner" for purposes of the statute is Raymond Forrest, so that only he could request a legal survey of the boundaries lines.

"[W]e presume that our legislature intended its language to be applied in a logical manner consistent with the statute's underlying policy and goals." *Ind. Office of Env'tl. Adjudication v. Kunz*, 714 N.E.2d 1190, 1193 (Ind. Ct. App. 1999). An easement is merely the right to use the land of another. *Naderman v. Smith*, 512 N.E.2d 425, 431 (Ind. Ct. App. 1987). However, Indiana Code section 36-2-12-10(b) does not limit "landowner" to one holding fee simple title. Rather, the statute uses the term generally.

A "landowner" is simply "[o]ne who owns land." *Black's Law Dictionary* 883 (7th ed. 1999). "Own" means "[t]o have or possess as property; to have legal title to." *Id.* at 1130. Here, the Kings received legal title to a tract of land in fee simple and legal title to an easement serving that tract. That easement purportedly lies between the Wiley and Harden tracts. As such, the Kings were landowners desiring to establish the location of a line between their land and that of adjoining landowners. Accordingly, they were entitled to proceed under Indiana Code section 36-2-12-10(b).

Nevertheless, notice is a pre-requisite to establish property lines through the legal survey statute. *Leons*, 649 N.E.2d at 1043. The statute must be strictly followed, and the burden is upon the party seeking the benefit of the statute to give notice to all persons who possess an interest in the real estate. *Id.* The Forrests conveyed only an easement to the Kings. The Wileys argued that Raymond Forrest owned the land underlying the easement.

The record does not establish ownership of that interest as a matter of law. Indeed, the Auditor of Kosciusko County testified that the strip of land carries no key number and no indication of ownership. However, it appears that the Forrests or their successors-in-interest did not transfer their entire interest in the disputed property to the Kings. Thus, they were entitled to notice of the legal survey. See I.C. § 36-2-12-10(b)(2), (b)(5). In light of this deficiency as well as factual issues related to ownership of the easement, we decline the Kings' request to use Kemper's survey to determine the easement boundaries as a matter of law.

II. Adverse Possession

The Kings also challenge the trial court's conclusion that their easement was extinguished by adverse possession. Record title is the highest evidence of ownership, not easily defeated. *Williams v. Rogier*, 611 N.E.2d 189, 193 (Ind. Ct. App. 1993). Nevertheless, record title, including title to an easement, may be defeated by adverse possession. *Panhandle E. Pipe Line Co. v. Tishner*, 699 N.E.2d 731, 736 (Ind. Ct. App. 1998). The general rule is that, to establish adverse possession, claimants must prove that their possession was actual, visible, open and notorious, exclusive, under claim of ownership, hostile, and continuous for the statutory period. *Id.* The statutory period necessary to achieve adverse possession is ten years. *Ballard v. Harman*, 737 N.E.2d 411, 416 (Ind. Ct. App. 2000) (citing Indiana Code section 34-11-2-11). *See footnote* Each of the elements of adverse possession "must be strictly proved by evidence that is clear, positive, and unequivocal."

A. Standard of Review

Because the trial court made special findings of fact and conclusions of law, we first determine whether the evidence supports the findings; we then determine whether the findings support the judgment. *Davis v. Sponhauer*, 574 N.E.2d 292, 296 (Ind. Ct. App. 1991). The judgment of the trial court will be affirmed if we conclude that the findings support the judgment and are not clearly erroneous. *Id.* Special findings are clearly erroneous if the record contains no facts or inferences supporting them. *Id.* A

judgment is clearly erroneous where our review of the record leaves us with a firm conviction that a mistake has been made, such as where the evidence is without conflict and points unerringly to a different conclusion. *Id.* Our scope of review allows us to determine whether the law was correctly applied to the facts. *Laws v. Lee*, 471 N.E.2d 1229, 1232 (Ind. Ct. App. 1984).

B. Analysis

Here, the trial court concluded, “The possessions of Harden and Wiley and the predecessors of Wiley existed for more than ten years prior to the filing of this complaint.” (App. 12.) In particular, the Wileys’ well pit extended 2.5 feet onto the easement and, in another location, a foot of their mobile home hitch encroached upon the easement. A utility pole with meters was also located on the property. The trial court determined the possession sufficient to extinguish the Kings’ easement by means of adverse possession.

Adverse possession claims are necessarily decided on a case-by-case basis, for what constitutes possession of one type of property may not constitute possession of another. *McCarty v. Sheets*, 423 N.E.2d 297, 300 (Ind. 1981). The Kings’ interest litigated in this action is an easement. An easement created by grant is not typically lost by mere nonuse. *Jeffers v. Toschlog*, 178 Ind. App. 603, 383 N.E.2d 457, 459 (1978). Generally, where an easement is created by express written contract, lapse of time and occupation will not extinguish it unless there is “an absolute denial of the right to the easement, and the occupation was so adverse and hostile that the owner of the easement could have maintained an action for obstructing his enjoyment of it.” *Seymour Water Co. v. Leblin*, 195 Ind. 481, 144 N.E. 30, 33 (1924) (superseded by statute for railroad abandonment of right-of-way).

Here, the encroachments, mainly related to utilities, cover only a small part of the easement. The remaining area remains unencumbered. Indeed, the Kings eventually used the easement for walking. Under these facts, the Wileys’ possession of the easement was not “so notorious” as to alert the Kings that adverse claimants were asserting exclusive dominion over the entire easement. See *McCarty*, 423 N.E.2d at 301 (citation omitted).

Another problem arises. When the trial court quieted title to the property in the Wileys, the court not only extinguished the Kings’ interest in the easement, it extinguished any interest the Forrests held in the land. However, the Forrests were not parties to the quiet title action.

The Fourteenth Amendment prohibits any State from depriving a person of property without due process of law. U.S. Const. amend. XIV; *Howard v. Incorporated Town of North Judson*, 661 N.E.2d 549, 553 (Ind. 1996). “Constitutionally protected property means ‘a legitimate claim of entitlement.’” *Id.* (quoting *Bd. of Regents v. Roth*, 408 U.S. 564, 577 (1972)). An essential principle of due process is that a deprivation of property must be preceded by notice and opportunity for hearing appropriate to the nature of the case. *Id.* (citations omitted). The opportunity to be heard applies to third parties who are needed to adjudicate an issue and whose rights might be adversely affected by such adjudication. *Anderson Fed. Sav. and Loan Ass’n v. Guardianship of Davidson*, 173 Ind. App. 549, 364 N.E.2d 781, 785 (1977) (citing *Bittinger v. Bell*, 65 Ind. 445 (1879)).

The court’s findings are silent regarding ownership of the land underlying the easement during the time of alleged adverse possession. The evidence suggests, however, that the Forrests or their successors-in-interest had a legitimate claim of entitlement in the disputed parcel. That interest cannot be extinguished without notice and an opportunity to be heard. For the above reasons, we reverse the judgment, and we remand for proceedings consistent with this opinion.

Reversed and remanded.

ROBB, J., and BARNES, J., concur.

Footnote: The Kings also claim the trial court erred by failing to grant them an implied easement of necessity over the Harden tract. In light of our disposition of other issues, it is unnecessary to consider that question.

Footnote: Notice was also sent to Fred and Deborah King and to Gary and Heidi Leininger. The record does not disclose why the Leiningers received notice of the survey.

Footnote: In 1991, Raymond Forrest and Oweeda Forrest transferred ownership of their nearby tract to Raymond Forrest by quitclaim deed.

Footnote: Harden did not file a brief in this appeal.

Footnote: To prove adverse possession, the adverse claimant must also pay all taxes and special assessments falling due on the real estate during the period that adverse possession is claimed. Williams, 611 N.E.2d at 193 (citing Indiana Code section 32-1-20-1, now codified at Indiana Code section 32-21-7-1). Our courts have recognized an exception to this statutory requirement where the disputed real estate lies adjacent and contiguous to other property owned by the claimant and taxes have been paid according to the tax duplicate. Id.

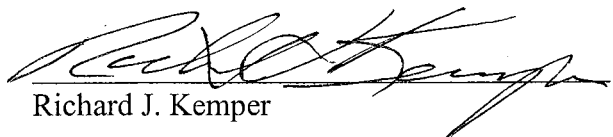
STATE OF INDIANA)
)
COUNTY OF KOSCIUSKO)

AFFIDAVIT RE: PROOF OF SERVICE OF NOTICE OF LEGAL SURVEY

Comes now Richard J. Kemper, and after being first duly sworn upon his oath, states as follows:

1. I am a registered land surveyor in the State of Indiana, license number 880012.
2. On the 19th day of April, 2000, I sent by certified mail a Notice of Legal Survey to each of the following individuals at the addresses indicated:
 - a. Leslie Robert Harden, 3107 E Old Rd 30, Warsaw, IN 46580
 - b. Roy Carl Wiley, 73 S. 325 E., Warsaw, IN 46580;
 - c. Terrecia Michele Wiley, 73 S. 325 E., Warsaw, IN 46580;
 - d. Gary Leininger, 3089 E. Old Road 30, Warsaw, IN 46580;
 - e. Heidi Leininger, 3089 E. Old Road 30, Warsaw, IN 46580;
 - f. Fred King, 901 Pavalian Drive, Kokomo, IN 46901; and
 - g. Deborah King, 901 Pavalian Drive, Kokomo, IN 46901.
3. Return receipts for each of the Notices were received by me and I have attached to this Affidavit and made a part hereof of this Affidavit each return receipt received by me from these mailings.

FURTHER AFFIANT SAYETH NOT.


Richard J. Kemper

STATE OF INDIANA)
)SS:
COUNTY OF KOSCIUSKO)

Subscribed and sworn to before me, a Notary Public, in and for said County and State this
19 day of May, 2000.

12/3/00
My Commission Expires

KOSCIUSKO
County of Residence

Marlene Weller
Notary Public

Marlene Weller
Printed Name

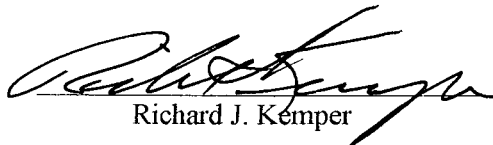
STATE OF INDIANA)
)
COUNTY OF KOSCIUSKO)

AFFIDAVIT RE: PROOF OF SERVICE OF *NOTICE OF FILING* OF LEGAL SURVEY

— Comes now Richard J. Kemper, and after being first duly sworn upon his oath, states as follows:

1. I am a registered land surveyor in the State of Indiana, license number 880012.
2. On the 6th day of July, 2000, I sent by certified mail a Notice of Filing of Legal Survey to each of the following individuals at the addresses indicated:
 - a. Leslie Robert Harden, 3107 E. Old Rd. 30, Warsaw, In 46580
 - b. Roy Carl Wiley, 73 S. 325 E., Warsaw, In 46580
 - c. Terrecia Michele Wiley, 73 S. 325 E., Warsaw, In 46580
 - d. Gary Leininger, 3089 E. Old Rd 30, Warsaw, In 46580
 - e. Heidi Leininger, 3089 E. Old Rd 30, Warsaw, In 46580
 - f. Fred King, 901 Pavalian Drive, Kokomo, In 46901; and
 - g. Deborah King, 901 Pavalian Drive, Kokomo, In 46901
3. Return receipts for each of the Notices were received by me and I have attached to this Affidavit and made a part hereof of this Affidavit each return receipt received by me from these mailings.

FURTHER AFFIANT SAYETH NOT.


Richard J. Kemper

NOTICE OF FILING LEGAL SURVEY

July 6, 2000

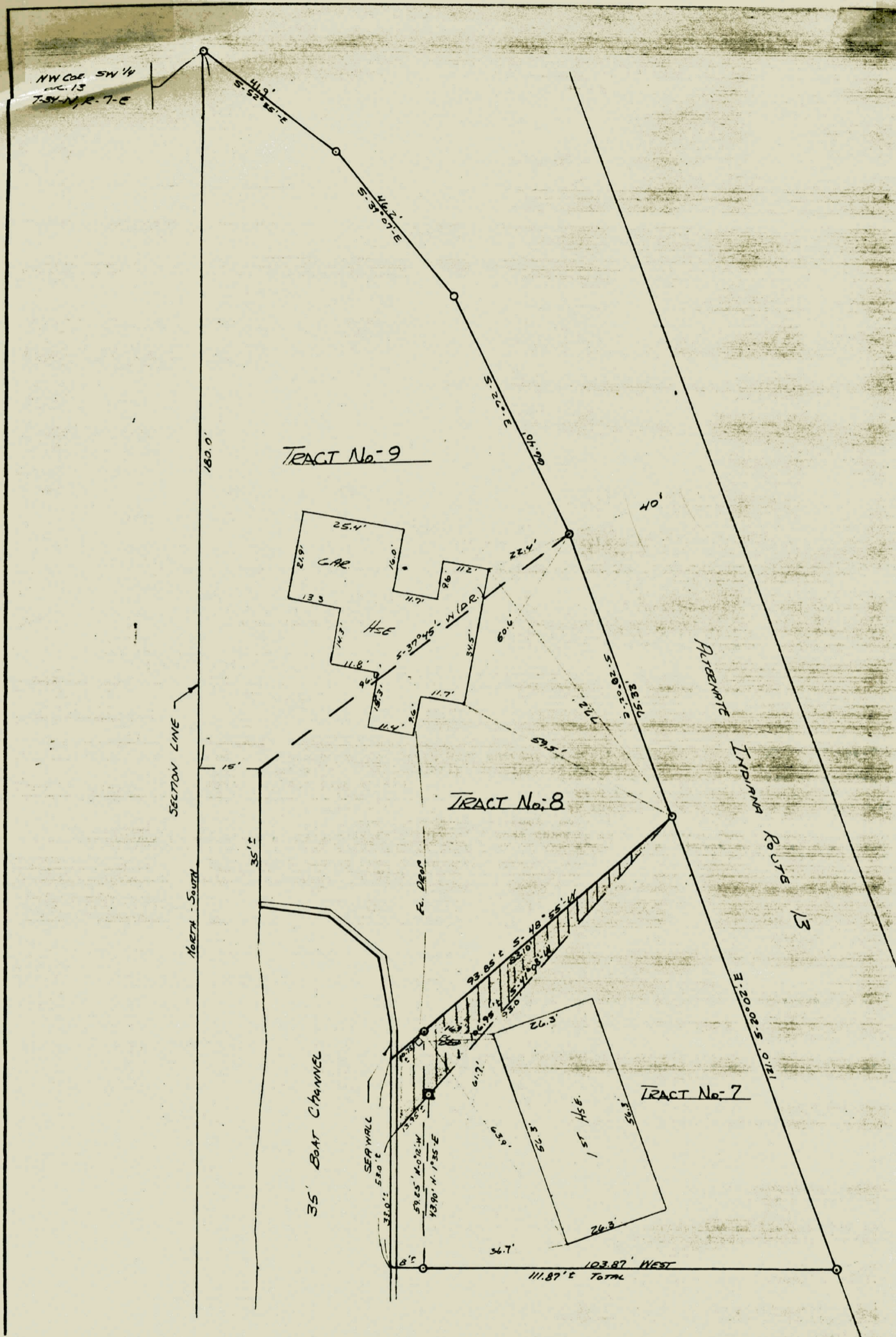
Pursuant to Indiana Code 36-2-12-10, you are hereby notified that on July 5, 2000, I filed the legal survey, which I made on May 17, 2000, in the legal survey book in the Kosciusko County Surveyor's Office.

Said survey is recorded in Surveyor record book #4 Page 73.

Very truly yours,

Richard J. Kemper
Kosciusko County Surveyor
Reg Land Surveyor Lic#880012

13. A. RETZ SURVEYOR



CUSE

ENTERED MAR 1 1 1980

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LEGAL DESCRIPTION

TRACT NUMBER SEVEN (7)

A tract of land located in the South West quarter of section 13, Township-34-North, Range-7-East, Kosciusko County, Indiana; more particularly described as follows:

Beginning at an iron pipe marking the Northwest corner of the Southwest quarter of section 13; thence S-52°35'-E, 41.7 feet to an iron pipe; thence S-39°07'-E, 46.2 feet to an iron pipe; thence S-26°00'-E, 66.4 feet to an iron pipe; thence S-20°02'-E, 75.33 feet to an iron pipe marking the place of beginning of the tract to be described; thence S-20°02'-E, 121.00 feet to an iron pipe; thence West 112.0 feet more or less to the water's edge of a boat channel; thence Northerly on and along the aforesaid water's edge of a boat channel 55 feet more or less to a point that is 93. feet more or less S-41°08'-W of the place of beginning; thence N-41°08'-E, 93 feet more or less to the place of beginning and contains 0.173 acres more or less.

TRACT NUMBER EIGHT (8)

A tract of land located in the South West quarter of section 13, Township-34-North, Range-7-East, Kosciusko County, Indiana; more particularly described as follows;

Beginning at an iron pipe marking the Northwest corner of the Southwest quarter of section 13; thence S-52°35'-E, 41.7 feet to an iron pipe; thence S-39°07'-E, 46.2 feet to an iron pipe; thence S-26°00'-E, 66.4 feet to an iron pipe marking the place of beginning of the tract to be described; thence S-20°02'-E, 75.33 feet to an iron pipe; thence S-41°08'-W, 93 feet more or less to the Water's edge of a boat channel; thence on and along aforesaid water's edge of a boat channel in a Northerly and a Northwesterly direction to a point that is 215 feet South and 15 feet East of the aforesaid Northwest corner of the Southwest quarter of section 13; thence North 35 feet to an iron pipe; thence N-37°45'-E, 96.6 feet to the place of beginning and contains 0.172 acres more or less.

SURVEYOR COMMENTS & CONCLUSIONS

- 1) The purpose of this legal survey is to place in the county surveyors records exactly what exists at the site as of this date March 10, 1980.
- 2) The attached drawing shows in detail what we found to exist at the site.
- 3) All iron pins shown were found at the site and all pins found on tract number seven accept the pin shown ☒ thusly were iron pipes and not solid iron bars (reinforcing rods)
- 4) We had copies of the certificates of survey for tracts numbered 7, 8 and 9, to assist us in this survey.
- 5) The cross-hatched area shown on the drawing is the area in question.

CONCLUSIONS

- 1) It is my opinion that the intension of the original survey was to give tract number seven (7) fifty five feet of channel frontage, the original survey certificate shows this and the apparent original iron pipes found on the site would indicate this.
- 2) An error was made in the calculation of the bearing on the North line of tract number seven (7) which is the South line of tract number eight (8); the bearing shown and recorded is S-41°08'-W, and it should have been S-48°55'-W, using the iron pipes which we found.
- 3) If the North line (Apparent original intended line) S-48°55'-W was used the distance between the Northeast corner of tract seven (7) and the channel measures 93.85 feet (described distance is 93) if the South line S-41°08'-W, was used the distance from the Northeast corner of tract seven (7) measures 106.95 feet, (It should be noted that the lake was frozen when this survey was run and the distances of 93.85 feet and 106.95 feet will vary with the existing water elevation of the lake), and this would only leave thirty three (33) feet of channel frontage for tract seven (7).

ENTERED MAR 11 1980



CUSE

I hereby certify that I have surveyed the property described above and that the plat drawn hereon is a correct representation of said survey.

Berton A. Retz
Berton A. Retz, LS-1

LEGEND

- ☐ IRON PIN FOUND
- ☐ POWER POLE
- ☒ SOLID IRON BAR (Reinforcing Rod) FOUND

REVISIONS			DEAN BRENNEMAN LEGAL SURV		
NO.	DATE	BY	Survey of Two Tracts of Land in Sec. 13, T-34-N, R-7-E		
1			DRAWN BY	SCALE	MATERIAL
2			CHK'D	DATE	DRAWING NO.
3			TRACED	APP'D	
4					
5					

3/10/80
JSC No 13924

NOTICE OF LEGAL SURVEY

ENTERED MAR 11 1980

State of Indiana, Kosciusko, County, ss:

To State Bank of Syracuse
Syracuse
Indiana 46567

You are hereby notified that I, Berton A. Retz,
 A registered Land Surveyor in the State of Indiana, have been emp-
 loyed by Mr. Dean M. Brenneman, to survey, establish
 and monument the line separating the properties of Eugene C. Popow
and State Bank of Syracuse, situated in
 section 12, Township 34 North and Range 7 East,
 Kosciusko County, Indiana

Your land being affected by said survey is located at a point just
South of the intersection of Crow drive and old Alternate
Indiana 13 (on the West side, KN-7-51-260G)
 and you should take notice and meet at the above noted location on
 the date and at the time shown below.

The survey will commence on the 11 th day of February, 1980 at
10:00 AM, and if inclement weather or any other reason prevents the survey
 taking place on said date, said survey will stand continued from day
 to day until finished.

(State of Indiana Kosciusko County, ss:)

I, the undersigned, swear that I gave to the above named parties the
 above notice.

Subscribed and sworn to before me, the 21 st day, of JANUARY

1980

Section 14

Town 33

North of Range 6

East

SURVEY FOR E+L RENTALS, LLC (FORMER ROOKSTOOL PROPERTY) IN AND NEAR
OSWEGO.

FILED 10/23/2007
IN THIS BOOK

CONTENTS OF THIS FOLDER FROM THE KOSCIUSKO
COUNTY SURVEYORS OFFICE LEGAL SURVEY BOOK 4 PAGES 80+81
WARSAW, INDIANA

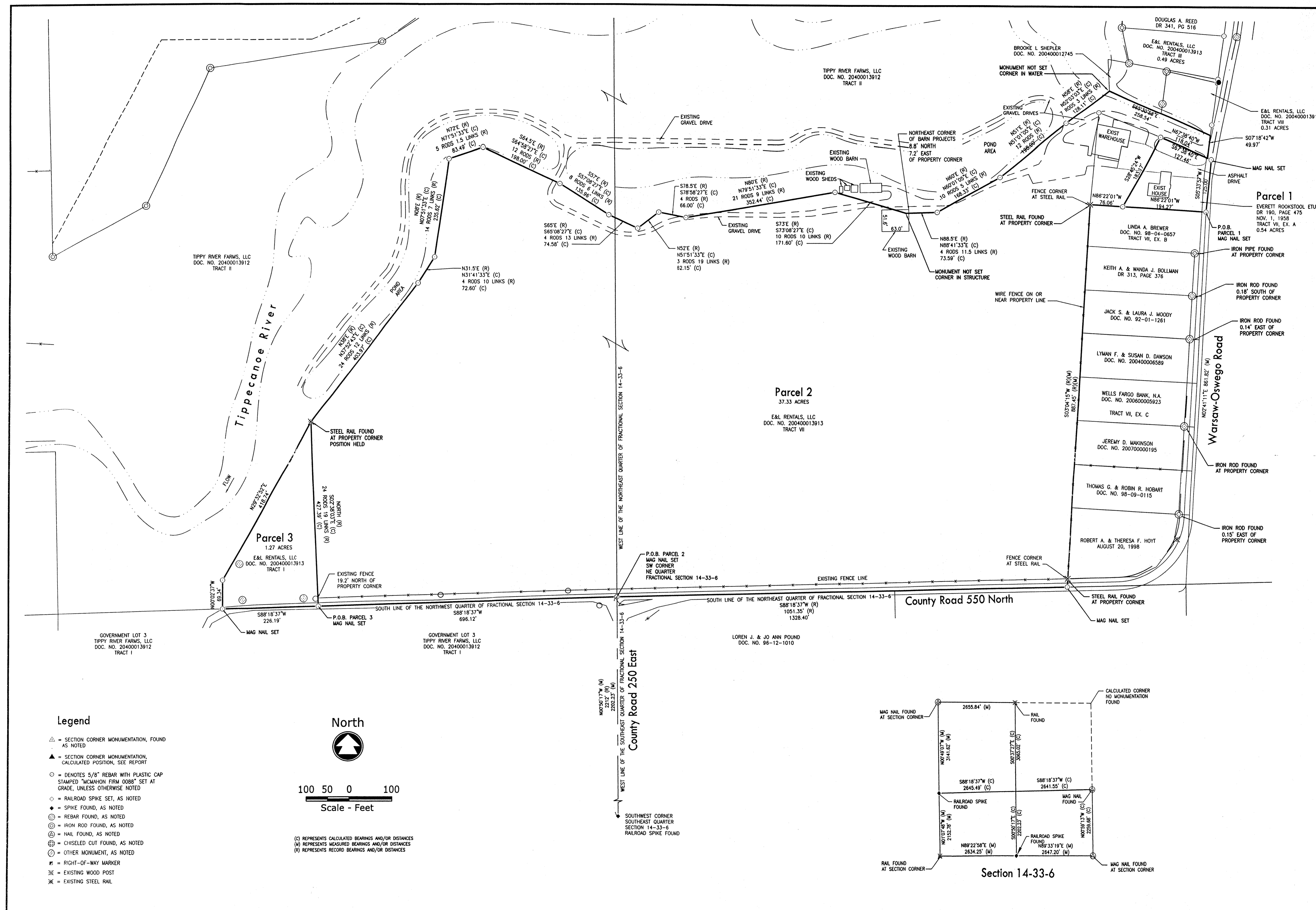
- NOTICE OF LEGAL SURVEY, MAILING LIST, COPY OF CERTIFIED
MAIL RECEIPTS

- 6 PAGES OF SURVEY (6 TRACTS) 24"x36" EACH PAGE

FILED 10/23/2007

FILED 11/29/07
NOTIFICATION OF SURVEY FILING

SEC. 14-33-6
McMAHON & ASSOC. SURVEY
FOR: E+L RENTALS, LLC



McMAHON ASSOCIATES		DESIGNED		RSP		DRAWN		SMS		CHECKED		RSP	
McMAHON ASSOCIATES, Inc. provides this drawing and data, regardless of form, as advisory only. It is not to be used for any purpose other than that for which it was prepared. The user assumes all liability for any errors or omissions. The user agrees to indemnify and hold harmless the firm from all claims, damages, and expenses, including reasonable attorneys' fees, arising from any use of this drawing or data for any purpose other than that for which it was prepared.		Tippy River Farms Parcels 1 through 3		Tippecanoe County, Indiana		Legal Survey (Sheet 1 of 2)		SHEET NO.		PROJECT NO.		1	
DATE		NO.		SCALE		DATE		PROJECT NO.		SHEET NO.		1	

THE FOLLOWING DESCRIBED LANDS IN SECTION FOURTEEN (14), TOWNSHIP THIRTY-THREE (33) NORTH, RANGE SIX

ALSO: TWO AND ONE-HALF (2-1/2) ACRES MORE OR LESS, BEGINNING AT THE INTERSECTION OF THE LINES DIVIDING THE EAST AND WEST HALVES (1/2'S) OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE SIX EAST, AND THE SOUTH LINE OF THE MUSQUABUCK RESERVE, AND RUNNING THENCE NORTH 23 RODS TO THE RIVER; THENCE WEST ACROSS THE RIVER 12 RODS TO A STAKE ON THE WEST BANK THEREOF; THENCE SOUTH DOWN THE RIVER WITH THE MEANDERINGS, 20 RODS; THENCE SOUTHWESTERLY 10 RODS; NORTHWEST 10 RODS; THENCE WEST WITH THE MEANDERINGS OF THE RIVER 20 RODS; THENCE TO THE PLACE OF BEGINNING. ALL WATER PRIVILEGES TOUCHING SAID LAND HEREBY CONVEYED.

CONTAINING IN ALL SIXTY-THREE AND ONE-HALF (63-1/2) ACRES OF LAND, MORE OR LESS.

A PART OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1. NORTH 60 DEGREES 38 MINUTES 41 SECONDS EAST, 248.30 TO AN IRON PIPE;
2. NORTH 24 DEGREES 49 MINUTES 44 SECONDS EAST, 354.43 TO AN IRON PIPE;
3. NORTH 60 DEGREES 52 MINUTES 52 SECONDS EAST, 156.41 TO AN IRON PIPE;
4. NORTH 56 DEGREES 40 MINUTES 35 SECONDS EAST, 195.14 FEET TO AN IRON PIPE;
5. NORTH 68 DEGREES 15 MINUTES 55 SECONDS EAST, 216.16 FEET TO AN IRON PIPE;
6. NORTH 60 DEGREES 40 MINUTES 42 SECONDS EAST, 208.41 TO AN IRON PIPE;
7. SOUTH 80 DEGREES 39 MINUTES 49 SECONDS EAST, 224.05 FEET TO AN IRON PIPE;
8. SOUTH 60 DEGREES 09 MINUTES 01 SECONDS EAST, 224.05 FEET TO AN IRON PIPE;
9. SOUTH 86 DEGREES 49 MINUTES 39 SECONDS EAST, 287.06 FEET TO AN IRON PIPE;
9. SOUTH 83 DEGREES 08 MINUTES 54 SECONDS EAST, 226.18 FEET TO AN IRON PIPE;
10. NORTH 60 DEGREES 03 MINUTES 25 SECONDS EAST, 87.24 FEET TO AN IRON PIPE;
11. NORTH 06 DEGREES 14 MINUTES 07 SECONDS EAST, 184.25 FEET TO AN IRON PIPE;
12. NORTH 49 DEGREES 45 MINUTES 05 SECONDS WEST, 107.55 FEET TO A REBAR;
13. NORTH 28 DEGREES 06 MINUTES 54 SECONDS WEST, 142.44 FEET TO A REBAR;
14. NORTH 05 DEGREES 05 MINUTES 01 SECONDS WEST, 123.65 FEET TO A REBAR;
15. NORTH 51 DEGREES 30 MINUTES 24 SECONDS EAST, 176.61 FEET TO A REBAR;
16. NORTH 56 DEGREES 43 MINUTES 31 SECONDS EAST, 281.81 FEET TO A REBAR;
17. NORTH 79 DEGREES 20 MINUTES 52 SECONDS EAST, 281.81 FEET TO A REBAR;
18. SOUTHWEST CORNER OF PROPERTY CONVEYED TO MARY WOOLFOOD BY WARRANTY DEED RECORDED IN DEED RECORD 313, PAGE 432 IN SAID RECORDER'S OFFICE;

THENCE ALONG THE PERIMETER WOOLFORD'S PROPERTY THE FOLLOWING XX COURSES:

1. SOUTH 82 DEGREES 13 MINUTES 88 SECONDS EAST, 134.00 FEET;
2. NORTH 11 DEGREES 57 MINUTES 08 SECONDS EAST, 163.00 FEET TO A REBAR;

1. SOUTH 17 DEGREES 47 MINUTES 48 SECONDS WEST, 94.68 FEET;
2. SOUTH 31 DEGREES 34 MINUTES 16 SECONDS EAST, 46.47 FEET;
3. SOUTH 52 DEGREES 31 MINUTES 29 SECONDS EAST, 18.12 FEET TO A MCMAHON REBAR;
4. SOUTH 59 DEGREES 29 MINUTES 04 SECONDS EAST, 73.17 FEET TO A MCMAHON REBAR;
5. SOUTH 77 DEGREES 08 MINUTES 49 SECONDS EAST, 259.83 FEET TO A MCMAHON REBAR;
6. SOUTH 69 DEGREES 32 MINUTES 08 SECONDS EAST, 61.83 FEET TO A MCMAHON REBAR;
7. SOUTH 33 DEGREES 19 MINUTES 13 SECONDS EAST, 62.76 FEET TO A MCMAHON REBAR;

THENCE SOUTH 06 DEGREES 23 MINUTES 12 SECONDS WEST, 410.88 FEET TO A MONOMAN REBAR; THENCE SOUTH 55 DEGREES 21 MINUTES 42 SECONDS WEST, 305.13 FEET TO A MONOMAN REBAR ON THE CENTERLINE OF THE VACATED WARSAW ROAD; THENCE SOUTH 23 DEGREES 31 MINUTES 56 SECONDS EAST, 100.00 FEET TO A MONOMAN REBAR; THENCE SOUTH 23 DEGREES 31 MINUTES 56 SECONDS WEST, 184.14 FEET TO A MONOMAN REBAR; THENCE NORTH 69 DEGREES 49 MINUTES 07 SECONDS WEST, 254.53 FEET; THENCE SOUTH 23 DEGREES 31 MINUTES 56 SECONDS EAST, 272.25 FEET TO THE NORTHWEST CORNER OF PROPERTY CONVEYED TO DOUGLAS REED BY DEED 200400431913; THENCE SOUTH 03 DEGREES 08 MINUTES 00 SECONDS WEST, 10.00 FEET TO A MONOMAN REBAR ALONG THE WEST LINE OF SAID REED PROPERTY, 138.45 FEET TO AN IRON PIPE AT THE NORTHWEST CORNER OF PROPERTY CONVEYED TO E&L RENTALS, LLC AND DESCRIBED AS TRACT III IN DOCUMENT NUMBER 200400431913; THENCE SOUTH 03 DEGREES 08 MINUTES 00 SECONDS WEST, 10.00 FEET TO A MONOMAN REBAR ALONG THE WEST LINE OF SAID REED PROPERTY, 88.80 FEET TO A REBAR ON THE NORTH LINE OF PROPERTY CONVEYED TO BROOKS SHEL, 200400012745 IN SAID RECORDER'S OFFICE; THENCE NORTH 79 DEGREES 44 MINUTES 30 SECONDS EAST, 100.00 FEET TO THE NORTHWEST CORNER OF PROPERTY CONVEYED TO E&L RENTALS, LLC AND DESCRIBED AS TRACT IV IN DOCUMENT NUMBER 200400012745 IN SAID RECORDER'S OFFICE; THENCE SOUTH 03 DEGREES 08 MINUTES 00 SECONDS WEST, 10.00 FEET TO THE NORTH LINE OF PROPERTY CONVEYED TO E&L RENTALS, LLC AND DESCRIBED AS TRACT V IN DOCUMENT NUMBER 200400013913; THENCE ALONG THE PERIMETER OF SAID TRACT IV THE FOLLOWING XC COURSES:

1. SOUTH 52 DEGREES 03 MINUTES 03 SECONDS WEST, 128.01 FEET TO A MCMAHON REBAR;
2. SOUTH 51 DEGREES 01 MINUTES 05 SECONDS WEST, 198.00 FEET TO A MCMAHON REBAR;
3. SOUTH 60 DEGREES 01 MINUTES 05 SECONDS WEST, 168.33 FEET TO A MCMAHON REBAR;
4. SOUTH 73 DEGREES 08 MINUTES 27 SECONDS WEST, 72.58 FEET TO A MCMAHON REBAR;
5. NORTH 73 DEGREES 08 MINUTES 27 SECONDS WEST, 170.16 FEET TO A MCMAHON REBAR;
6. SOUTH 79 DEGREES 51 MINUTES 33 SECONDS WEST, 352.44 FEET TO A MCMAHON REBAR;
7. NORTH 78 DEGREES 58 MINUTES 27 SECONDS WEST, 66.02 FEET TO A MCMAHON REBAR;
8. SOUTH 73 DEGREES 08 MINUTES 27 SECONDS WEST, 145.45 FEET TO A MCMAHON REBAR;
9. NORTH 65 DEGREES 08 MINUTES 27 SECONDS WEST, 74.58 FEET TO A MCMAHON REBAR;
10. NORTH 57 DEGREES 08 MINUTES 27 SECONDS WEST, 135.98 FEET TO A MCMAHON REBAR;
11. NORTH 64 DEGREES 58 MINUTES 27 SECONDS WEST, 198.00 FEET TO A MCMAHON REBAR;
12. NORTH 63 DEGREES 58 MINUTES 33 SECONDS WEST, 183.49 FEET TO A MCMAHON REBAR;
13. SOUTH 07 DEGREES 51 MINUTES 33 SECONDS WEST, 235.62 FEET TO A MCMAHON REBAR;
14. SOUTH 31 DEGREES 41 MINUTES 33 SECONDS WEST, 72.60 FEET TO A MCMAHON REBAR;
15. SOUTH 37 DEGREES 52 MINUTES 43 SECONDS WEST, 403.97 FEET TO A STEEL RAIL POST;
16. SOUTH 29 DEGREES 32 MINUTES 52 SECONDS WEST, 418.74 FEET TO A STEEL RAIL POST;
17. SOUTH 29 DEGREES 32 MINUTES 52 SECONDS EAST, 69.34 FEET TO THE POINT OF BEGINNING, CONTAINING
57.08 ACRES, MORE OR LESS.

ALSO INCLUDING THE FOLLOWING DESCRIBED PARCEL:

CONJUNCTION AT A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION
14-36.6; THENCE NORTH 00 DEGREES 50 MINUTES 17 SECONDS WEST 2202.23 FEET TO A MAG NAIL WITH
WASHER STAMPED "MCMAHON FIRM 0088" IN THE CENTER OF COUNTY ROAD 550 NORTH; THENCE SOUTH 88
DEGREES 18 MINUTES 37 SECONDS WEST, 1698.38 FEET TO THE POINT OF BEGINNING; THENCE SOUTH
SOUTH 88 DEGREES 18 MINUTES 37 SECONDS WEST, 395.99 FEET
SECONDS EAST, 10.85 FEET
SOUTH 88 DEGREES 18 MINUTES 37 SECONDS WEST, 10.00 FEET
EAST, 80.00 FEET; THENCE SOUTH 66
DEGREES 00 MINUTES 00 SECONDS EAST, 135.00 FEET; THENCE SOUTH 55 DEGREES 00 MINUTES 00 SECONDS
EAST, 119.36 FEET TO THE POINT OF BEGINNING, CONTAINING 0.76 ACRES, MORE OR LESS;

TOGETHER CONTAINING 57.84 ACRES MORE OR LESS.

SURVEY DATA UTILIZED FROM THE FOLLOWING SOURCES:

SURVEY DATA UTILIZED FROM THE FOLLOWING SOURCES:

RECENT PLATS OF SURVEY

1. PLAT OF SURVEY OF DANIEL V. HASSMAN PROPERTY, CERTIFIED BY BYRON M. BRADY, DATED JUNE 5, 1963, JOB NO. 10263, UNRECORDED.
2. RETRACEMENT SURVEY OF "THE MUNCH BO", CERTIFIED BY MICHAEL E. KISSINGER, DATED APRIL 10, 2002, PROJECT NUMBER 07-0408.
3. BOUNDARY SURVEY OF THE MORGAN PROPERTY IN THE NORTH HALF OF SECTION 14-33N-6E, BY J.K. WALKER & ASSOCIATES, PC, DATED MARCH 5, 2007, SURVEY NUMBER MO-171.
4. BOUNDARY SURVEY OF THE FRED ROSSER PROPERTY IN THE GOVERNMENT LOT 7 OF SECTION 14-33N-6E, BY J.K. WALKER & ASSOCIATES, PC, DATED JULY 1, 1999, SURVEY NUMBER DA-HU-124.
5. BOUNDARY SURVEY OF DANIEL RICHGREN IN THE NORTHWEST QUARTER OF SECTION 14-33N-6E, BY J.K. WALKER & ASSOCIATES, PC, DATED SEPTEMBER 28, 1999, SURVEY NUMBER DA-172.
6. BOUNDARY SURVEY OF THE SURVEYED PARCEL IN NORTHEAST QUARTER OF SECTION 14-33N-6E, BY JOHN M. KIMPEL, LS 50562, DATED NOVEMBER 17, 1998.
7. BOUNDARY SURVEY OF 0.62 ACRE TRACT IN NORTHEAST QUARTER OF SECTION 14-33N-6E, BY JOHN M. KIMPEL, LS 50562, DATED APRIL 08, 1998.
8. THE ORIGINAL PLAT OF THE TOWN OF OSWEGO, PLAT BOOK #1, PAGE 16.

SECTION CORNER DOSSIERS:

1. THE KOSCIUSKO COUNTY SURVEYOR DID NOT HAVE ANY MODERN RECORDS OF THE SECTION CORNERS IN SECTION 14-33N-6E.

ANCIENT COUNTY SURVEY RECORD:

1. LEGAL SURVEY LOCATED IN THE SOUTH HALF OF SECTION 11 AND THE NORTH HALF OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, DATED JUNE 7, 1915.
2. SURVEY OF THE 17.17-ACRE J.P. RADER PROPERTY, IN THE SOUTHWEST QUARTER OF SECTION 14--33N--6E, DATED MAY 29, 1926, PAGE 233 OF THE COUNTY SURVEY RECORD.
3. PLAT OF OLD FIELDS, DATED JUNE 30, 1945.
4. PLAT OF THE 35.56-ACRE AMOS HOPKINS' PROPERTY IN THE SOUTHWEST QUARTER OF SECTION 14--33N--6E, BY DONALD C. ROCK, L.S.#902, DATE JULY 11, 1960, RECORD 116-49.
5. SURVEY OF THE 0.12-ACRE AMOS HOPKINS' PROPERTY IN THE SOUTHWEST QUARTER OF SECTION 14--33N--6E, BY DONALD C. ROCK, L.S.#902, DATE JULY 15, 1960, RECORD 116-49.

IN COMPLIANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE ("RULE 12"), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED THIS SURVEY AS A RESULT OF UNCERTAINTIES IN REFERENCE MONUMENTATION; IN RECORD DESCRIPTIONS AND PLATS; IN LINES OF OCCUPATION; AND AS INTRODUCED BY RANDOM ERRORS IN MEASUREMENT ("THEORETICAL UNCERTAINTY"):

THE PURPOSE OF THIS PROJECT WAS TO PREPARE A LEGAL SURVEY OF THE DESCRIBED REAL ESTATE LOCATED NEAR THE TOWN OF OSWEGO, KOSCIUSKO COUNTY, INDIANA. A COPY OF THE WARRANTY DEED WAS OBTAINED FROM THE KOSCIUSKO COUNTY RECORDER AND USED AS THE SOURCE FOR THE SURVEY DESCRIPTION. THE SUBJECT PROPERTY LIES IN THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA.

THEORY OF LOCATION - the THEORY APPLIED TO THE RETRACEMENT OF THE BOUNDARY LINES SHOWN HEREON IS BASED UPON THOROUGH EVALUATION OF ALL EVIDENCE, SPECIFICALLY THE EVIDENCE DISCUSSED IN GREATER DETAIL IN THE SUBSEQUENT REPORT. MONUMENTS GIVEN THE HIGHEST WEIGHT ARE REFERRED TO AS REFERENCE MONUMENTS AND INCLUDE SECTION CORNERS AS INDEXED BY THE KOSCIUSKO SURVEYOR'S OFFICE, MONUMENTS SPECIFICALLY CALLED FOR IN THE RECORD DESCRIPTION AS CITED ABOVE OR PHYSICAL BOUNDARY LINES WHICH CAN BE COURSES OR BARBERS AHEAD OF BOUNDARY LINES FOLLOW. IN THE CASE OF A CALLED FOR REFERENCE MONUMENT, NO SEARCH WAS CONDUCTED FOR THE MONUMENT. THE EXTENDED REFERENCE MONUMENTS, WHEN A REFERENCE MONUMENT WAS FOUND, IT WAS INVESTIGATED WITH RESPECT TO AUTHENTICITY, CONDITION AND LOCATION. IF ALL THE ABOVE CRITERIA WERE MET, THE REFERENCE MONUMENT WAS HELD FOR POSITION.

SECONDLY, SURVEY MARKERS WERE ALSO INVESTIGATED. SURVEY MARKERS ARE MONUMENTS FOUND IN THE FIELD BUT ARE NOT DIRECTLY REFERENCED IN THE RECORD DESCRIPTION OR INDIRECTLY BY OTHER REFERENCED DOCUMENTS, BUT CAN AID IN THE RETRACEMENT OF ADJOINING LINES AND GIVE INSIGHT AS TO HOW THE LINES WERE ORIGINAL ESTABLISHED.

THIRDLY, THE DEEDS OF THE ADJOINING PROPERTY OWNERS WERE EVALUATED FOR AMBIGUITIES, GAPS, OVERLAPS OR OTHER COLOR OF TITLE. IN AN INSTANCE WHERE COLOR OF TITLE IS DISCOVERED, IT IS NOT THE INTENT RESOLVE THE ISSUES BUT TO SIMPLY REPORT THE FINDINGS.

FOURTHLY, LINES OF OCCUPATION WERE ANALYZED AND COMPARED WITH ESTABLISHED PROPERTY LINES TO ENSURE THAT POTENTIAL UNWRITTEN RIGHTS COULD BE UNCOVERED. THIS CAN BE CRITICAL ESPECIALLY WHERE REFERENCE MONUMENTS OR SURVEY MARKERS WERE NOT FOUND AND THE ONLY EVIDENCE AVAILABLE ARE LINES OF OCCUPATION.

FINALLY, WHERE NO OTHER EVIDENCE EXISTS AND THOROUGH RESEARCH DID NOT YIELD ADDITIONAL INFORMATION, THE BEARINGS, DIRECTIONS AND/OR DISTANCES FROM THE RECORD DESCRIPTION WERE EVALUATED TO RETRACE THE BOUNDARY LINES.

[illegible]

SURVEY MARKERS - SEVERAL MARKERS WERE FOUND AS IDENTIFIED AND DEPICTED ON THE PLAT. THERE ARE NO MONUMENTS SPECIFICALLY CALLED FOR IN THE RECORD DESCRIPTION, HOWEVER, THE MORGAN PROPERTY DESCRIPTION CALLS FOR IRON PIPES AT ALL THE POINTS OF INFLECTION ALONG THE RIVER AND ALL BUT ONE WERE RECOVERED, FOUND IN GOOD CONDITION AND MATCH THE RECORD CALLS. SAID MONUMENTS WERE THEREFORE HELD AS CONTROLLING THE LOCATION OF THE MORGAN PROPERTY.

REVIEW OF PARCELS. DESCRIPTIONS OF ADJOINING TITLE HOLDERS WERE REVIEWED FOR CONSISTENCY WITH THE SURVEYED PARCEL DISCREPANCIES WERE FOUND PRIMARILY ALONG THE NORTHERN PROPERTY LINE. FIRST, THE RECORDS OF THE 1880S AND 1890S CLOSELY FOLLOWED THE 1917-1918 FIELD SURVEY. SECOND, THE 1917-1918 FIELD SURVEY PROPERTIES HAVE GROSS OVERLAPS AND GAPS. HOWEVER, WHEN RESEARCHING THIS SURVEY, AN OLD SURVEY WAS FOUND AND LISTED AS ITEM #11 AMONG ANCIENT COUNTY SURVEY RECORD, ABOVE, THE BEARINGS AND DISTANCES FOR THE MORGAN PROPERTY WERE MODERNIZED AND SHOWN ON THE SURVEY LISTED AS ITEM 3 UNDER RECENT SURVEYS. EVEN THOUGH THE RECORDS DO NOT AGREE, THE TITLE ISSUES ARE NOT AFFECTED. THE 1917-1918 FIELD SURVEY COLLECTION OF RECORDS DOES NOT HAVE AN APPROPRIATE COVER. THE OLD DESCRIPTIONS ARE JUST OUT OF DATE AND THE NEW DESCRIPTION DESCRIBES THE COURSES OF THE RIVER MUCH MORE ACCURATELY. SUBSEQUENTLY, A MODERNIZED DESCRIPTION HAS BEEN CREATED FOR THE MORGAN PROPERTY AND THE CLOSE GAPS AND OVERLAPS CREATED BY MODERNIZING THE RECORD DESCRIPTIONS.

OCCUPATION - OCCUPATION CREATED UNCERTAINTY ALONG THE MEANDERING NORTH LINE. THE TIPPECANOE RIVER HAS CHANGED COURSE OVER TIME SINCE THE RECORD DESCRIPTION WAS WRITTEN. THERE IS ALSO UNCERTAINTY ALONG THE SOUTH BOUNDARY LINES. DUE TO THE MULTITUDE OF COURSES AND THE LACK OF ANY CONTROLLING CALLS THERE IS GREAT UNCERTAINTY TO THE TRUE/INTENDED LOCATION OF THE LINE OF TITLE. FORTUNATELY, A LEGAL SURVEY OF THE ADJOINING PROPERTY TO THE SOUTH HAS BEEN PREPARED CONCURRENTLY WITH THIS LEGAL SURVEY TO FIX THE LINES AS BEING ONE AND THE SAME. THERE WERE ALSO A NUMBER OF WALLS ALONG THE RIVER THAT WERE NEAR THE PROPERTY LINES.

BASED ON THE ABOVE OBSERVATIONS, UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED BY THIS SURVEY ARE ESTIMATED TO BE:

DUE TO REFERENCE MONUMENTS	UNKNOWN
DUE TO FOUND SURVEY MARKERS	± 0.25 FEET
DUE TO RECORD DESCRIPTIONS	UP TO 10 FEET
DUE TO OCCUPATION	UP TO 10 FEET

THE ACCURACY, DUE TO RANDOM ERRORS INHERENT TO EQUIPMENT AND PROCEDURES USED, OF THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A RURAL SURVEY WITH A MINIMUM RELATIVE POSITIONAL OF 0.26 FEET AS DEFINED IN THE ABOVE-REFERENCED CODE.

NOTES:

1. THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY SURVEYOR AND WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT, ABSTRACT OF TITLE, OR A TITLE SEARCH PREPARED BY A TITLE COMPANY. THERE MAY BE EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD ON THIS PROPERTY THAT ARE NOT SHOWN ON THE SUBJECT SURVEY. THEREFORE, THIS SURVEY AND ANY ATTACHED LEGAL DESCRIPTIONS ARE SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY OF RECORD.
2. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF OVERHEAD OR UNDERGROUND CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
3. RECORD PUBLIC RIGHTS-OF-WAY HAVE BEEN DEPICTED ON THE ATTACHED PLAT WHEN THE CORRESPONDING RIGHT-OF-WAY GRANT OR RIGHT-OF-WAY ACQUISITION HAS PROVIDED OR OTHERWISE AVAILABLE. RIGHTS-OF-WAY MAY EXIST BEYOND THOSE SHOWN ON THE ATTACHED PLAT, INCLUDING POSSIBLE PRESCRIPTIVE RIGHTS-OF-WAY UP TO THE EDGE OF ANY EXISTING ROADWAY SURFACE PER INDIANA CASE LAW.
4. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. OTHER DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PARCEL.
5. SINCE THE DATE OF THIS SURVEY CONDITIONS MAY HAVE OCCURRED THAT ARE BEYOND THE KNOWLEDGE OR CONTROL OF UCM/HOMAS ASSOCIATES, INC. OR THE UNDERSIGNED SURVEYOR, AND MAY HAVE ALTERED THE VALIDITY AND CIRCUMSTANCES SHOWN OR NOTED HEREON.

FIELD WORK COMPLETION DATE: OCTOBER 8, 2007

PREPARED FOR: TIPPY RIVER FARMS, LLC

TITLE HOLDER: TIPPY RIVER FARMS, LLC

SURVEYOR'S CERTIFICATION:

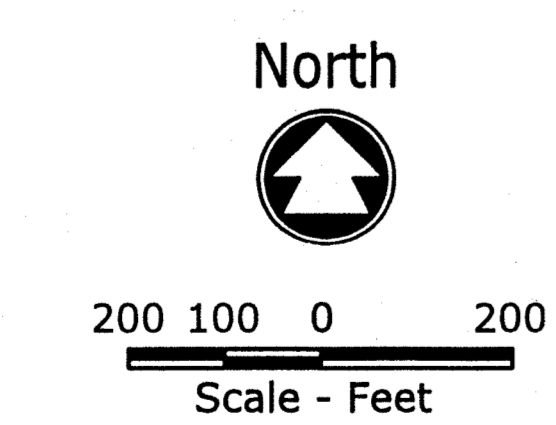
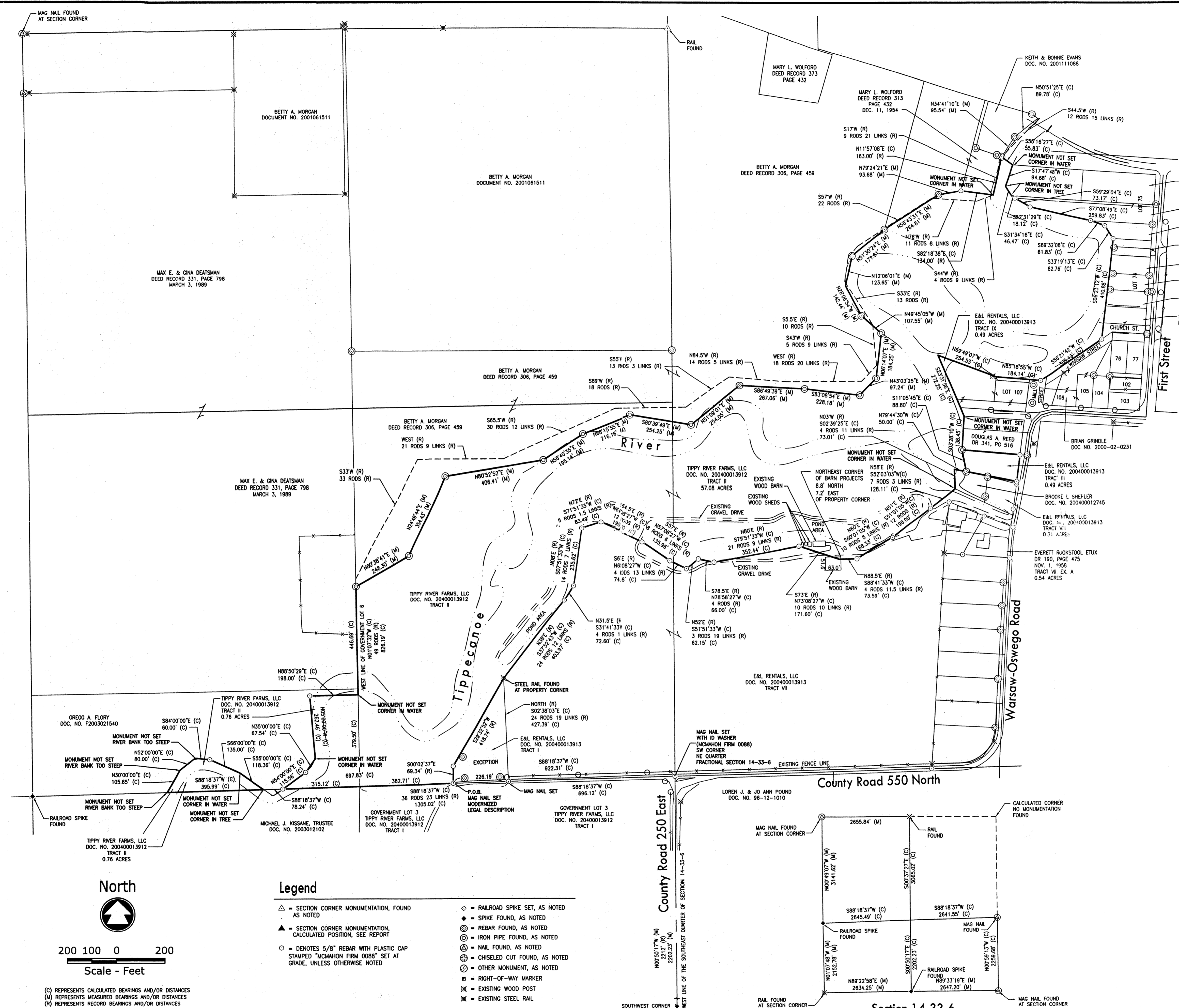
I, RANDELL S. PETERSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF INDIANA, DO HEREBY CERTIFY THAT THE ABOVE IS BELIEVED TO BE TRUE AND CORRECT PLAT AND DESCRIPTION OF A SURVEY PREPARED UNDER MY SUPERVISION IN ACCORDANCE WITH TITLE 88, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 41 OF THE INDIANA ADMIN. CODE (RULE 12). I ALSO AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REPRODUCE EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. Randall S. Peterson

GIVEN UNDER MY HAND AND SEAL THIS 10TH DAY OF OCTOBER, 2007

Randell S. Peterson
 RANDALL S. PETERSON

 RANDALL S. PETERSON
 LS20400012

[illegible]



- Legend**
- △ = SECTION CORNER MONUMENTATION, FOUND AS NOTED
 - ▲ = SECTION CORNER MONUMENTATION, CALCULATED POSITION, SEE REPORT
 - = DENOTES 5/8" REBAR WITH PLASTIC CAP STAMPED "McMAHON FIRM 0088" SET AT GRADE, UNLESS OTHERWISE NOTED
 - ◇ = RAILROAD SPIKE SET, AS NOTED
 - ◆ = SPIKE FOUND, AS NOTED
 - ⊙ = REBAR FOUND, AS NOTED
 - ⊖ = IRON PIPE FOUND, AS NOTED
 - ⊕ = NAIL FOUND, AS NOTED
 - ⊗ = CHISELED CUT FOUND, AS NOTED
 - ⊘ = OTHER MONUMENT, AS NOTED
 - ⊙ = RIGHT-OF-WAY MARKER
 - ⊗ = EXISTING WOOD POST
 - ⊘ = EXISTING STEEL RAIL

REVISION	
NO.	DATE

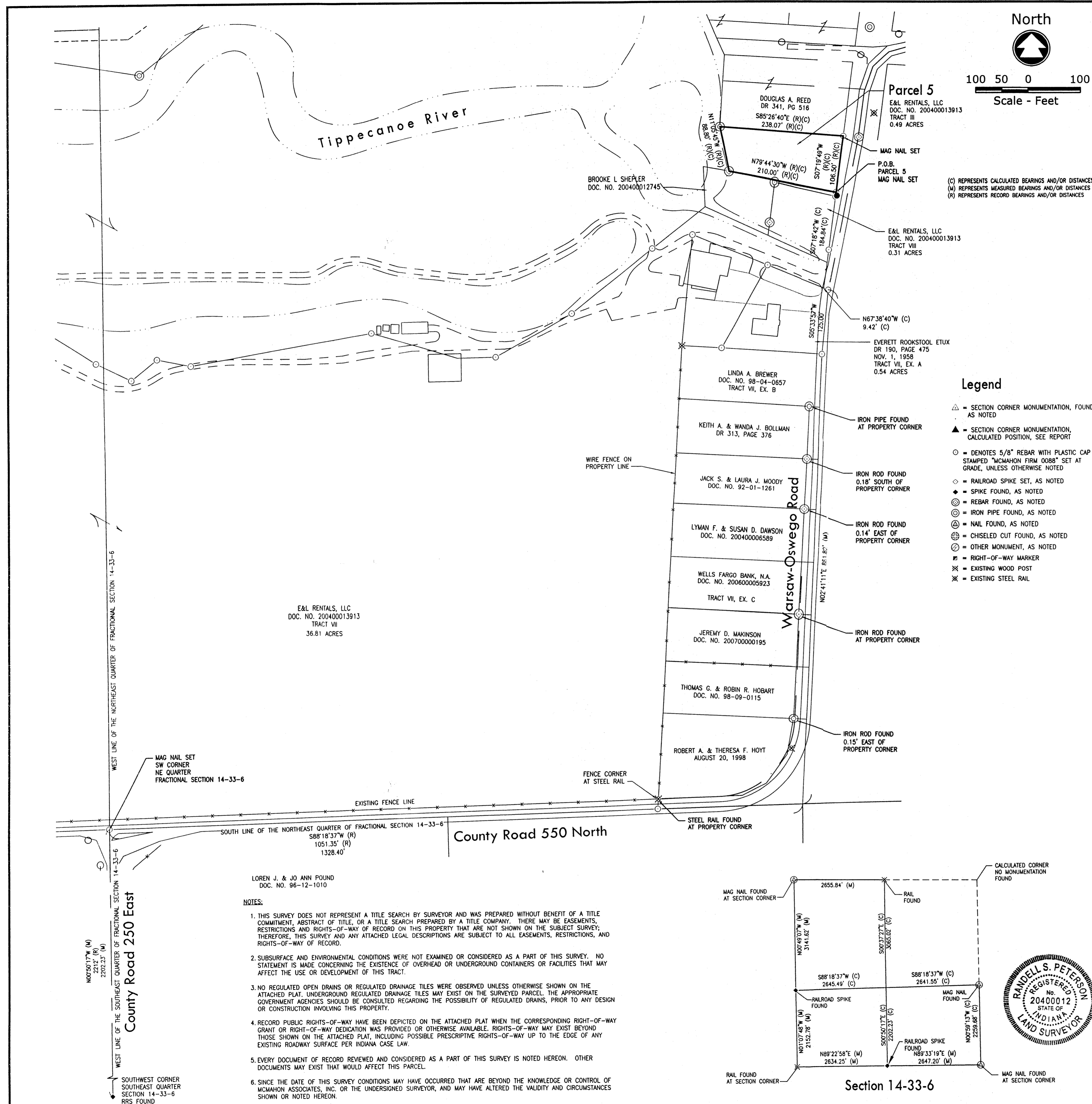
McMAHON ASSOCIATES
ENGINEERS AND SURVEYORS
10101 INDIANAPOLIS AVENUE, SUITE 100
INDIANAPOLIS, INDIANA 46240
TEL: (317) 462-7743 FAX: (317) 462-7744
E-MAIL: mcmahon@mcma-hon.com

DESIGNED	DRAWN	CHECKED	PROJECT NO.
RSP	SNS	RSP	10514-57-0149

Tippy River Farms - Riverbottom Parcel
Tippecanoe County, Indiana
Legal Survey (Sheet 1 of 2)

SHEET NO.
Legal Survey
Sheet 1 of 2

1



Modernized Legal Description

A PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 14-33-6; THENCE 00 DEGREES 50 NORTH MINUTES 17 SECONDS WEST 2202.23 FEET TO A MAG NAIL WITH ID WASHER STAMPED "MCMAHON FIRM 0088" (NORTH 2212 FEET TO AN IRON BOLT -RECORD) IN THE CENTER OF COUNTY ROAD 550 NORTH; THENCE NORTH 88 DEGREES 18 MINUTES 37 SECONDS EAST ALONG SAID CENTERLINE 1328.4 FEET (RECORD) TO THE CENTER OF COUNTY ROAD 275 EAST; THENCE NORTH 2 DEGREES 41 MINUTES 11 SECONDS EAST (NORTH 04 DEGREES 04 MINUTES EAST RECORD) ALONG SAID CENTERLINE 861.82 FEET TO A MAG SPIKE WITH ID WASHER STAMPED "MCMAHON FIRM 0088"; THENCE NORTH 05 DEGREES 33 MINUTES 57 SECONDS EAST, 125.00 FEET; THENCE NORTH 67 DEGREES 38 MINUTES 40 SECONDS WEST, 9.42 FEET; THENCE NORTH 07 DEGREES 18 MINUTES 42 SECONDS EAST, 184.84 FEET TO A MAG NAIL WITH ID WASHER STAMPED "MCMAHON FIRM 0088" AND THE POINT OF BEGINNING OF THE HEREIN-DESCRIBED TRACT; THENCE NORTH 79 DEGREES 44 MINUTES 30 SECONDS WEST, 210.00 FEET TO AN IRON PIPE; THENCE NORTH 11 DEGREES 05 MINUTES 45 SECONDS WEST, 88.80 FEET TO AN IRON PIPE; THENCE SOUTH 85 DEGREES 26 MINUTES 40 SECONDS EAST, 238.07 FEET TO A MAG NAIL WITH ID WASHER STAMPED "MCMAHON FIRM 0088"; THENCE SOUTH 07 DEGREES 19 MINUTES 49 SECONDS WEST, 106.50 FEET TO THE POINT OF BEGINNING, CONTAINING 0.49 ACRES, MORE OR LESS.

SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, AND COVENANTS OF RECORD.

Record Legal Description

PART OF GOVERNMENT LOT NUMBER 7 IN THE WEST HALF OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, KOSCIUSKO COUNTY, INDIANA (BEING PART OF A TRACT OF LAND RECORDED IN DEED RECORD 200, PAGE 485 OF THE RECORDS OF KOSCIUSKO COUNTY, INDIANA), SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF RACE STREET AND THE WEST LINE OF MILL STREET AS THE SAME IS Laid OUT AND PLATTED IN THE TOWN OF OSWEGO, THENCE SOUTH 04 DEGREES 39 MINUTES WEST, ON AND ALONG THE WEST LINE OF MILL STREET, A DISTANCE OF 215.1 FEET (RECORDED 209.5 FEET) TO AN IRON PIN FOUND AT THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 04 DEGREES 39 MINUTES WEST, ON AND ALONG THE WEST LINE OF MILL STREET, BEING ESTABLISHED BY SURVEY MONUMENTS FOUND, A DISTANCE OF 106.5 FEET TO AN IRON PIN; THENCE NORTH 82 DEGREES 30 MINUTES WEST, A DISTANCE OF 210.0 FEET TO AN IRON PIN AT THE TOP OF THE BANK OF MILL RACE; THENCE NORTH 13 DEGREES 55 MINUTES WEST, ON AND ALONG SAID TOP OF BANK, A DISTANCE OF 88.76 FEET TO A STEEL POST IN CONCRETE FOUND; THENCE SOUTH 88 DEGREES 13 MINUTES EAST, ON AND ALONG A LINE ESTABLISHED BY MONUMENTS FOUND, A DISTANCE OF 238.3 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.49 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL LEGAL RIGHT-OF-WAY, SUBJECT TO ALL LEGAL DRAIN EASEMENTS AND ALL OTHER EASEMENTS OF RECORD.

Surveyor's Report

SURVEY DATA UTILIZED FROM THE FOLLOWING SOURCES:

COPIES OF RELEVANT SURVEYS, PLATS, AND OTHER RECORD DOCUMENTS WERE OBTAINED (IF THEY WERE REFERRED TO ON OTHER SURVEYS) FROM THE PUBLIC COUNTY OFFICES, OR WERE KNOWN TO EXIST AND COULD BE LOCATED FOR COPYING PURPOSES. THE DOCUMENTS UTILIZED IN THIS SURVEY ARE OUTLINED BELOW.

RECENT PLATS OF SURVEY

1. PLAT OF SURVEY OF ANTON V. HASSMAN PROPERTY, CERTIFIED BY BYRON M. BRADY, DATED JUNE 5, 1963, JOB NO. 10263, UNRECORDED.
2. RETRACEMENT SURVEY OF "THE MUNCH BOX", CERTIFIED BY MICHAEL E. KISSINGER, DATED APRIL 10, 2007, PROJECT NUMBER 07-0408.
3. BOUNDARY SURVEY OF THE MORGAN PROPERTY IN THE NORTH HALF OF SECTION 14-33N-6E, BY J.K. WALKER & ASSOCIATES, PC, DATED MARCH 5, 2007, SURVEY NUMBER MD-171.
4. BOUNDARY SURVEY OF THE FRED KOSER PROPERTY IN THE GOVERNMENT LOT 7 OF SECTION 14-33N-6E, BY J.K. WALKER & ASSOCIATES, PC, DATED JULY 11, 1997, SURVEY NUMBER HU-124.
5. BOUNDARY SURVEY FOR DANIEL RICHCREEK IN THE NORTHWEST QUARTER OF SECTION 14-33N-6E, BY J.K. WALKER & ASSOCIATES, PC, DATED SEPTEMBER 28, 1999, SURVEY NUMBER DA-172.
6. BOUNDARY SURVEY OF THE SURVEYED PARCEL IN THE NORTHEAST QUARTER OF SECTION 14-33N-6E, BY JOHN M. KIMPEL, LS #50562, DATED NOVEMBER 17, 1998.
7. BOUNDARY SURVEY OF 0.62 ACRE TRACT IN NORTHEAST QUARTER OF SECTION 14-33N-6E, BY JOHN M. KIMPEL, LS #50562, DATED APRIL 08, 1998.
8. THE ORIGINAL PLAT OF THE TOWN OF OSWEGO, PLAT BOOK #1, PAGE 16.

SECTION CORNER DOSSIERS:

1. THE KOSCIUSKO COUNTY SURVEYOR DID NOT HAVE ANY MODERN RECORDS OF THE SECTION CORNERS IN SECTION 14-33N-6E.
- ANCIENT COUNTY SURVEY RECORD:
1. LEGAL SURVEY LOCATED IN THE SOUTH HALF OF SECTION 11 AND THE NORTH HALF OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, DATED JUNE 7, 1915.
 2. SURVEY OF THE 17.17-ACRE J.P. RADER PROPERTY, IN THE SOUTHWEST QUARTER OF SECTION 14-33N-6E, DATED MAY 29, 1926, PAGE 233 OF THE COUNTY SURVEY RECORD.
 3. PLAT OF OLD MILL PLACE, DATED JUNE 30, 1945.
 4. SURVEY OF THE 35.56-ACRE AMOS HOPKINS PROPERTY IN THE SOUTHWEST QUARTER OF SECTION 14-33N-6E, BY DONALD C. ROCK, LS #4902, DATED JULY 11, 1960, RECORD 116-48.
 5. SURVEY OF THE 0.12-ACRE AMOS HOPKINS PROPERTY IN THE SOUTHWEST QUARTER OF SECTION 14-33N-6E, BY DONALD C. ROCK, LS #4902, DATE JULY 15, 1960, RECORD 116-49.

IN COMPLIANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE ("RULE 12"), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED THIS SURVEY AS A RESULT OF UNCERTAINTIES IN REFERENCE MONUMENTATION; IN RECORD DESCRIPTIONS AND PLATS; IN LINES OF OCCUPATION; AND AS INTRODUCED BY RANDOM ERRORS IN MEASUREMENT ("THEORETICAL UNCERTAINTY"):

THE PURPOSE OF THIS PROJECT WAS TO PREPARE A LEGAL SURVEY OF THE DESCRIBED REAL ESTATE LOCATED NEAR THE TOWN OF OSWEGO, KOSCIUSKO COUNTY, INDIANA. A COPY OF THE WARRANTY DEED WAS OBTAINED FROM THE KOSCIUSKO COUNTY RECORDER AND USED AS THE SOURCE FOR THE SURVEY DESCRIPTION. THE SUBJECT PROPERTY LIES IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA.

THEORY OF LOCATION - THE THEORY APPLIED TO THE RETRACEMENT OF THE BOUNDARY LINES SHOWN HEREON IS BASED UPON THOROUGH EVALUATION OF ALL EVIDENCE, SPECIFICALLY THE EVIDENCE DISCUSSED IN GREATER DETAIL IN THE SUBSEQUENT REPORT. MONUMENTS GIVEN THE HIGHEST WEIGHT ARE REFERRED TO AS REFERENCE MONUMENTS AND INCLUDE SECTION CORNERS AS INDEXED BY THE KOSCIUSKO COUNTY SURVEYOR'S OFFICE. MONUMENTS SPECIFICALLY CALLED FOR IN THE RECORD DESCRIPTION AS CITED ABOVE OR PHYSICAL BOUNDARY LINES WHICH CAN BE COURSES OR BARRIERS ALONG WHICH BOUNDARY LINES FOLLOW. IN THE CASE OF A CALLED FOR REFERENCE MONUMENT, A THOROUGH SEARCH WAS CONDUCTED FOR THE AVAILABILITY AND THE EXISTENCE OF REFERENCE MONUMENTS. WHEN A REFERENCE MONUMENT WAS FOUND, IT WAS INVESTIGATED WITH RESPECT TO AUTHENTICITY, CONDITION AND LOCATION. IF ALL THE ABOVE CRITERIA WERE MET, THE REFERENCE MONUMENT WAS HELD FOR POSITION.

SECONDLY, SURVEY MARKERS WERE ALSO INVESTIGATED. SURVEY MARKERS ARE MONUMENTS FOUND IN THE FIELD BUT ARE NOT DIRECTLY REFERENCED IN THE RECORD DESCRIPTION OR INDIRECTLY BY OTHER REFERENCED DOCUMENTS, BUT CAN AID IN THE RETRACEMENT OF ADJOINING LINES AND GIVE INSIGHT AS TO HOW THE LINES WERE ORIGINALLY ESTABLISHED.

THIRDLY, THE DEEDS OF THE ADJOINING PROPERTY OWNERS WERE EVALUATED FOR AMBIGUITIES, GAPS, OVERLAPS OR OTHER COLOR OF TITLE. IN AN INSTANCE WHERE COLOR OF TITLE IS DISCOVERED, IT IS NOT THE INTENT TO RESOLVE THE ISSUES BUT TO SIMPLY REPORT THE FINDINGS.

FOURTHLY, LINES OF OCCUPATION WERE ANALYZED AND COMPARED WITH ESTABLISHED PROPERTY LINES TO ENSURE THAT POTENTIAL UNWRITTEN RIGHTS COULD BE UNCOVERED. THIS CAN BE CRITICAL ESPECIALLY WHERE REFERENCE MONUMENTS OR SURVEY MARKERS WERE NOT FOUND AND THE ONLY EVIDENCE AVAILABLE ARE LINES OF OCCUPATION.

FINALLY, WHERE NO OTHER EVIDENCE EXISTS AND THOROUGH RESEARCH DID NOT YIELD ADDITIONAL INFORMATION, THE BEARINGS, DIRECTIONS AND/OR DISTANCES FROM THE RECORD DESCRIPTION WERE EVALUATED TO RETRACE THE BOUNDARY LINES.

REFERENCE MONUMENTS - REFERENCE MONUMENTS FOR THE SURVEY WERE THE SECTION CORNERS, MONUMENTS AND LINES CALLED FOR IN THE RECORD DESCRIPTION. REFERRING TO THE SECTION DETAIL ON THE DRAWING, ALL THE STANDARD CORNERS WERE RECOVERED WITH THE EXCEPTION OF THE NORTHEAST CORNER. THERE ARE NO RECENT KOSCIUSKO COUNTY SURVEYOR SECTION CORNER RECORDS AVAILABLE; THEREFORE, ALL THE CORNERS WERE RECOVERED PER THE ABOVE REFERENCED SURVEYS AND ARE CONSIDERED CORNERS OF COMMON REPORT. THE NORTHEAST CORNER OF SECTION 14-33N-6E WAS NOT FOUND AND IS CONSIDERED OBLITERATED. HOWEVER, THIS CORNER IS UNNECESSARY FOR THE RETRACEMENT OF THE RECORD DESCRIPTION. SEVERAL MARKERS WERE CALLED FOR IN THE RECORD DESCRIPTION, WERE FOUND AS IDENTIFIED AND DEPICTED ON THE PLAT. SAID MARKERS WERE ALSO SHOWN ON THE WALKER SURVEY DATED JULY 11, 1997. THE NORTHWEST AND SOUTHWEST CORNERS WERE RECOVERED AND MEASURED TO WITHIN LESS THAN 0.05 FEET OF THE PUBLISHED DIMENSION.

SURVEY MARKERS - A MONUMENT AT THE SOUTHEAST CORNER WAS RECOVERED BUT WAS FOUND IN POOR CONDITION AND ITS POSITION WAS NOT HELD.

REVIEW OF DESCRIPTIONS - DESCRIPTIONS OF ADJOINING TITLE HOLDERS WERE REVIEWED FOR CONSISTENCY WITH THE SURVEYED PARCEL; NO DISCREPANCIES WERE FOUND.

OCCUPATION - UNLESS OTHERWISE NOTED ON THE ATTACHED PLAT OR IN THE FOLLOWING REPORT, THERE IS NO EVIDENCE OF OCCUPATION ALONG THE BOUNDARY LINES OF THE SUBJECT TRACT.

BASED ON THE ABOVE OBSERVATIONS, UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED BY THIS SURVEY ARE ESTIMATED TO BE:

DUE TO REFERENCE MONUMENTS	± 0.05 FEET
DUE TO FOUND SURVEY MARKERS	± 0.25 FEET
DUE TO RECORD DESCRIPTIONS	NONE
DUE TO OCCUPATION	NONE

THE ACCURACY, DUE TO RANDOM ERRORS INHERENT TO EQUIPMENT AND PROCEDURES USED, OF THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A RURAL SURVEY WITH A MINIMUM RELATIVE POSITIONAL OF 0.26 FEET AS DEFINED IN THE ABOVE-REFERENCED CODE.

FIELD WORK COMPLETION DATE: OCTOBER 8, 2007

PREPARED FOR: E&L RENTALS, LLC

TITLE HOLDER: E&L RENTALS, LLC

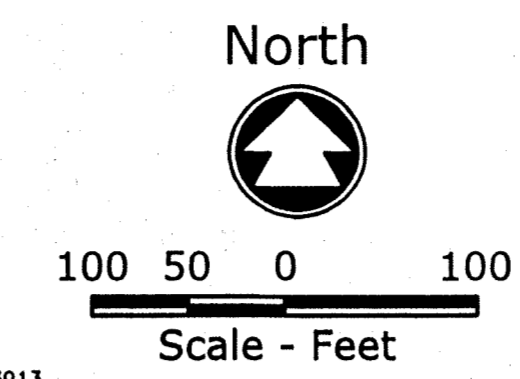
SURVEYOR'S CERTIFICATION:

I, RANDALL S. PETERSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF INDIANA, DO HEREBY CERTIFY THAT THE ABOVE IS BELIEVED TO BE A TRUE AND CORRECT PLAT AND DESCRIPTION OF A SURVEY PREPARED UNDER MY SUPERVISION IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE ("RULE 12").

I ALSO AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. *Richard E. Zeigler, Jr.*

GIVEN UNDER MY HAND AND SEAL THIS 10TH DAY OF OCTOBER, 2007.

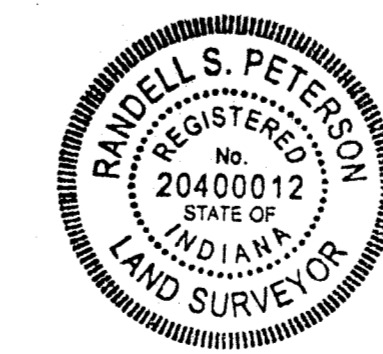
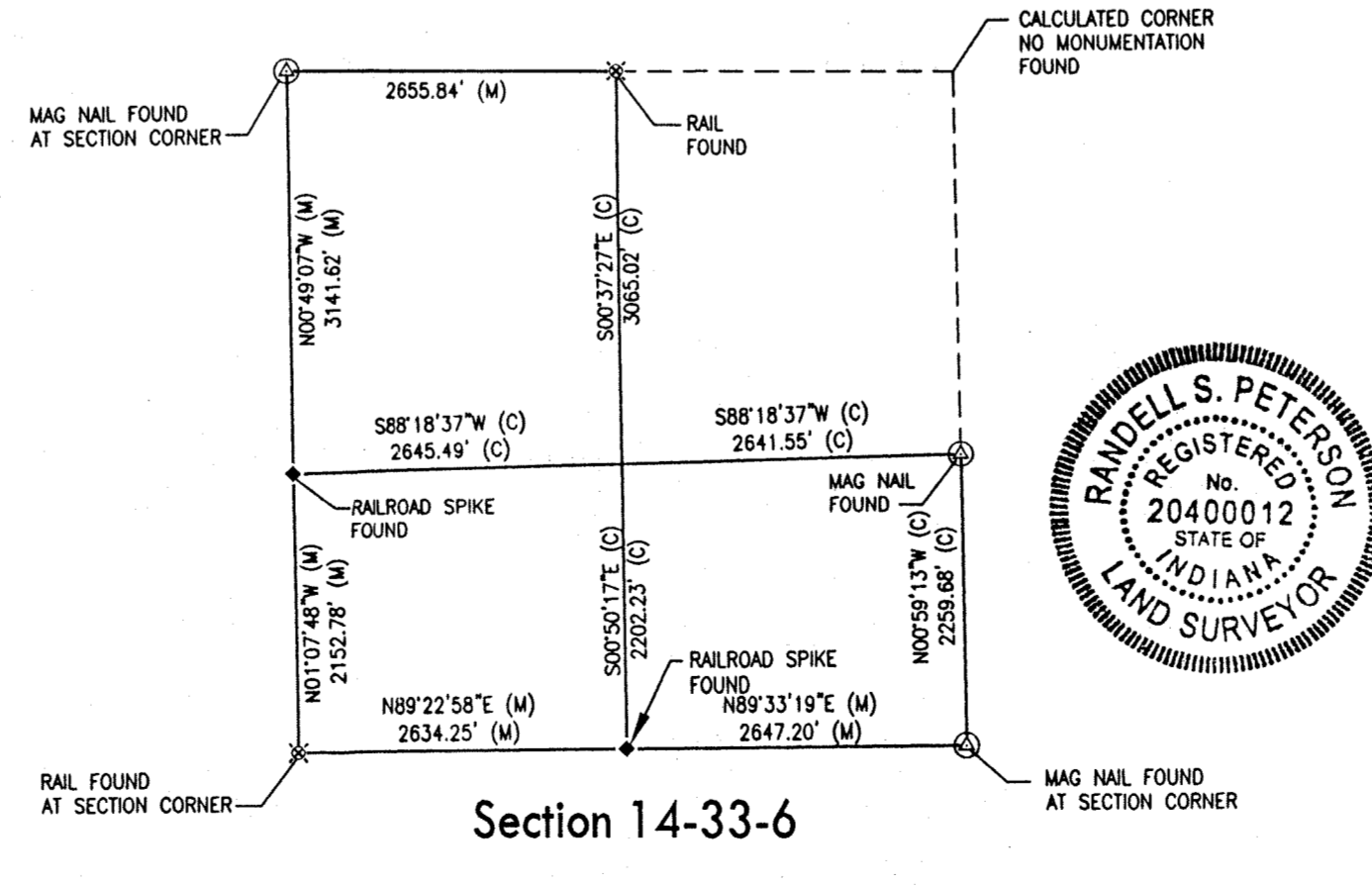
Randall S. Peterson
RANDALL S. PETERSON LS20400012



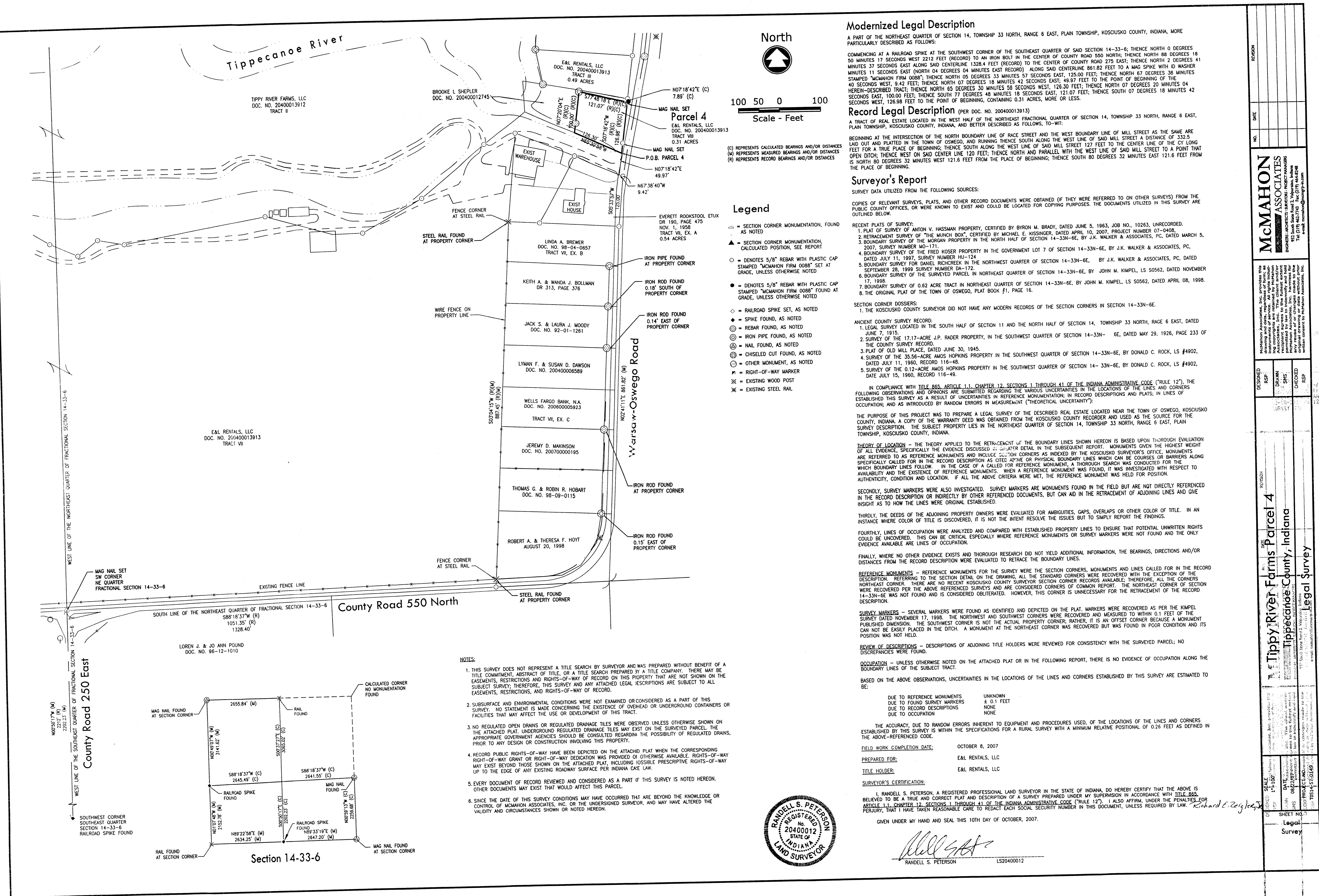
- ### Legend
- △ SECTION CORNER MONUMENTATION, FOUND AS NOTED
 - ▲ SECTION CORNER MONUMENTATION, CALCULATED POSITION, SEE REPORT
 - DENOTES 5/8" REBAR WITH PLASTIC CAP STAMPED "MCMAHON FIRM 0088" SET AT GRADE, UNLESS OTHERWISE NOTED
 - ◇ RAILROAD SPIKE SET, AS NOTED
 - ◆ SPIKE FOUND, AS NOTED
 - REBAR FOUND, AS NOTED
 - ⊙ IRON PIPE FOUND, AS NOTED
 - ⊗ NAIL FOUND, AS NOTED
 - ⊕ CHISELED CUT FOUND, AS NOTED
 - ⊖ OTHER MONUMENT, AS NOTED
 - RIGHT-OF-WAY MARKER
 - ✕ EXISTING WOOD POST
 - ✕ EXISTING STEEL RAIL

LOREN J. & JO ANN POUND
DOC. NO. 96-12-1010

- ### NOTES:
1. THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY SURVEYOR AND WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT, ABSTRACT OF TITLE, OR A TITLE SEARCH PREPARED BY A TITLE COMPANY. THERE MAY BE EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD ON THIS PROPERTY THAT ARE NOT SHOWN ON THE SUBJECT SURVEY. THEREFORE, THIS SURVEY AND ANY ATTACHED LEGAL DESCRIPTIONS ARE SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.
 2. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF OVERHEAD OR UNDERGROUND CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
 3. NO REGULATED OPEN DRAINS OR REGULATED DRAINAGE TILES WERE OBSERVED UNLESS OTHERWISE SHOWN ON THE ATTACHED PLAT. UNDERGROUND REGULATED DRAINAGE TILES MAY EXIST ON THE SURVEYED PARCEL. THE APPROPRIATE GOVERNMENT AGENCIES SHOULD BE CONSULTED REGARDING THE POSSIBILITY OF REGULATED DRAINS, PRIOR TO ANY DESIGN OR CONSTRUCTION INVOLVING THIS PROPERTY.
 4. RECORD PUBLIC RIGHTS-OF-WAY HAVE BEEN DEPICTED ON THE ATTACHED PLAT WHEN THE CORRESPONDING RIGHT-OF-WAY GRANT OR RIGHT-OF-WAY DEDICATION WAS PROVIDED OR OTHERWISE AVAILABLE; RIGHTS-OF-WAY MAY EXIST BEYOND THOSE SHOWN ON THE ATTACHED PLAT, INCLUDING POSSIBLE PRESCRIPTIVE RIGHTS-OF-WAY UP TO THE EDGE OF ANY EXISTING ROADWAY SURFACE PER INDIANA CASE LAW.
 5. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. OTHER DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PARCEL.
 6. SINCE THE DATE OF THIS SURVEY CONDITIONS MAY HAVE OCCURRED THAT ARE BEYOND THE KNOWLEDGE OR CONTROL OF MCMAHON ASSOCIATES, INC. OR THE UNDERSIGNED SURVEYOR, AND MAY HAVE ALTERED THE VALIDITY AND CIRCUMSTANCES SHOWN OR NOTED HEREON.



DESIGNED		DRAWN		CHECKED	
RSP		RSP		RSP	
McMAHON ASSOCIATES, INC. 10101 E. 10th Avenue, Suite 100 Tulsa, Oklahoma 74116 Tel: (918) 462-7943 Fax: (918) 462-7948 e-mail: memahon@mcma-hon.com					
McMAHON ASSOCIATES, INC. provides this survey as a representation of the surveyor's best knowledge and belief. It is not a warranty. The surveyor does not warrant the accuracy of the survey. The surveyor's liability is limited to the amount of the fee paid for the survey. The surveyor is not responsible for the actions of the client or the actions of the surveyor's employees or agents. The surveyor is not responsible for the actions of the client or the actions of the surveyor's employees or agents. The surveyor is not responsible for the actions of the client or the actions of the surveyor's employees or agents.					
Legal Survey					



McMAHON ASSOCIATES
BUSINESS ARCHITECTS SURVEYORS PROJECT MANAGERS
10101 E. 10TH AVE. SUITE 100
TULSA, OK 74116
TEL (918) 462-7193 FAX (918) 464-8248
E-MAIL: mcmahon@mcgrip.com

McMAHON ASSOCIATES, INC. provides the design and data, regardless of form, as shown on this plat. The plat is a true and correct copy of the original survey. The plat is not to be used for any other purpose without the written consent of McMAHON ASSOCIATES, INC.

DESIGNED: RSP
DRAWN: SPS
CHECKED: RSP

Tippecanoe County, Indiana
Tippecanoe County, Indiana
Legal Survey

SCALE: 1"=100'
DATE: 10/8/07
SHEET NO. 3
Legal Survey

Parcel 1
Modernized Legal Description

A PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 14--33--6; THENCE NORTH 0 DEGREES 50 MINUTES 17 SECONDS WEST 2212 FEET (RECORD) TO AN IRON BOLT IN THE CENTER OF COUNTY ROAD 550 NORTH; THENCE NORTH 88 DEGREES 18 MINUTES 37 SECONDS EAST ALONG SAID CENTERLINE 1328.4 FEET (RECORD) TO THE CENTER OF COUNTY ROAD 275 EAST; THENCE NORTH 2 DEGREES 41 MINUTES 11 SECONDS EAST (NORTH 04 DEGREES 04 MINUTES EAST RECORD) ALONG SAID CENTERLINE 861.82 FEET TO A MAG SPIKE WITH ID WASHER STAMPED "MCAHON FIRM 0088" AND THE POINT OF BEGINNING OF THE HEREIN--DESCRIBED TRACT; THENCE NORTH 86 DEGREES 22 MINUTES 01 SECONDS WEST 194.27 FEET TO A 5/8" REBAR WITH CAP STAMPED "MCAHON FIRM 0088"; THENCE NORTH 28 DEGREES 45 MINUTES 24 SECONDS EAST 183.17 FEET TO A MCAHON REBAR; THENCE SOUTH 67 DEGREES 38 MINUTES 40 SECONDS EAST 127.46 FEET FEET TO A MAG SPIKE WITH ID WASHER STAMPED "MCAHON FIRM 0088" ON THE CENTERLINE OF SAID COUNTY ROAD 275 EAST; THENCE SOUTH 05 DEGREES 33 MINUTES 57 SECONDS WEST ALONG SAID CENTERLINE 125.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.545 ACRES, MORE OR LESS.

Record Legal Description (per Deed Record 190, Page 475)

A TRACT OF LAND IN THE MUSQUABUCK RESERVE IN PLAIN TOWNSHIP, LYING IN THE NE 1/4 OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 6 EAST, BEGINNING ON THE SOUTH LINE OF SAID RESERVE AT THE POINT WHERE THE N & S QUARTER SECTION LINE OF SAID NE 1/4 INTERSECTS THE SOUTH LINE OF SAID RESERVE AND RUNNING THENCE N 5 DEGREES E ON THE CENTER LINE OF A ROAD 863 FEET FOR A 2ND PLACE OF BEGINNING AND RUNNING THENCE AS FOLLOWS: N 5 DEGREES E, 125 FEET; N 72 DEGREES W, 283 FEET; SOUTH 209.6 FEET; EAST 272 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.04 ACRES.

Parcel 3
Legal Description - (per Doc #200400013913)

A PART OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 14--33--6; THENCE THENCE 00 DEGREES 50 MINUTES 17 SECONDS WEST 2202.23 FEET TO A MAG NAIL WITH ID WASHER STAMPED "MCAHON FIRM 0088" (NORTH 2212 FEET TO AN IRON BOLT - RECORD) IN THE CENTER OF COUNTY ROAD 550 NORTH; THENCE SOUTH 88 DEGREES 18 MINUTES 37 SECONDS WEST ALONG THE SOUTH LINE OF GOVERNMENT LOT 3 A DISTANCE OF 696.12 FEET TO A MAG SPIKE WITH ID WASHER STAMPED MCAHON FIRM 0088 AND THE POINT OF BEGINNING OF THE HEREIN--DESCRIBED TRACT; THENCE CONTINUING UPON LAST SAID COURSE, 226.19 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 37 SECONDS WEST, 69.34 FEET; THENCE NORTH 29 DEGREES 32 MINUTES 52 SECONDS EAST, 418.74 FEET; THENCE SOUTH 02 DEGREES 38 MINUTES 03 SECONDS EAST, 427.39 FEET TO THE POINT OF BEGINNING, CONTAINING 1.27 ACRES, MORE OR LESS.

Modernized Legal Description

A PART OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 14--33--6; THENCE THENCE 00 DEGREES 50 MINUTES 17 SECONDS WEST 2202.23 FEET TO A MAG NAIL WITH ID WASHER STAMPED "MCAHON FIRM 0088" (NORTH 2212 FEET TO AN IRON BOLT - RECORD) IN THE CENTER OF COUNTY ROAD 550 NORTH; THENCE SOUTH 88 DEGREES 18 MINUTES 37 SECONDS WEST ALONG THE SOUTH LINE OF GOVERNMENT LOT 3 A DISTANCE OF 696.12 FEET TO A MAG SPIKE WITH ID WASHER STAMPED MCAHON FIRM 0088 AND THE POINT OF BEGINNING OF THE HEREIN--DESCRIBED TRACT; THENCE CONTINUING UPON LAST SAID COURSE, 226.19 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 37 SECONDS WEST, 69.34 FEET; THENCE NORTH 29 DEGREES 32 MINUTES 52 SECONDS EAST, 418.74 FEET; THENCE SOUTH 02 DEGREES 38 MINUTES 03 SECONDS EAST, 427.39 FEET TO THE POINT OF BEGINNING, CONTAINING 1.27 ACRES, MORE OR LESS.

SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, AND COVENANTS OF RECORD.

Parcel 2
Modernized Legal Description

A PART OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 14--33--6; THENCE 00 DEGREES 50 MINUTES 17 SECONDS WEST 2202.23 FEET TO A MAG NAIL WITH ID WASHER STAMPED "MCAHON FIRM 0088" (NORTH 2212 FEET TO AN IRON BOLT - RECORD) IN THE CENTER OF COUNTY ROAD 550 NORTH AND THE POINT OF BEGINNING OF THE HEREIN--DESCRIBED TRACT; THENCE SOUTH 88 DEGREES 18 MINUTES 37 SECONDS WEST ALONG THE SOUTH LINE OF GOVERNMENT LOT 3 A DISTANCE OF 696.12 FEET TO A MAG SPIKE WITH ID WASHER STAMPED MCAHON FIRM 0088; THENCE NORTH 02 DEGREES 38 MINUTES 03 SECONDS WEST 427.39 FEET TO A RAILROAD RAIL FOUND; THENCE NORTH 37 DEGREES 52 MINUTES 43 SECONDS EAST 403.97 FEET TO A 5/8" REBAR WITH CAP STAMPED "MCAHON FIRM 0088"; THENCE NORTH 31 DEGREES 41 MINUTES 33 SECONDS EAST 72.60 FEET TO A MCAHON REBAR; THENCE NORTH 07 DEGREES 51 MINUTES 33 SECONDS EAST 235.82 FEET TO A MCAHON REBAR; THENCE NORTH 71 DEGREES 51 MINUTES 33 SECONDS EAST 83.49 FEET TO A MCAHON REBAR; THENCE SOUTH 64 DEGREES 58 MINUTES 27 SECONDS EAST 198.00 FEET TO A MCAHON REBAR; THENCE SOUTH 57 DEGREES 08 MINUTES 27 SECONDS EAST 135.96 FEET TO A MCAHON REBAR; THENCE SOUTH 65 DEGREES 08 MINUTES 27 SECONDS EAST 74.58 FEET TO A MCAHON REBAR; THENCE NORTH 51 DEGREES 51 MINUTES 33 SECONDS EAST 62.15 FEET TO A MCAHON REBAR; THENCE SOUTH 78 DEGREES 58 MINUTES 27 SECONDS EAST 66.00 FEET TO A MCAHON REBAR; THENCE NORTH 79 DEGREES 51 MINUTES 33 SECONDS EAST 352.44 FEET TO A MCAHON REBAR; THENCE SOUTH 73 DEGREES 08 MINUTES 27 SECONDS EAST 171.60 FEET TO A MCAHON REBAR; THENCE NORTH 88 DEGREES 41 MINUTES 33 SECONDS EAST 73.59 FEET TO A MCAHON REBAR; THENCE NORTH 60 DEGREES 01 MINUTES 05 SECONDS EAST 169.33 FEET TO A MCAHON REBAR; THENCE NORTH 51 DEGREES 01 MINUTES 05 SECONDS EAST 198.00 FEET TO A MCAHON REBAR; THENCE NORTH 52 DEGREES 03 MINUTES 05 SECONDS EAST 128.11 FEET TO THE SOUTHWEST CORNER OF LAND CONVEYED TO BROOKE L. SHEPLER BY QUITCLAIM DEED RECORDED AS DOCUMENT NUMBER 200400012745 IN THE KOSCIUSKO RECORDER'S OFFICE; THENCE SOUTH 65 DEGREES 30 MINUTES 58 SECONDS EAST ALONG THE SOUTH LINE OF THE SHEPLER LAND 258.54 FEET TO A MCAHON REBAR AT THE SOUTHEAST CORNER OF LAND CONVEYED TO E&L RENTALS, LLC, BY TRUSTEE'S DEED RECORDED AS DOCUMENT NUMBER 200400013913 IN SAID RECORDER'S OFFICE; THENCE SOUTH 07 DEGREES 18 MINUTES 42 SECONDS WEST 49.97 FEET TO A MCAHON REBAR ON THE NORTH LINE OF LAND CONVEYED TO EVERETT ROOKSTOOL BY WARRANTY DEED RECORDED IN DEED RECORD 190, PAGE 475 IN SAID RECORDERS OFFICE; THENCE NORTH 67 DEGREES 38 MINUTES 40 SECONDS WEST ALONG SAID NORTH LINE 118.04 FEET TO MCAHON REBAR; THENCE SOUTH 28 DEGREES 45 MINUTES 24 SECONDS WEST 183.17 FEET TO A MCAHON REBAR ON THE NORTH LINE OF LAND CONVEYED BY WARRANTY DEED TO LINDA A. BREWER AND RECORDED AS DOCUMENT NUMBER 98-04-0657 IN SAID RECORDER'S OFFICE; THENCE NORTH 86 DEGREES 22 MINUTES 01 SECONDS WEST 76.06 FEET TO A RAILROAD RAIL FOUND; THENCE SOUTH 03 DEGREES 04 MINUTES 15 SECONDS WEST 887.45 FEET TO THE SOUTH LINE OF GOVERNMENT LOT 7 ALONG THE CENTERLINE OF COUNTY ROAD 550 NORTH; THENCE SOUTH 88 DEGREES 18 MINUTES 37 SECONDS WEST ALONG SAID SOUTH LINE 1051.35 FEET TO THE POINT OF BEGINNING, CONTAINING 37.325 ACRES, MORE OR LESS.

Record Legal Description (per Doc #200400013913)

COMMENCING AT THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED BY FRANCIS H. WILSON TO JOSEPH HURRY, JULY 22, 1882, AS SHOWN BY DEED RECORDED IN BOOK 53, PAGE 511 IN THE DEED RECORDS OF KOSCIUSKO COUNTY, INDIANA, AND RUNNING THENCE NORTH 24 RODS AND 19 LINKS, THENCE NORTH 38 DEGREES EAST, 24 RODS AND 12 LINKS, THENCE NORTH 31 1/2 DEGREES EAST, 4 RODS AND 10 LINKS, THENCE NORTH 8 DEGREES EAST 14 RODS AND 7 LINKS, THENCE NORTH 72 DEGREES EAST, 5 RODS AND 1 1/2 LINKS, THENCE SOUTH 64 1/2 DEGREES EAST, 12 RODS, THENCE SOUTH 57 DEGREES EAST, 8 RODS AND 6 LINKS, THENCE SOUTH 66 DEGREES EAST, 4 RODS AND 13 LINKS, THENCE NORTH 52 DEGREES EAST, 8 RODS AND 19 LINKS, THENCE SOUTH 78 1/2 DEGREES EAST, 4 RODS, THENCE NORTH 80 DEGREES EAST, 21 RODS AND 9 LINKS, THENCE SOUTH 73 DEGREES EAST 10 RODS AND 10 LINKS, THENCE NORTH 88 1/2 DEGREES EAST, 4 RODS AND 11 1/2 LINKS, THENCE NORTH 60 DEGREES EAST, 10 RODS AND 5 LINKS, THENCE NORTH 51 DEGREES EAST, 12 RODS, THENCE NORTH 58 DEGREES EAST, 7 RODS AND 3 LINKS, THENCE NORTH 19 DEGREES WEST TO A POINT IN LINE WITH THE SOUTH LINE OF RACE STREET IN THE TOWN OF OSWEGO, IN SAID COUNTY, THENCE EAST TO THE WEST LINE OF MILL STREET, IN SAID TOWN OF OSWEGO, THENCE SOUTH WITH SAID WEST LINE OF SAID MILL STREET AND WITH THE WEST LINE OF THE PUBLIC HIGHWAY TO THE SOUTH LINE OF THE MUSQUABUCK RESERVE, THENCE WEST 125 RODS, 3 FEET AND 10 INCHES TO THE PLACE OF BEGINNING, ALL IN SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, CONTAINING 40 ACRES MORE OR LESS, LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS, TO-WIT:

TRACT A: TRACT IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, BEGINNING 863 FEET NORTH OF THE CENTER OF THE EAST ONE-HALF OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, AND RUNNING THENCE NORTH 125 FEET; THENCE NORTH 72 DEGREES WEST 283 FEET; THENCE SOUTH 209.6 FEET; THENCE EAST 272 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 1.04 ACRES, WHICH SAID TRACT WAS CONVEYED TO WILLARD D. DAUSMAN AND NANCY J. DAUSMAN, HUSBAND AND WIFE, BY DEED RECORDED IN DEED RECORD , PAGE , ON FEBRUARY 9, 1955.

TRACT B: A TRACT IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, IN THE MUSQUABUCK RESERVE IN PLAIN TOWNSHIP, BEGINNING ON THE SOUTH LINE OF SAID RESERVE AT THAT POINT WHERE THE NORTH AND SOUTH QUARTER SECTION LINE OF SAID NORTHEAST QUARTER INTERSECTS THE RESERVE LINE AND RUNNING THENCE NORTH 5 DEGREES EAST ON THE CENTERLINE OF A ROAD 863 FEET FOR A SECOND PLACE OF BEGINNING, A RUNNING THENCE AS FOLLOWS: WEST 272.3 FEET TO A STAKE; SOUTH 100 FEET TO A STAKE; EAST 271.6 FEET TO THE CENTERLINE OF THE ROAD; THENCE NORTH 5 DEGREES EAST 100 FEET ON THE CENTERLINE OF THE ROAD TO THE PLACE OF BEGINNING AND CONTAINING 0.62 ACRES, WHICH SAID TRACT WAS CONVEYED TO EVERETT ARTHUR WENGER, BY DEED RECORDED IN DEED RECORD 190, PAGE 608, ON NOVEMBER 25, 1958.

TRACT C: BEGINNING AT AN IRON BOLT IN THE CENTER OF A BLACKTOP ROAD KNOWN AS COUNTY ROAD 550 NORTH, SAID POINT BEING 2212 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, AND RUNNING THENCE NORTH 89 DEGREES 19 MINUTES EAST, 1034.33 FEET TO AN IRON PIPE; THENCE NORTH 4 DEGREES 04 MINUTES EAST, 245.7 FEET TO A POINT; THENCE EAST 25.7 FEET TO AN IRON PIPE, FOR A PRINCIPAL PLACE OF BEGINNING OF THIS DESCRIPTION; RUNNING THENCE NORTH 4 DEGREES 04 MINUTES EAST, 542.2 FEET TO AN IRON PIPE; THENCE SOUTH 85 DEGREES 20 MINUTES EAST 250 FEET TO A POINT; THENCE SOUTH 4 DEGREES 04 MINUTES WEST 600 FEET TO A POINT; THENCE SOUTH 11 DEGREES 03 MINUTES WEST 70.2 FEET TO A POINT; THENCE SOUTH 37 DEGREES 26 MINUTES WEST, 66.4 FEET TO A POINT; THENCE SOUTH 64 DEGREES 23 MINUTES WEST, 52.2 FEET TO A POINT; THENCE SOUTH 88 DEGREES 45 MINUTES WEST 159.8 FEET TO A POINT; THENCE NORTH 4 DEGREES 04 MINUTES EAST, 225.8 FEET TO THE PLACE OF BEGINNING.

THE ABOVE DESCRIBED REAL ESTATE IS CONVEYED HEREBY SUBJECT TO THE RESTRICTION THAT NO BUILDING, OTHER THAN A DWELLING HOUSE, SHALL BE CONSTRUCTED THEREON AT ANY PLACE NEARER THEN 50 (FIFTY) FEET TO THE TWO TRACTS OF REAL ESTATE LAST ABOVE DESCRIBED AS EXCEPTIONS HEREIN AND IDENTIFIED AS TRACT B AND TRACT C

Surveyor's Report

SURVEY DATA UTILIZED FROM THE FOLLOWING SOURCES:

COPIES OF RELEVANT SURVEYS, PLATS, AND OTHER RECORD DOCUMENTS WERE OBTAINED (IF THEY WERE REFERRED TO ON OTHER SURVEYS) FROM THE PUBLIC COUNTY OFFICES; OR WERE KNOWN TO EXIST AND COULD BE LOCATED FOR COPYING PURPOSES. THE DOCUMENTS UTILIZED IN THIS SURVEY ARE OUTLINED BELOW.

- RECENT PLATS OF SURVEY:
- 1.PLAT OF SURVEY OF ANTON V. HASSMAN PROPERTY, CERTIFIED BY BYRON M. BRADY, DATED JUNE 5, 1963, JOB NO. 10263, UNRECORDED.
 - 2.RETRACEMENT SURVEY OF "THE MUNCH BOX", CERTIFIED BY MICHAEL E. KISSINGER, DATED APRIL 10, 2007, PROJECT NUMBER 07--0408.
 - 3.BOUNDARY SURVEY OF THE MORGAN PROPERTY IN THE NORTH HALF OF SECTION 14--33N--6E, BY J.K. WALKER & ASSOCIATES, PC, DATED MARCH 5, 2007, SURVEY NUMBER M0-171.
 - 4.BOUNDARY SURVEY OF THE FRED KOSER PROPERTY IN THE GOVERNMENT LOT 7 OF SECTION 14--33N--6E, BY J.K. WALKER & ASSOCIATES, PC, DATED JULY 11, 1997, SURVEY NUMBER HU-124
 - 5.BOUNDARY SURVEY FOR DANIEL RICHCREEK IN THE NORTHWEST QUARTER OF SECTION 14--33N--6E, BY J.K. WALKER & ASSOCIATES, PC, DATED SEPTEMBER 28, 1999 SURVEY NUMBER DA-172.
 - 6.BOUNDARY SURVEY OF THE SURVEYED PARCEL IN NORTHEAST QUARTER OF SECTION 14--33N--6E, BY JOHN M. KIMPEL, LS S0562, DATED NOVEMBER 17, 1998
 - 7.BOUNDARY SURVEY OF 0.62 ACRE TRACT IN NORTHEAST QUARTER OF SECTION 14--33N--6E, BY JOHN M. KIMPEL, LS S0562, DATED APRIL 08, 1998.
 - 8.THE ORIGINAL PLAT OF THE TOWN OF OSWEGO, PLAT BOOK #1, PAGE 16.

SECTION CORNER DOSSIERS:

1. THE KOSCIUSKO COUNTY SURVEYOR DID NOT HAVE ANY MODERN RECORDS OF THE SECTION CORNERS IN SECTION 14--33N--6E.

- ANCIENT COUNTY SURVEY RECORD:
1. LEGAL SURVEY LOCATED IN THE SOUTH HALF OF SECTION 11 AND THE NORTH HALF OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, DATED JUNE 7, 1915.
 2. SURVEY OF THE 17.17--ACRE J.P. RADER PROPERTY, IN THE SOUTHWEST QUARTER OF SECTION 14--33N--6E, DATED MAY 29, 1926, PAGE 233 OF THE COUNTY SURVEY RECORD.
 3. PLAT OF OLD MILL PLACE, DATED JUNE 30, 1945.
 4. SURVEY OF THE 35.56--ACRE AMOS HOPKINS PROPERTY IN THE SOUTHWEST QUARTER OF SECTION 14--33N--6E, BY DONALD C. ROCK, LS #4902, DATED JULY 11, 1960, RECORD 116--48.
 5. SURVEY OF THE 0.12--ACRE AMOS HOPKINS PROPERTY IN THE SOUTHWEST QUARTER OF SECTION 14--33N--6E, BY DONALD C. ROCK, LS #4902, DATE JULY 15, 1960, RECORD 116--49.

IN COMPLIANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE ("RULE 12"), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE PHYSICAL BOUNDARY LINES AND LOCATIONS OF THE LINES AND CORNERS ESTABLISHED THIS SURVEY AS A RESULT OF UNCERTAINTIES IN REFERENCE MONUMENTATION; IN RECORD DESCRIPTIONS AND PLATS; IN LINES OF OCCUPATION; AND AS INTRODUCED BY RANDOM ERRORS IN MEASUREMENT ("THEORETICAL UNCERTAINTY"):

THE PURPOSE OF THIS PROJECT WAS TO PREPARE A LEGAL SURVEY OF THE DESCRIBED REAL ESTATE LOCATED NEAR THE TOWN OF OSWEGO, KOSCIUSKO COUNTY, INDIANA. A COPY OF THE WARRANTY DEED WAS OBTAINED FROM THE KOSCIUSKO COUNTY RECORDER AND USED AS THE SOURCE FOR THE SURVEY DESCRIPTION. THE SUBJECT PROPERTY LIES IN THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 6 EAST, PLAIN TOWNSHIP, KOSCIUSKO COUNTY, INDIANA.

THEORY OF LOCATION -- THE THEORY APPLIED TO THE RETRACEMENT OF THE BOUNDARY LINES SHOWN HEREON IS BASED UPON THOROUGH EVALUATION OF ALL EVIDENCE, SPECIFICALLY THE EVIDENCE DISCUSSED IN GREATER DETAIL IN THE SUBSEQUENT REPORT. MONUMENTS GIVEN THE HIGHEST WEIGHT ARE REFERRED TO AS REFERENCE MONUMENTS AND INCLUDE SECTION CORNERS AS INDEXED BY THE KOSCIUSKO SURVEYOR'S OFFICE, MONUMENTS SPECIFICALLY CALLED FOR IN THE RECORD DESCRIPTION AS CITED ABOVE. THE PHYSICAL BOUNDARY LINES MAY BE COURSES OR BARRIERS ALONG WHICH BOUNDARY LINES FOLLOW. IN THE CASE OF A CALLED FOR REFERENCE MONUMENT, A THOROUGH SEARCH WAS CONDUCTED FOR THE AVAILABILITY AND THE EXISTENCE OF REFERENCE MONUMENTS. WHEN A REFERENCE MONUMENT WAS FOUND, IT WAS INVESTIGATED WITH RESPECT TO AUTHENTICITY, CONDITION AND LOCATION. IF ALL THE ABOVE CRITERIA WERE MET, THE REFERENCE MONUMENT WAS HELD FOR POSITION.

SECONDLY, SURVEY MARKERS WERE ALSO INVESTIGATED. SURVEY MARKERS ARE MONUMENTS FOUND IN THE FIELD BUT ARE NOT DIRECTLY REFERENCED IN THE RECORD DESCRIPTION OR INDIRECTLY BY OTHER REFERENCED DOCUMENTS, BUT CAN AID IN THE RETRACEMENT OF ADJOINING LINES AND GIVE INSIGHT AS TO HOW THE LINES WERE ORIGINAL ESTABLISHED.

THIRDLY, THE DEEDS OF THE ADJOINING PROPERTY OWNERS WERE EVALUATED FOR AMBIGUITIES, GAPS, OVERLAPS OR OTHER COLOR OF TITLE. IN AN INSTANCE WHERE COLOR OF TITLE IS DISCOVERED, IT IS NOT THE INTENT RESOLVE THE ISSUES BUT TO SIMPLY REPORT THE FINDINGS.

FOURTHLY, LINES OF OCCUPATION WERE ANALYZED AND COMPARED WITH ESTABLISHED PROPERTY LINES TO ENSURE THAT POTENTIAL UNWRITTEN RIGHTS COULD BE UNCOVERED. THIS CAN BE CRITICAL ESPECIALLY WHERE REFERENCE MONUMENTS OR SURVEY MARKERS WERE NOT FOUND AND THE ONLY EVIDENCE AVAILABLE ARE LINES OF OCCUPATION.

FINALLY, WHERE NO OTHER EVIDENCE EXISTS AND THOROUGH RESEARCH DID NOT YIELD ADDITIONAL INFORMATION, THE BEARINGS, DIRECTIONS AND/OR DISTANCES FROM THE RECORD DESCRIPTION WERE EVALUATED TO RETRACE THE BOUNDARY LINES.

REFERENCE MONUMENTS -- REFERENCE MONUMENTS FOR THE SURVEY WERE THE SECTION CORNERS, MONUMENTS AND LINES CALLED FOR IN THE RECORD DESCRIPTION. REFERRING TO THE SECTION DETAIL ON THE DRAWING, ALL THE STANDARD CORNERS WERE RECOVERED WITH THE EXCEPTION OF THE NORTHEAST CORNER. THERE ARE NO RECENT KOSCIUSKO COUNTY SURVEYOR SECTION CORNER RECORDS AVAILABLE; THEREFORE, ALL THE CORNERS WERE RECOVERED PER THE ABOVE REFERENCED SURVEYS AND ARE CONSIDERED CORNERS OF COMMON REPORT. THE NORTHEAST CORNER OF SECTION 14--33N--6E WAS NOT FOUND AND IS CONSIDERED OBLITERATED. HOWEVER, THIS CORNER IS UNNECESSARY FOR THE RETRACEMENT OF THE RECORD DESCRIPTION. AN IRON BOLT IS CALLED AT THE CENTER OF THE SECTION IN THE RECORD DESCRIPTION OF PARCELS 1, 2 AND 3; AN EXTENSIVE SEARCH WAS CONDUCTED FOR THE IRON BOLT, BUT IT WAS NOT FOUND. THE CENTER WAS ESTABLISHED BY INTERSECTING RECORD BEARINGS FROM THE ABOVE REFERENCED SURVEYS. THE ESTABLISHED LOCATION OF THE CENTER APPEARS TO AGREE WELL WITH OTHER DESCRIPTIONS AS WELL AS EXISTING LINES OF OCCUPATION.

SURVEY MARKERS -- SEVERAL MARKERS WERE FOUND AS IDENTIFIED AND DEPICTED ON THE PLAT. OF THE FOUND MONUMENTS, THREE MARKERS WERE FOUND ON PARCEL 3 THAT DID NOT APPEAR TO MATCH ANY TYPE OF WRITTEN DESCRIPTION, OCCUPATION OR ANY OTHER RECORD. SUBSEQUENTLY, THESE MARKERS WERE IGNORED.

REVIEW OF DESCRIPTIONS -- DESCRIPTIONS OF ADJOINING TITLE HOLDERS WERE REVIEWED FOR CONSISTENCY WITH THE SURVEYED PARCEL; NO DISCREPANCIES WERE FOUND. HOWEVER, DUE TO THE MULTITUDE OF COURSES AND THE LACK OF ANY CONTROLLING CALLS (SPECIFICALLY ON PARCEL 2); THERE IS GREAT UNCERTAINTY TO THE TRUE/INTENDED LOCATION OF THE LINE OF TITLE. FORTUNATELY, A LEGAL SURVEY OF THE ADJOINING PROPERTY TO THE NORTH HAS BEEN PREPARED CONCURRENTLY WITH THIS LEGAL SURVEY TO FIX THE LINES AS BEING ONE AND THE SAME. SIMILARLY, THE RECORD DESCRIPTION OF PARCEL 1 IS OLD AND DIFFICULT TO ESTABLISH THE INTENDED LOCATION OF THE PROPERTY LINES.

OCCUPATION -- OCCUPATION CREATED UNCERTAINTY ALONG THE NORTH MEANDERING BOUNDARY OF PARCEL 2. AS SHOWN HEREON, THERE ARE A NUMBER OF DRIVES, PATHS, OUTBUILDINGS AND CLEARINGS THAT ARE LOCATED ON BOTH SIDES OF THE NORTH PROPERTY LINES. THE EAST SIDE OF PARCEL 2 ALSO HAS A FENCE THAT IS ON OR NEAR THE PROPERTY LINE.

BASED ON THE ABOVE OBSERVATIONS, UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED BY THIS SURVEY ARE ESTIMATED TO BE:

DUE TO REFERENCE MONUMENTS	UNKNOWN
DUE TO FOUND SURVEY MARKERS	± 0.25 FEET
DUE TO RECORD DESCRIPTIONS	UP TO 10 FEET
DUE TO OCCUPATION	UP TO 10 FEET

THE ACCURACY, DUE TO RANDOM ERRORS INHERENT TO EQUIPMENT AND PROCEDURES USED, OF THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A RURAL SURVEY WITH A MINIMUM RELATIVE POSITIONAL OF 0.26 FEET AS DEFINED IN THE ABOVE--REFERENCED CODE.

Notes

- 1.THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY SURVEYOR AND WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT, ABSTRACT OF TITLE, OR A TITLE SEARCH PREPARED BY A TITLE COMPANY. THERE MAY BE EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD ON THIS PROPERTY THAT ARE NOT SHOWN ON THE SUBJECT SURVEY; THEREFORE, THIS SURVEY AND ANY ATTACHED LEGAL DESCRIPTIONS ARE SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.
- 2.SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF OVERHEAD OR UNDERGROU CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
- 3.RECORD PUBLIC RIGHTS-OF-WAY HAVE BEEN DEPICTED ON THE ATTACHED PLAT WHEN THE CORRESPONDING RIGHT-OF-WAY GRANT OR RIGHT-OF-WAY DEDICATION WAS PROVIDED OR OTHERWISE AVAILABLE. RIGHTS-OF-WAY MAY EXIST BEYOND THOSE SHOWN ON THE ATTACHED PLAT, INCLUDING POSSIBLE PRESCRIPTIVE RIGHTS-OF-WAY UP TO THE EDGE OF ANY EXISTING ROADWAY SURFACE PER INDIANA CASE LAW.
- 4.EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. OTHER DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PARCEL.
- 5.SINCE THE DATE OF THIS SURVEY CONDITIONS MAY HAVE OCCURRED THAT ARE BEYOND THE KNOWLEDGE OR CONTROL OF MCAHON ASSOCIATES, INC. OR THE UNDERSIGNED SURVEYOR, AND MAY HAVE ALTERED THE VALIDITY AND CIRCUMSTANCES SHOWN OR NOTED HEREON.

FIELD WORK COMPLETION DATE: OCTOBER 8, 2007

PREPARED FOR: E&L RENTALS, LLC

TITLE HOLDER: E&L RENTALS, LLC

SURVEYOR'S CERTIFICATION:

I, RANDELL S. PETERSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF INDIANA DO HEREBY CERTIFY THAT THE ABOVE IS BELIEVED TO BE A TRUE AND CORRECT PLAT AND DESCRIPTION OF A SURVEY PREPARED UNDER MY SUPERVISION IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE ("RULE 12").

I ALSO AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. *Edward E. Cefek*

GIVEN UNDER MY HAND AND SEAL THIS 10TH DAY OF OCTOBER, 2007.

Randell S. Peterson
RANDELL S. PETERSON LS20400012



ATTEST:
A TITLE
IN THIS
2. AR-

PART OF
VERGROU

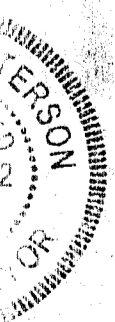
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4C
R. AND L.

INDIANA
SCRIPTION
1.1 CHAPTER

30 REDACT
Cefek



Section

Town

North of Range

East

NW 1/4 14-

34

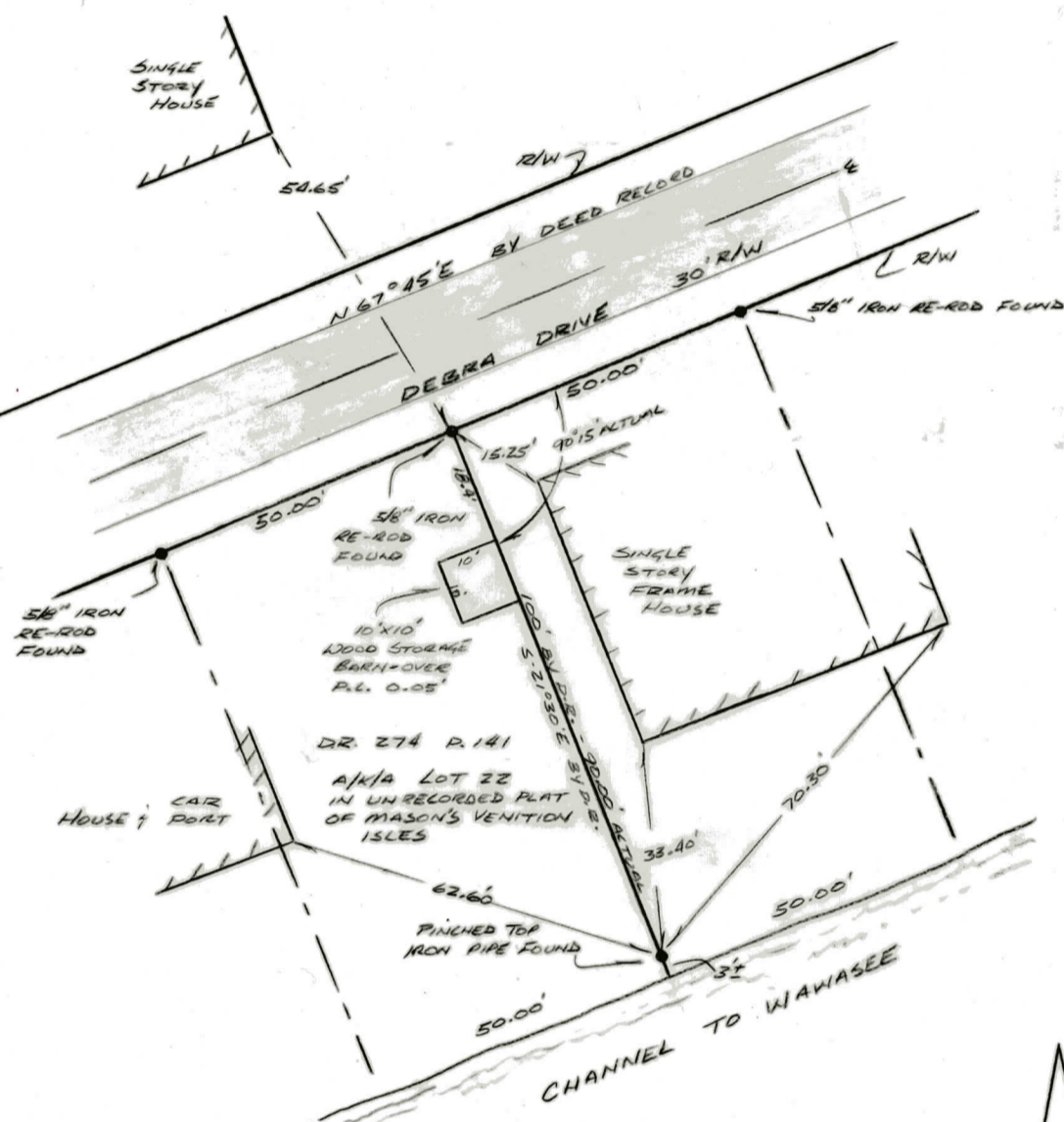
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ESTABLISHED LINE BETWEEN

GARDINER & SMITH - COMMON LINE BETWEEN LOTS 22 & 23 UNRECORDED PLAT OF MASON'S VENITION ISLES. DR 274 P. 141. IRON PIN FOUND AT RADIAL POINT NE COR OF INT. OF DEBRA DR. & MARTIN DR. * I.P. FND. 65.00' E. AT NE COR LOT 20; I.P. FND. AT 50.00' E. NE COR 21; I.P. FND 50.00' E. AT NE COR. 22; I.P. FND 50.00' E. AT NE COR LOT 23. I.P. FND. SW COR LOT 21; MEAS. N.E. 100' & FND. I.P. IN. MEAS. L AT NW COR LOT 23 & FOUND IT TO BE 90°15'. DR. CALLS FOR 90°45'. KOSCIUSKO SUPERIOR COURT CAUSE# SC-84-302 ENTERED IN THIS BOOK MARCH 27, 1985- * I.P. FND. 52.2' EASTERLY

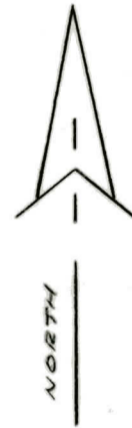
LEGAL SURVEY

DUANE GARDINER vs. ROBERT SMITH



Field survey March 26, 1985

Scale 1" = 30'



Survey made of property line between Gardiner and Smith per deed record #274 page #141, als known as lots 22 and 23 in Mason's Venition Isles.

CERTIFICATION

I the undersigned Registered Land Surveyor in the State of Indiana hereby certify that I have surveyed the above described line according to monuments found and that the above is a correct representation thereof.



Charles M. Brower
Charles M. Brower
Reg. Land Surveyor Lic#12065

NO NOTICE NECESSARY

LEGAL SURVEY

Send Survey to STEVE SNYDER
ALSO R.W. MEHL see Below

STATE OF INDIANA)
) SS:
KOSCIUSKO COUNTY)

IN THE KOSCIUSKO SUPERIOR COURT
CAUSE NUMBER SC-84-302

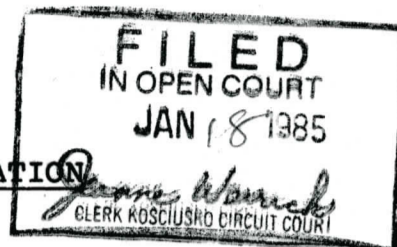
DUANE GARDINER and JEANNE
GARDINER,

Plaintiffs,

VS.

ROBERT H. SMITH, JR. and
WINIFRED SMITH
Defendants

STIPULATION



Come now parties, by counsel, and stipulate as follows:

The parties shall cause a legal survey of the boundary line between Lots 22 and 23 in the unrecorded plat of Mason's Venetian Isles to be made by the Kosciusko County surveyor, with each party being responsible for one-half (1/2) of the cost of such survey. Upon the completion of the survey defendants shall cause the building located on Lot 22 in said addition to be moved not less than ten (10) feet from the boundary line of Lots 22 and 23. Upon completion of the movement of said building the parties shall stipulate the dismissal of this cause.

BECKMAN, LAWSON, SANDLER,

SNYDER & FEDEROFF

By: 

Stephen R. Snyder
111 Pickwick Place
Syracuse, Indiana 46567
Telephone: (219) 457-5727
Attorney for Plaintiffs

MEHL, MEHL, BEESON & LEATHERMAN

BY: 

R.W. Mehl
P.O. Box 562
Goshen, Indiana 46526
Telephone: (219) 533-1675
Attorney for Defendants

RECORD OF SURVEYS

A. E. ROYCE CO., MUNCIE, IND. 47303

Section

Town

North of Range

East

FEBRUARY 8, 1981

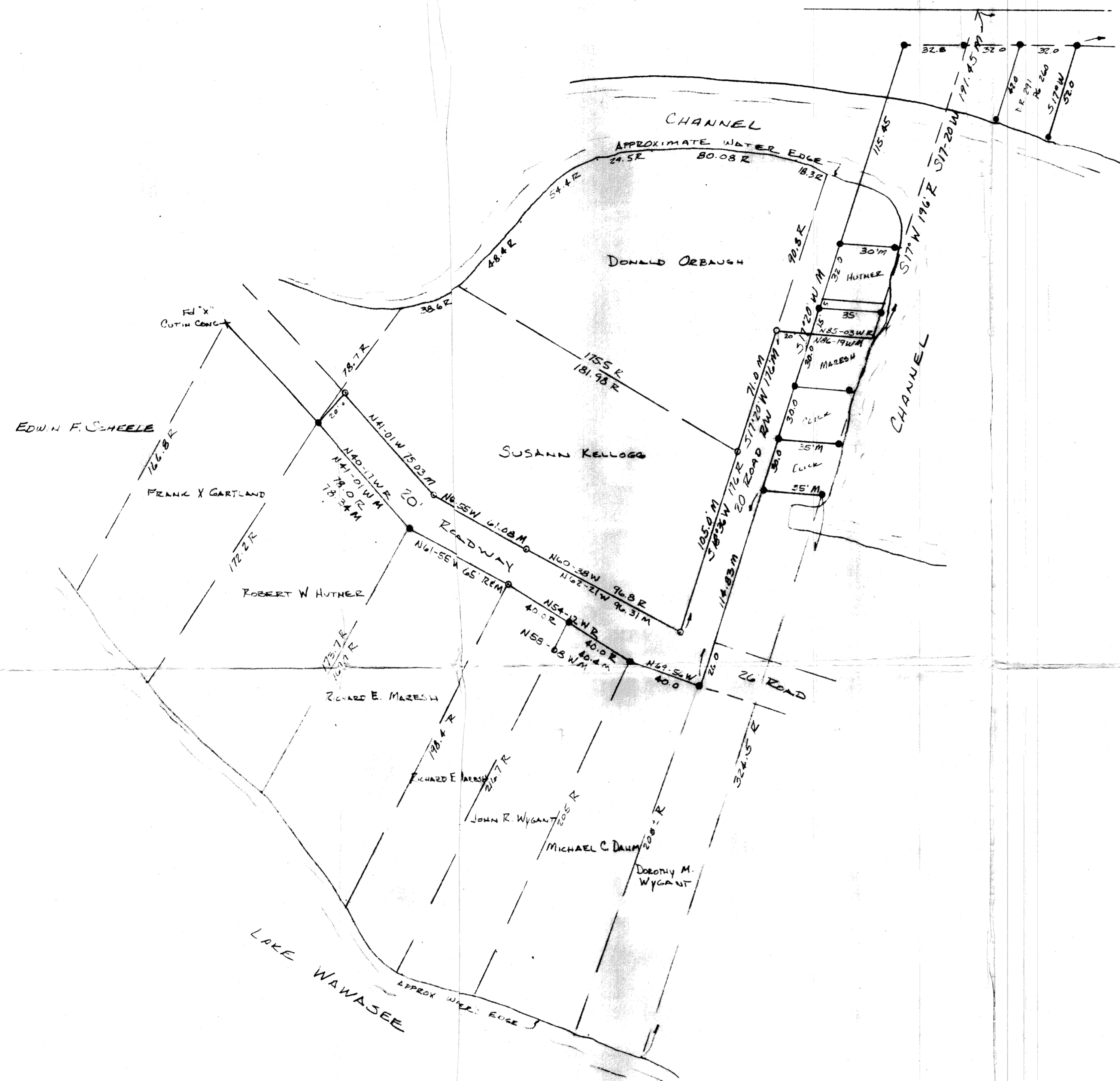
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34N

R. 7. E.

PREPARED FOR ROBERT HUTNER

PRIVATE ROAD RIGHT-OF-WAY ON BLACK'S POINT AT LAKE WAUWASEE.



WEST 673 REC 670.35 MEAS.
609 M

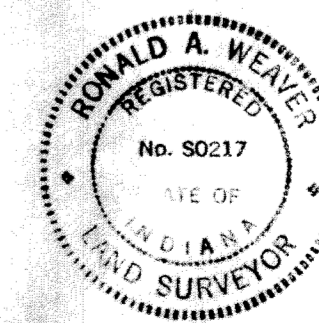
SCALE: 1"=40'
JOB NO: 87-0848
DATE: 3 FEB 1988

LEGEND
● = IRON CORNER FOUND
○ = IRON CORNER SET
E = RECORD BY DEEDS
M = MEASURED

LEGAL SURVEY OF:

PRIVATE ROAD RIGHT-OF-WAY ON BLACK'S POINT AT LAKE WAWASEE, KOSCIUSKO CO., INDIANA.

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 34 NORTH, RANGE 7 EAST, TURKEY CREEK TOWNSHIP, KOSCIUSKO COUNTY, INDIANA.



I, Ronald A. Weaver, a Registered Land Surveyor, hereby certify that I have surveyed the parcel(s) of land delineated hereon, and that there are no encroachments visible other than shown.
Iron Stakes are located at all places shown thus O
Monuments are located at all places shown thus □

Ronald A. Weaver
Ronald A. Weaver

STATE OF INDIANA)
) SS:
KOSCIUSKO COUNTY)

IN THE KOSCIUSKO CIRCUIT COURT
1989 TERM

DONALD ORBAUGH AND
GEORGIA ORBAUGH,
husband and wife, and
SUSAN KELLOGG,

CAUSE NUMBER 43C01-8804-MI-250

Plaintiff



FILED
IN OPEN COURT
JUN 13 1989

v.

ROBERT W. HUTNER, RONALD A.
WEAVER, ASURCO, INC., FRANK
X. GARTLAND, RICHARD L.
MARESH, STEPHEN R. SNYDER,
MARCELLA SCHEELE, MICHAEL C.
DAHM, JOHN R. WYGANT, DOROTHY
M. WYGANT, CHARLES BROWER, in
his capacity as Kosciusko
County Surveyor,
Defendants

APR 23 1991

Janne T. [Signature]
CLERK KOSCIUSKO CIRCUIT COURT

ORDER GRANTING SUMMARY JUDGMENT

This cause came on to be heard upon argument on May 19, 1989, and taken under advisement. The Court having now considered the motions of the parties and having considered the pleadings in the action, the affidavits filed herein, the briefs and arguments of counsel and being fully and completely advised in the premises, the Court NOW FINDS and concludes that there are no genuine issues of fact to be submitted to the Court, and the Court has further concluded that the motion for summary judgment filed by Defendant, Robert W. Hutner, should be denied and that the motion for partial summary judgment filed by Plaintiffs should be granted and that Plaintiffs are entitled to a judgment as a matter of law as to all issues and as to all defendants.

The Court FURTHER FINDS that, while Plaintiffs' motion was for a partial summary judgment, the granting of said motion is determinative of all issues in this case and renders moot the question of the 1988 survey and its status. As such, the granting of the partial summary judgment herein is dispositive

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of all issues and constitutes a disposition of all issues and claims in this case, and final judgment should be entered thereon.

IT IS THEREFORE ORDERED that the motion for summary judgment filed by Defendant, Robert W. Hutner, is in all respects denied.

IT IS FURTHER ORDERED that Plaintiffs' motion for partial summary judgment is in all respects granted.

IT IS FURTHER ORDERED AND ADJUDGED that judgment be, and is hereby entered, for Plaintiffs and against all the Defendants, as follows:

(a) That the document recorded in the Office of the Kosciusko County Recorder at Legal Survey Book #3, page 302 and 303 and dated December 4, 1937, is a valid legal survey of the matters depicted therein.

(b) That the documents recorded in the Office of the Surveyor of Kosciusko County, Indiana, at Legal Survey Book #3, page 321 and recorded April 27, 1942, is a valid legal survey of the items depicted therein.

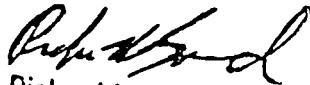
(c) That the survey performed by Ronald A. Weaver and/or Asurco Inc. dated February 3, 1988, and filed with the Surveyor of Kosciusko County, Indiana, is not a valid legal survey.

IT IS FURTHER ORDERED AND ADJUDGED that in the event this order is considered in any fashion a judgment upon less than all the issues, then it is expressly directed that judgment be entered as to the matters ordered herein and that there is no just reason for delay in entry of such judgment.

IT IS FURTHER ORDERED that the costs of this action be taxed to the Defendants.

DATED JUN 13 1989, 1989.

1516h
RICHARD KEMPER
Kosciusko County Surveyor
Room 25 First Floor
Courthouse
Warsaw, IN 46580


Richard W. Sand, Judge
Kosciusko Circuit Court

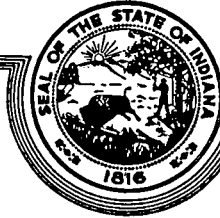
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RECEIVED APR 23 1990

STATE OF INDIANA

CLERK OF THE SUPREME COURT,
COURT OF APPEALS AND TAX COURT

DANIEL ROCK HEISER, CLERK
217 STATE HOUSE



INDIANAPOLIS, 46204

TELEPHONE 317-232-1930

K

RICHARD KEITH HELM
105 E. MAIN ST.
WARSAW IN 46580-0000

Cause Number

43A03-8906-CV-00270
LOWER CAUSE
43C018804MI250

HUTNER, ROBERT W. VS. ORBAUGH, DONALD AND GEORGIA, ETAL

You are hereby notified that the

SUPREME COURT

has on this day

12/13/90

APPELLANT'S PETITION FOR TRANSFER IS HEREBY DENIED. RANDALL T. SHEPARD, CHIEF JUSTICE
ALL JUSTICES CONCUR.

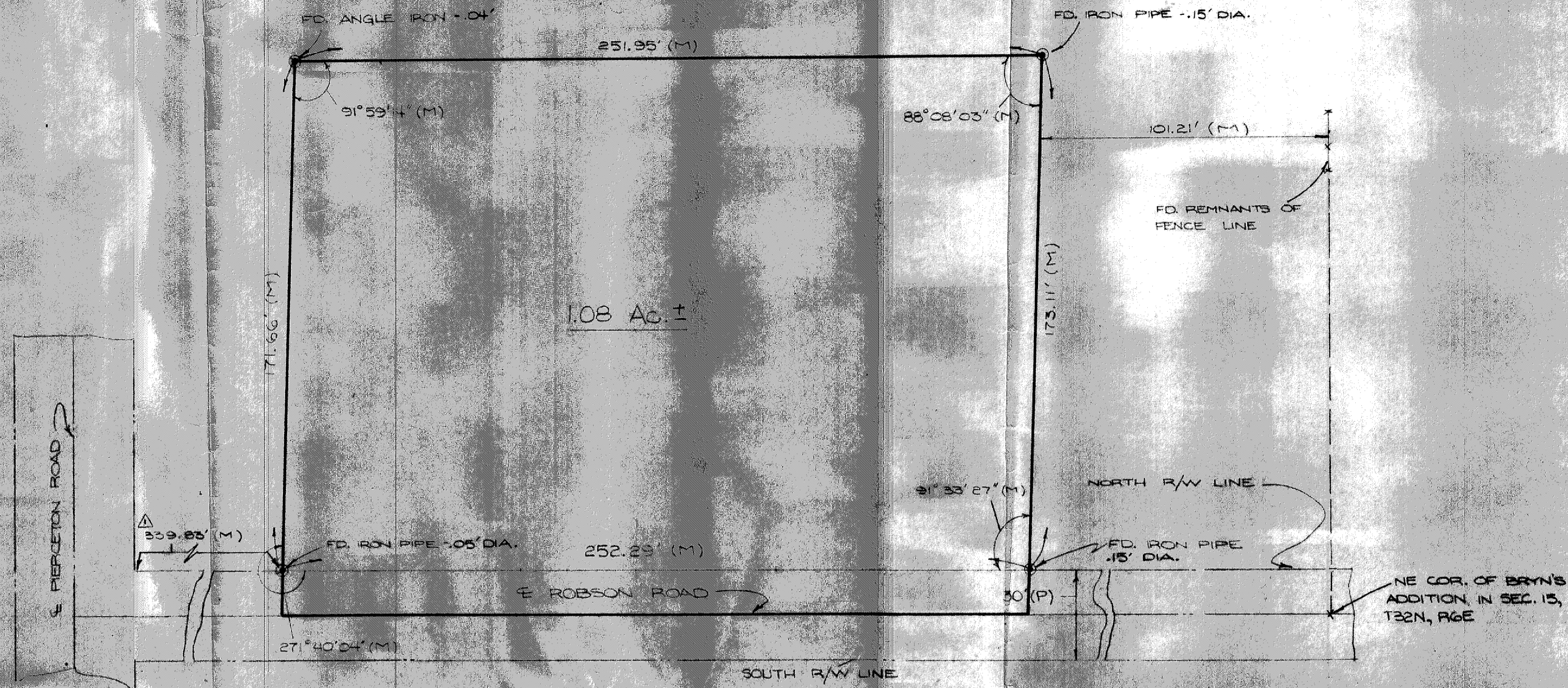
RICHARD KEMPER
Kosciusko County Surveyor
Room 25 First Floor
Courthouse
Warsaw, IN 46580

RECEIVED APR 23 1991

WITNESS my name and the seal of said Court,

this day of
13TH DECEMBER, 1990

Clerk Supreme Court, Court of Appeals and Tax Court



BEGINNING AT THE NORTHEAST CORNER OF BRYN'S ADDITION IN SECTION 15, TOWNSHIP 32 NORTH, RANGE 6 EAST, ADJACENT TO WINONA LAKE, AND RUNNING THENCE NORTH 186 AND 94/100 FEET TO A POST; THENCE WEST 349 AND 47/100 FEET; THENCE SOUTH 186 AND 94/100 FEET TO THE NORTH LINE OF SAID ADDITION; THENCE EAST 349 AND 47/100 FEET TO THE PLACE OF BEGINNING, CONTAINING 1-1/2 ACRES MORE OR LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: BEGINNING AT THE NORTHEAST CORNER OF BRYN'S ADDITION IN SECTION 15, TOWNSHIP 32 NORTH, RANGE 7 EAST, ADJACENT TO WINONA LAKE, AND RUNNING THENCE NORTH 186.94 FEET TO A POST; THENCE WEST 100 FEET; THENCE SOUTH 186.94 FEET TO THE NORTH LINE OF SAID BRYN'S ADDITION; AND THENCE EAST 100 FEET TO THE PLACE OF BEGINNING, CONTAINING .4 OF AN ACRE, MORE OR LESS.

WINONA LAKE, WAYNE TWP.
KOSCIUSKO COUNTY, INDIANA

County of Kosciusko) SS:
State of Indiana)

I hereby certify that I have surveyed the above tract of land and that this plat is a correct representation of same.

Russell C. Eck

Russell C. Eck, Indiana Reg. L.S. 9930

BOOK	SYMBOL	REVISIONS	BY	DATE
PAGE	Δ	DISTANCE REVISION	BSS	11-8-77
CONTROL NO.				
DESIGN				
DRAWN BSS				
CHK'D BY				
SCALE 1" = 30'		DATE 12-2-76	JOB NO. W76-112	SHEET 1 OF 1

Roger and Sandra Schoenhals
503 Robson Road
Winona Lake, Indiana 46590

PLAT OF LEGAL SURVEY

Russell C. Eck & Associates
Professional Engineering

Bremen, Indiana

Mishawaka, Ind.

Section

15

Town

32

North of Range

6

East

ROGER
503
WINONA

Roger and Sandra Schoenhals
503 Robson Rd
Winona Lake Indiana 46590

October 7, 1976

Mr. Raymond Knight
1501 Kings Highway
Winona Lake, In. 46590

Dear Mr. Knight,

Re: Proposed land survey of G.
Roger Schoenhal's property at
503 Robson Road, Winona Lake,
Indiana 46590

The above party has retained our firm to conduct a legal survey according to IC 17-3-63-3 (copy enclosed) in order that the existing questions concerning their boundary lines might be resolved. This letter is to provide you official notice of that survey as required by law. There is no cost to you anticipated for this work. We expect to begin work no earlier than 20 days after receipt by you of this letter. A copy of the land description of record for the property being surveyed and a copy of the Auditor's plat of the area are also enclosed with this notice.

After completion of the survey, we will present a certified plat of this survey to the Kosciusko County Surveyor for entry in the legal survey record book together with this notice and record of receipt thereof. You should receive notice from the County Surveyor of such recordation within ten (10) days after our filing.

Please feel free to contact our office if you have any questions concerning this letter or the proposed survey. We are particularly interested in receiving from you information you may have relating to the location of the property lines in question.

Very truly yours,

Russell C. Eck, L.S.
Registered Land Surveyor No. 9930
State of Indiana

RCE/bss

Encl: Copy of law, copy of land description
Copy of Auditor's plat of area in question
certified mail - return receipt requested

W 76-112

February 11, 1977

Brethern Home Missions Council, Inc.
Attn: Ralph C. Hall
1401 Kings Highway
Winona Lake, Indiana 46590

Dear Mr. Hall,

Re: Legal survey of Roger Schoenhals
property at 503 Robson Road
Winona Lake, Indiana 46590

Our firm has completed a legal survey according to IC 17-3-63-3 as per our notice to you dated October 7, 1976.

We have presented to the Kosciusko County Surveyor for entry in the legal survey record book a plat of legal survey dated December 12, 1976 together with proof of notice of legal survey to adjoining landowners.

Please feel free to contact us if you have any questions concerning this notice or the plat of legal survey which is available for inspection in the Kosciusko County Surveyor's office. (copy enclosed).

Very truly yours,

Russell C. Eck, L.S.
Registered Land Surveyor No. 9990
State of Indiana

RCE/ain

Encl: Plat of survey

Section

Town

North of Range

East

16

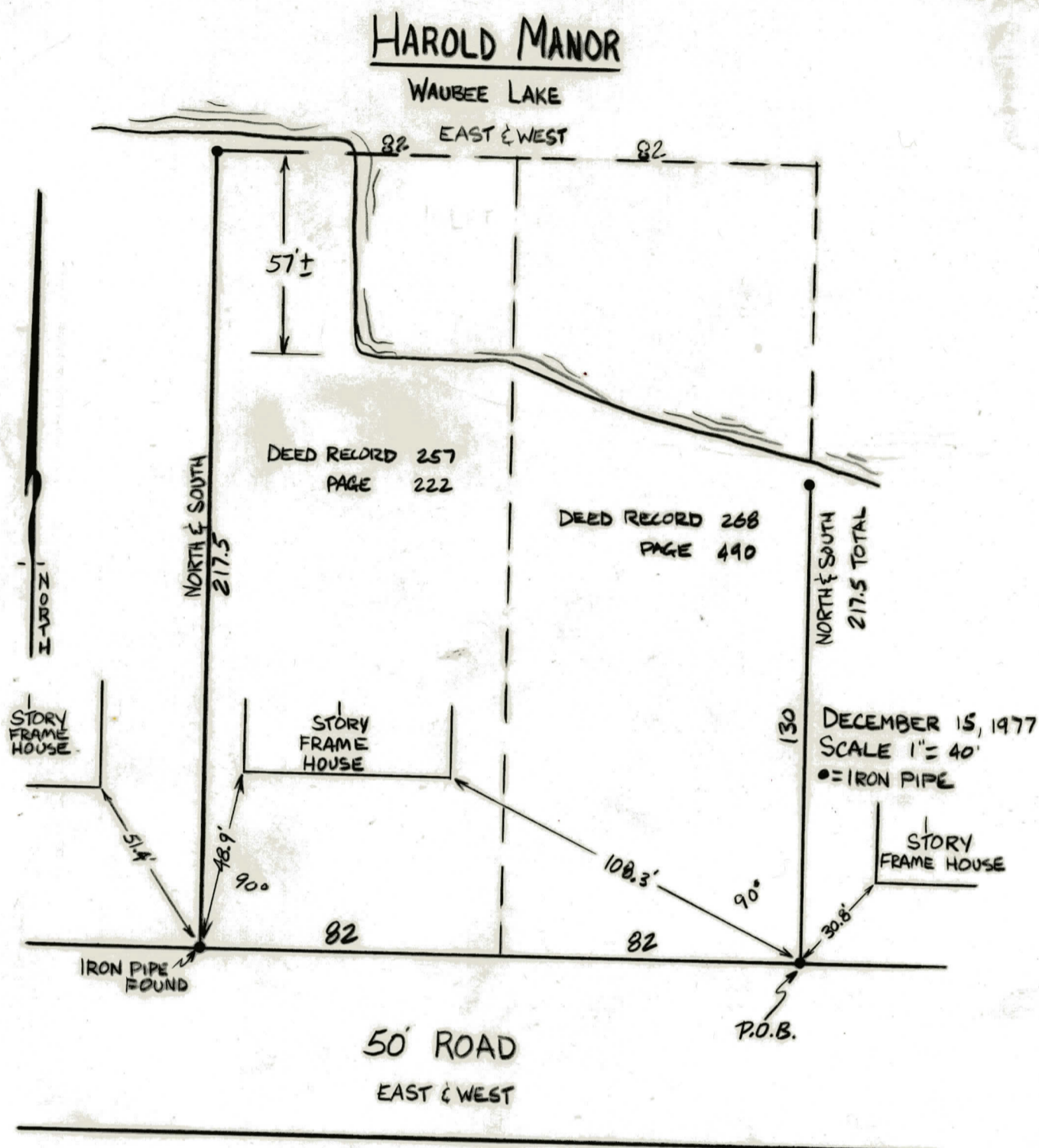
34 N

7

HAROLD B. MANOR P.O. BOX 491 MILFORD, IND.

SURVEYED DEC. 13, 1977

ENTERED DEC. 14, 1977



DESCRIPTION

A TRACT IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 34 NORTH, RANGE 6 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16 AND RUNNING THENCE EAST 1534.5 FEET ON THE SOUTH LINE OF SAID SECTION TO AN IRON PIPE; THENCE NORTH 607.5 FEET TO A POINT; THENCE WEST 225 FEET TO A POINT FOR A PLACE OF BEGINNING; THENCE WEST 164 FEET TO AN IRON PIPE; THENCE NORTH 217.5 FEET TO AN IRON PIPE; THENCE EAST 164 FEET TO A POINT; THENCE SOUTH 217.5 FEET TO THE PLACE OF BEGINNING.

I THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA HEREBY CERTIFY THAT I HAVE MADE A TRUE AND ACCURATE SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND.



Charles M. Brower
CHARLES M. BROWER
REG. LAND SURVEYOR LIC. NO. # 12065

RK

NOTICE OF SURVEY

State of Indiana, Kosciusko, County, ss:

To Ezra Beer and Luella Beer, Rural Route 1, Milford, Indiana;

Ross Martin and Luella Martin, Rural Route 2, Milford, Indiana; and

Chester Fowler, Rural Route 2, Milford, Indiana.

You are hereby notified that I, the undersigned, have employed Charles M. Brower
Surveyor for Kosciusko County, Indiana, to divide and set apart my land situated in Section 16
Town 34 north, and range 6 east, Kosciusko County, Indiana.

The survey will commence on the 9 day of DECEMBER 1977, and
if inclement weather or any other reason prevents the survey taking place on said date, said survey
will stand continued from day to day until finished.

Your land being affected by said survey, you will take notice and meet on said date at

Signed

Lloyd A. Miller
Lloyd A. Miller

State of Indiana, Kosciusko County, ss:

I, the undersigned, swear that I gave to the above named parties the above notice.

Charles M. Brower

Subscribed and sworn to before me, the 17 day of November 1977.

Helen B. Dainwright

Notary Public

My Comm. expires: March 9, 1980

RECORD OF SURVEYS

Section

17

Town

32

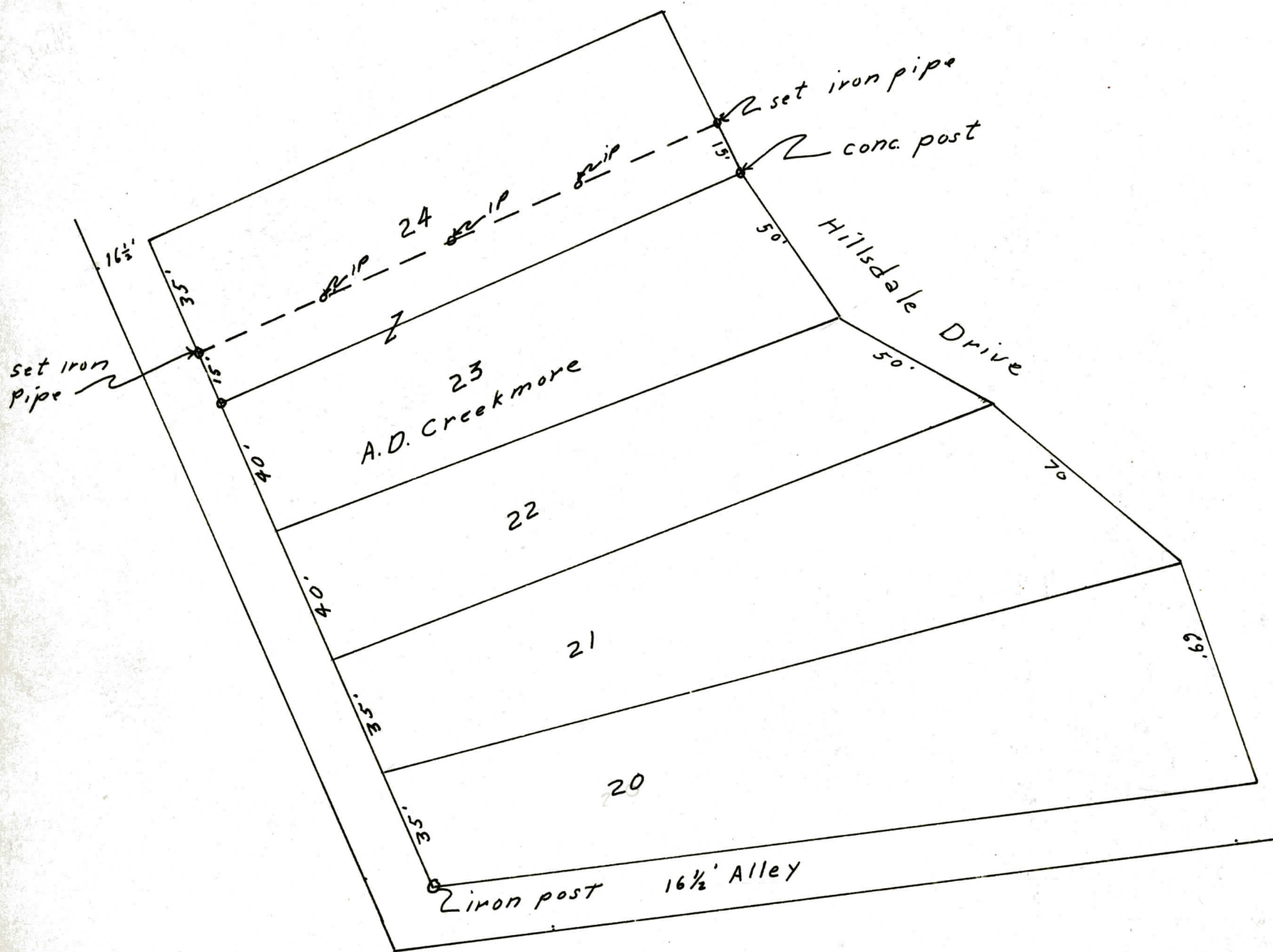
North of Range

6

East

A legal survey was made on lot 23 and the south 15 feet of lot 24 of Beyers South Park Addition to Winona, in Kos. County Ind. on the 5th day of June, 1961 at 9:00 AM. All parties concerned were notified. The survey was made to reestablish the north line of the A.D. Creekmore property.

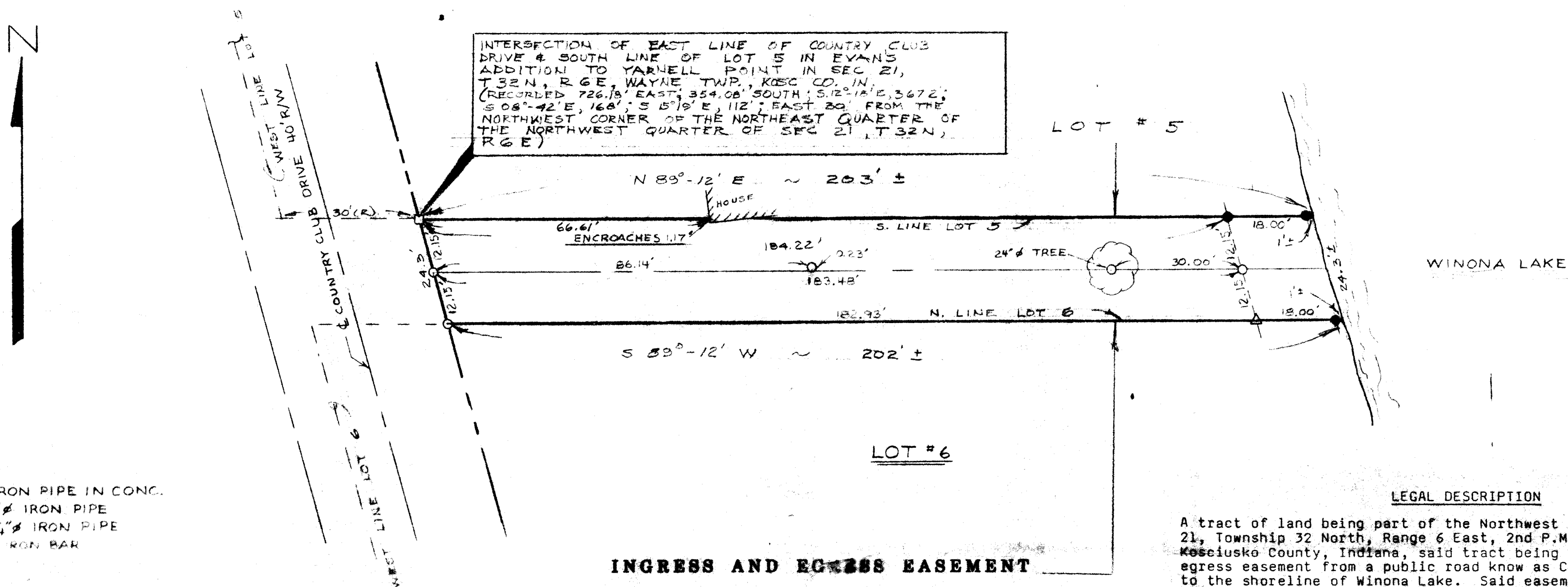
Beyers South Park Add.



Scale 1" = 40'
C.B. & N.

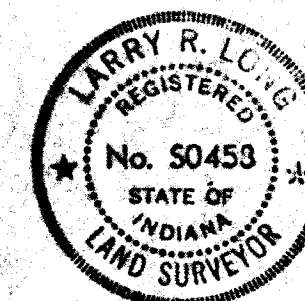
Charles M. Brower
Kosciusko County Surveyor

EVANS' ADDITION TO YARNELL POINT



I HEREBY CERTIFY THAT THE TRACT OF LAND SHOWN ABOVE WAS SURVEYED UNDER MY DIRECT SUPERVISION FOLLOWING GENERALLY ACCEPTED STANDARDS AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION THEREOF.

Larry R. Long
 Larry R. Long,
 Registered Land Surveyor



LARRY R. LONG AND ASSOCIATES, INC. CONSULTING ENGINEERS 611 South Buffalo Street, Warsaw, Indiana 46580 Telephone (219) 258-4333	PLAT OF SURVEY OF EASEMENT IN EVANS' ADDITION TO YARNELL POINT		
	SCALE: 1" = 20'	DATE: 7-31-07	PROJECT NO. 207-163

Section Town North of Range East

21 32 N 6 E 2ND. P.M.

(EASEMENT)
EVANS ADDITION TO VARNELL POINT, LOCATION OF THE SOUTH LINE OF LOT #5 - THE NORTH LINE OF LOT #6
(LARRY LONG SURVEY)

NOTICE OF FILING OF LEGAL SURVEY
MR. & MRS. STEPHEN HECKMAN
MR. & MRS. JACK FELGER
MR. & MRS. CHARLES WELKER
NITA OPPENHEIM
MR. & MRS. ROLAND SNIDER
MR. & MRS. THOMAS LEMON
MR. & MRS. JOHN WHITE
MR. & MRS. CHESTER BARTOL
MR. & MRS. DONALD FARR
RON & GAIL ADAMS
MR. & MRS. WILLIAM WHITINGER
MR. & MRS. JOHN KESSBERGER
MR. & MRS. ROGER CROUSE
CHARLES HEIM
MR. & MRS. MICHAEL NAISH

NOTICE OF A LEGAL SURVEY (CERTIFIED MAIL)

MR. & MRS. STEPHEN HECKMAN: 1532 COUNTRY CLUB DR., WARSAW, IN
MR. & MRS. ~~SEE~~ JACK FELGER: 1526 COUNTRY CLUB DR., WARSAW, IN
MR. & MRS. CHARLES WELKER: 1401 COUNTRY CLUB DR., WARSAW, IN
NITA OPPENHEIM: P.O. Box 16, WARSAW, IN
MR. & MRS. ROLAND SNIDER: 1539 COUNTRY CLUB DR., WARSAW, IN
MR. & MRS. THOMAS LEMON: 1548 COUNTRY CLUB DR., WARSAW, IN

WAIVER OF NOTICE

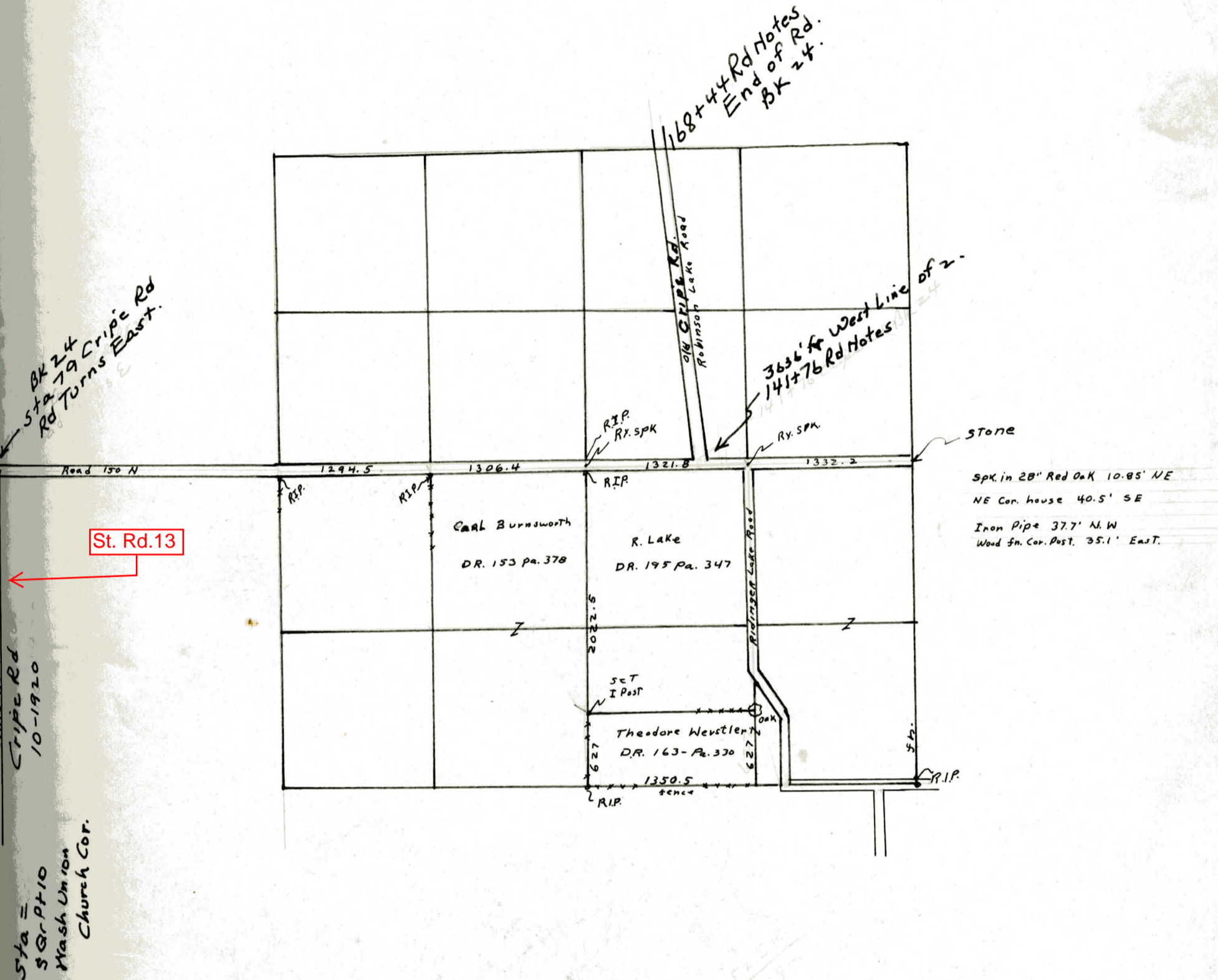
JOHN & DONNA WHITE CHARLES J. HEIM
ROGER & MARY JANE CROUSE MICHAEL & JUNE NAISH
CHESTER & SHIRLEY BARTOL
DONALD & LINDA FARR
RONALD & GAIL ADAMS
WILLIAM & DIANA WHITINGER
JOHN & ROSEMARY KESSBERGER

ENTERED: 10/24/87
2:30 P.M.

Surveyed Nov. 21, 1963
Charles M. Brower Co. Surveyor
James Baker Reg. Land Surveyor
Jimmie Hill Chainman

To run line between Burnsworth and Lake also Line between Lake and Hewstler. All parties agreed on existing fence corners and distances as shown below.
Located stone at E 1/4 post, set Ry. spike at intersection of Robinson Lake Road and Road 150 N, set Ry. spike at Center of section

Note (legal survey ran in 1907, Book 3 page 31) distances with existing fences would not check.



All Parties were notified and were present

Charles M. Brower
KOSCIUSKO COUNTY SURVEYOR

Section

 \mathcal{P}_3

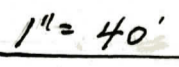
Town

32

North of Range

6

East



In Red FB "Legal Surveys."

State of Indiana
Kosciusko County ss-

Notice of Survey to
Establish & perpetuate
Corners.

To Gladys E. Sausaman
RA1 Claypool - Ind.

Carl Raymond Sponseller
RR3 Warsaw - Ind.

Dorothy Jean Sponseller
RR3 Warsaw - Ind.

you & each of you are hereby notified that the undersigned, Carl J. Bolinger & Bernice E. Bolinger, husband and wife, desire to establish and perpetuate the northeast corner and the northwest corner of the following described real estate located in Kosciusko County, Indiana, To-wit:

Beq. at the point where the North Line of the Warsaw-Pierceton Road intersects the east line of the SW¹ NW¹ of 23-32-6 and thence as follows-

Greetings —

North along the east line of sd SW¹ 180 feet -
Th W 121 feet - Th S to the north line of said highway, thence easterly on the north line of said highway to the place of beginning.

The undersigned further desire to establish and perpetuate the SE Cor. and the S-W Corner of the following tract also situated in said County & State, To-wit:

Com. at the SE Cor. SW¹ NW¹ of 23-32-6 and running th N. 40 Rods; th. W 18 Rods; Th S 40 Rods; Th E. 18 Rods to the p.o.b.

you are each further notified that pursuant to the statutes, (Burns Sec. 49-3311) Mr. Chas. Brower, the duly elected, qualified & acting Surveyor of said County, will proceed to make the required surveys and location commencing at 10 AM on Wednesday August 31, 1966.

Dated this 18th day of August, 1966.

Carl J. Bolinger

Bernice E. Bolinger

The survey was made at the stated time by Mr. Brower et al and a plat of the ground is to be found on Page 20 Ibid.

Certified Correct By

Charles M. Brower C.S.
R.L.S. 12065

Geo. A. Rye

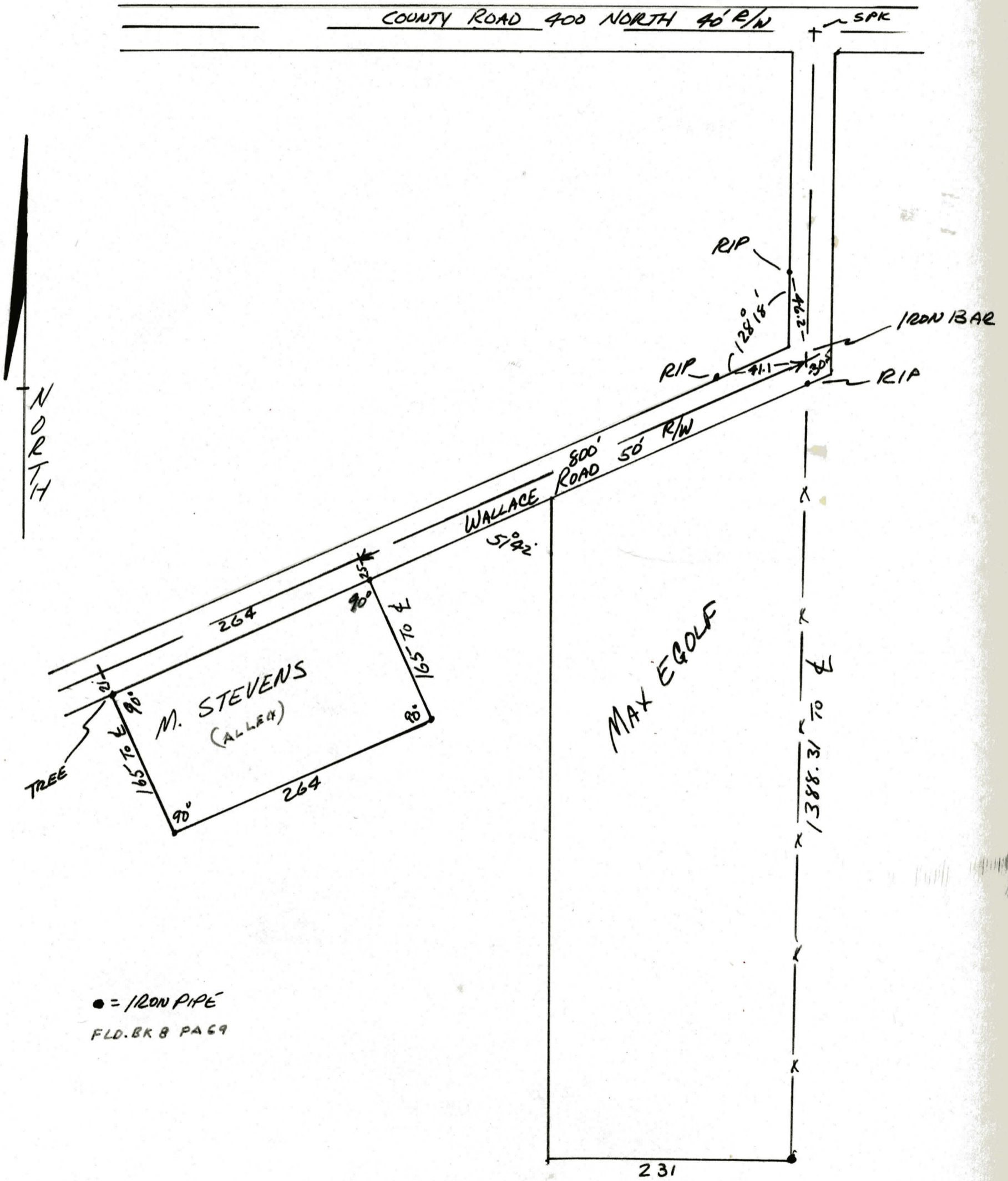
Scribe 8-31-66.

RECORD OF SURVEYS

A. E. BOYCE CO., MUNCIE, IND. 33003

Section **28** Town North of Range **33** East **5**

NOTICE OF SURVEY TO TAGGET ALLEN + EMERSON POORT - BOTH APPEARED AT SURVEY 10:00 A.M. JUNE 6, 1975.



Charles M. Brower
 ROSCINCO COUNTY SURVEYOR
 REG. LAND SURVEYOR 12065

NOTICE OF SURVEY

State of Indiana, Kosciusko, County, ss:

To TAGGET ALLEN
R#4 Box 196
Warsaw, Ind. 46580

You are hereby notified that I, the undersigned, have employed CHARLES M. BROWER
Surveyor for Kosciusko County, Indiana, to divide and set apart my land situated in Section 28
Town 33 north, and range 5 east, Kosciusko County, Indiana.

The survey will commence on the 6th day of June 19 75, and
if inclement weather or any other reason prevents the survey taking place on said date, said survey
will stand continued from day to day until finished.

Your land being affected by said survey, you will take notice and meet on said date at
10:00 AM.

Signed Emerson L. Poort

State of Indiana, Kosciusko County, ss:

I, the undersigned, swear that I gave to the above named parties the above notice.

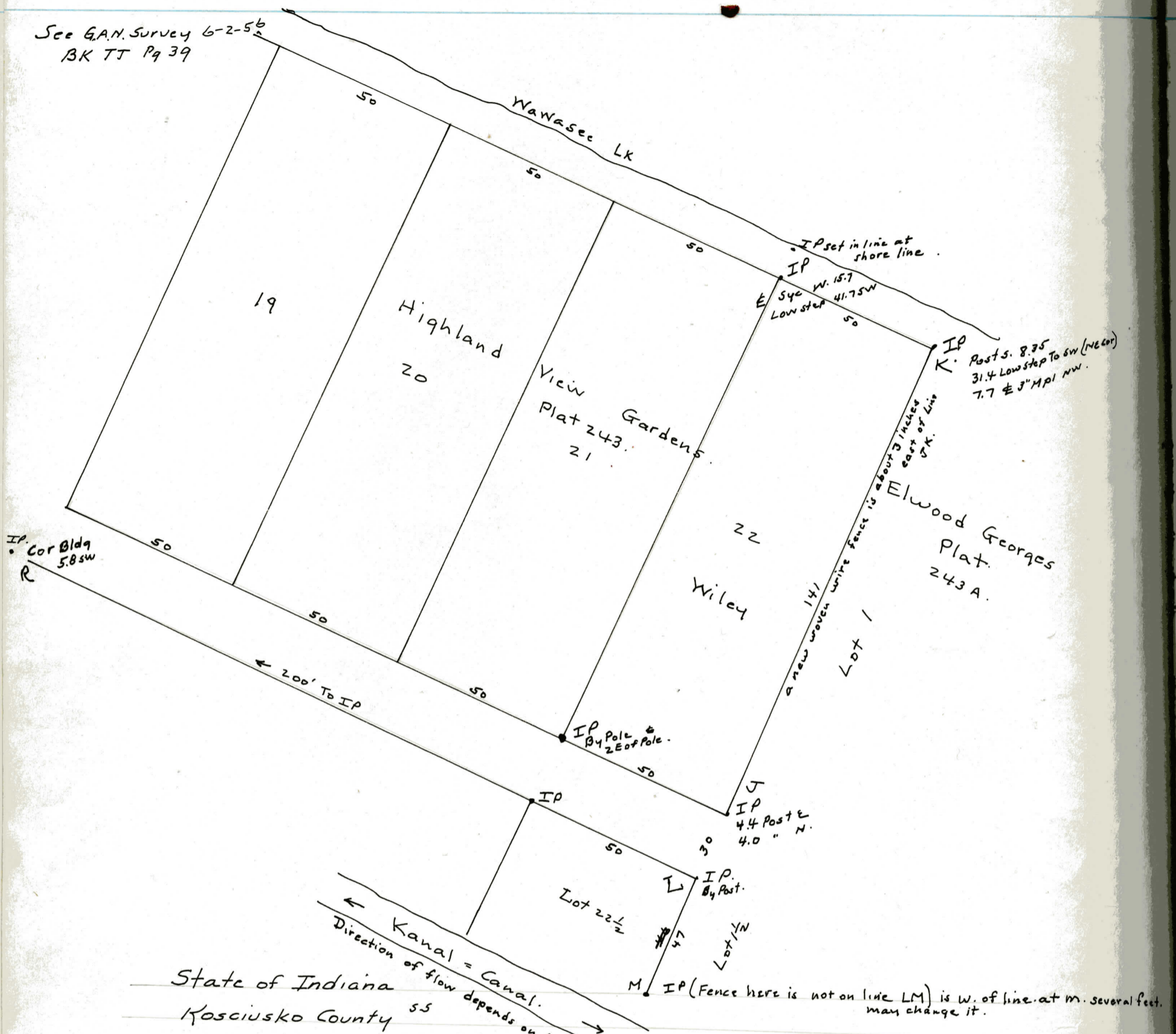
Emerson L. Poort

Subscribed and sworn to before me, the 28th day of April 19 75.

Lotha G. Spangle

My commission expires 8-17-75

To resurvey line JK.

See G.A.N. Survey 6-2-56
BK TT P 39State of Indiana
Kosciusko County

To Joseph

Morganthaler Syracuse, Ind.

You are hereby notified that I have employed Chas. M. Brower, County Surveyor of said county, to survey Lot 22 of Highland View Gardens on Wawasee Lake said County & State.

The survey will be made Monday, July 9, 1962 beginning at 10 A.M.

Your lot 1 being affected by said survey you will take notice and meet on said date at 10 A.M. on said premises.

Robert Wiley.

I hereby certify that the survey of said Lot 22 was made as-planned and findings were as above shown. Old pipes found at front corners & on R.D.

Chas. M. Brower
Chas. M. Brower, C.S.

GEO. A. RYAN

DRAWN BY: MAX MEISER

DRAWN BY: MAX MEISER

LEGAL SURVEY

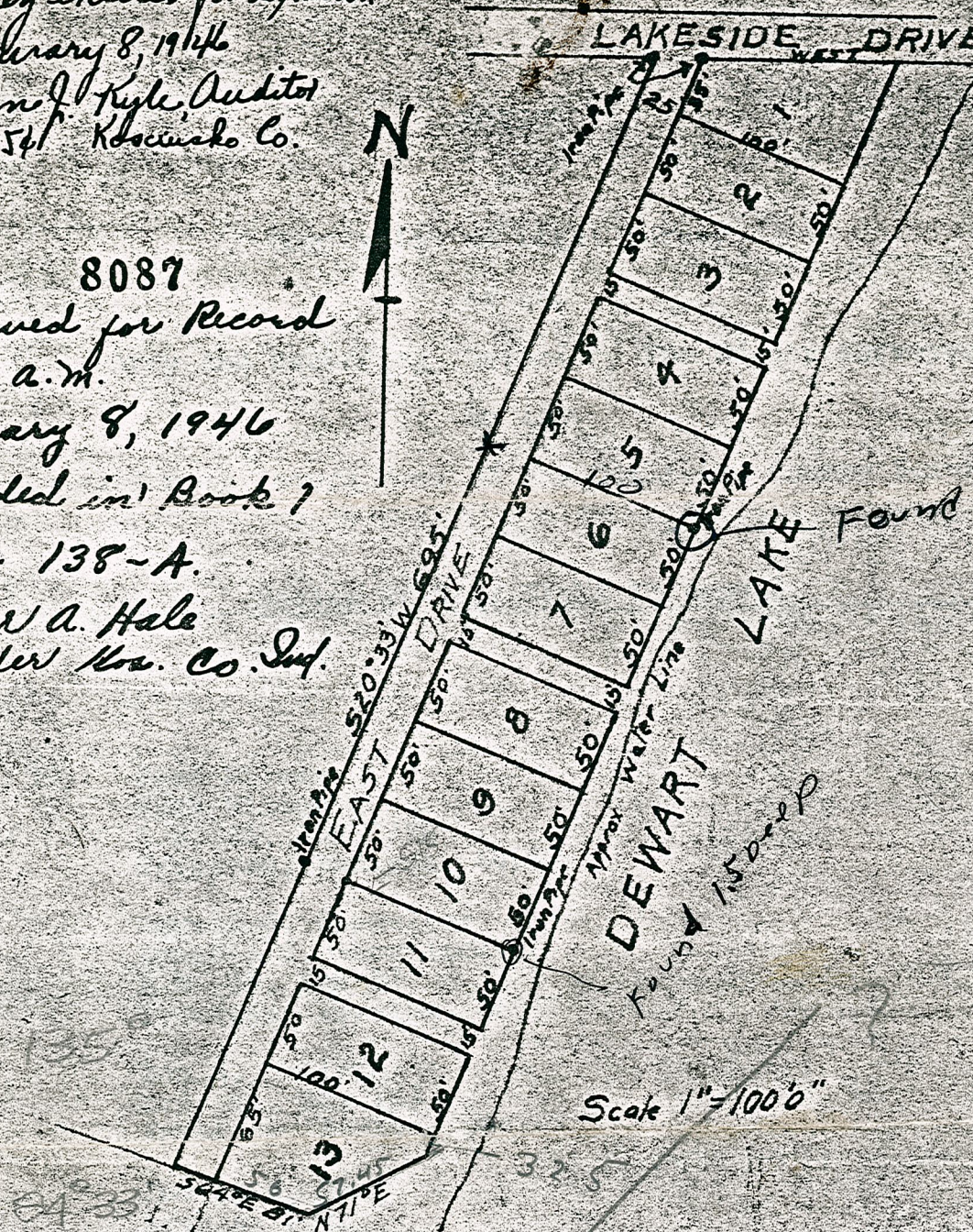
Exhibit "E"

LOTS 11, 12, & 13 REDMON'S 2ND ADD TO REDMON PARK
LOTS 14 & 15 REDMON'S 3RD ADD TO REDMON PARK

Duly entered for taxation
 January 8, 1946
 Helen J. Kyle, Auditor
 File 6541 Kosciusko Co.

PAGE 138
 JAN. 8, 1946

8087
 Received for Record
 10:00 a.m.
 January 8, 1946
 Recorded in Book ?
 Page 138-A.
 Palmer A. Hale
 Recorder Kos. Co. Ind.



REDMON'S SECOND ADDITION TO REDMON PARK, KOSCIUSKO COUNTY, INDIANA is situated in the Northwest quarter of section twenty-five (25), township thirty-four (34) north, range six (6) east, of the Second Principal Meridian, located on the western shore of Dewart Lake, and is described as follows; to-wit, Beginning at an iron pipe on the south line of Lakeside Drive of Redmon's First Addition to Redmon Park, said point being five-hundred-seventeen (517) feet east of and twenty-two-hundred-eleven (2211) north of the southwest corner of said northwest quarter of section twenty-five, and running thence S 20° 33' W six-hundred-ninety-five (695) feet to a point on the north line of a tract of land conveyed by George Tom to Vanton O. Foulk, Trustee, and recorded June 26, 1899 in Deed Book 83 at page 159; thence S 64° E along said line eighty-one (81) feet to a point; thence N 71° E along said north line to the meander line of Dewart Lake; thence northward along the meander line of said Dewart Lake to a point on the south line of said Lakeside Drive extended; thence West along said south line to place of beginning, said tract contains six and seventeen-hundredths (6.17) acres, more or less.

This addition consists of thirteen lots numbered from one to thirteen inclusive: lots one and thirteen are irregular: lots two to twelve inclusive are each fifty (50) feet wide and one-hundred (100) feet long: lake approaches between lots three and four, seven and eight, and eleven and twelve are each fifteen (15) feet wide. The area between the lake and the lots is common ground for the use of the owners of these lots or future lots that may be laid out west of this addition, however this area between the lake and this addition is not to be subdivided into lots.

State of Indiana: SS
 County of Miami:

We hereby certify that we are the legal owners of the above described tract of land and that we did cause the above described plat to be executed and we do approve the platting, this fifth day of October, 1945.

Marion L. Redmon
 Marion L. Redmon
 Dottie Redmon
 Dottie Redmon
 Willard L. Redmon
 Helen C. Redmon

NOTICE

of

LEGAL SURVEY

TO: Fred Wilcox
Ruth Wilcox
R.R. #1, Box 275H
Syracuse, Indiana 46567

Lowell G. Showalter
Cynthia S. Showalter
R.R. #5, Box 37
Syracuse, Indiana 46567

Tom G. McClain
R.R. #1, Box 185
Syracuse, Indiana 46567

Donald H. Beer
Ruth A. Beer
R.R. #1, Box 235A
Milford, Indiana 46542

Robert J. Dangler
Catherine K. Dangler
1212 Leland Avenue
Indianapolis, Indiana 46219

1. Under and pursuant to the provisions of the Indiana Code, Volume 3, Title 17, 17-3-63-1 through 17-3-63-5, and 17-3-58-5, also found in Burns Indiana Statutes Annotated, Title 17, 17-3-63-1 through 17-3-63-5, and 17-3-58-5, you and each of you are hereby NOTIFIED that Robert J. Dangler and Catherine K. Dangler, the record owners of Lots 15 and 19 in the "Third Addition To Redmon Park", have procured and employed the undersigned, Charles Brower, a Land Surveyor licensed in the State of Indiana, and who also is the duly elected, qualified, and acting Surveyor of Kosciusko County, Indiana.

2. That the undersigned, Charles Brower, has been so procured and employed to make a Legal Survey, and each of you are so NOTIFIED, that he will make a Legal Survey:

- (a) Of part of the "Second Addition To Redmon Park" and also a part of the "Third Addition To Redmon Park";
- (b) And, more particularly involving Lots 11, 12, and 13 and the "Lake Approach" between Lots 11 and 12 in the "Second Addition To Redmon Park", so as to show and properly mark, and thereupon monument by durable material with letters and figures, so as to show, mark, and establish [1] that part of the lines of "East Drive" in front of and to the immediate west of Lots 11, 12 and 13, [2] as well as the lines and the four (4) corners of Lots 11 and 12; [3] as well as the lines and five (5) corners of Lot 13; [4] as well as the lines and four (4) corners of the Lake Approach, which is 15 feet wide and 100 feet long between Lots 11 and 12 in the "Second Addition To Redmon Park", the north line of said Lake Approach being one and the same as the south line of said Lot 11, the south line of said Lake Approach being one and the same as the north line of Lot 12; the northeast and northwest corners of said Lake Approach being one and the same as the southeast and southwest corners respectively of said Lot 11, and the southeast and southwest corners of said Lake Approach being one and the same as the northeast and northwest corners respectively of said Lot 12; [5] as well as the southeast corner of said "Second Addition To Redmon

Park" intersecting at the "meander line of Dewart Lake, that is, that point specifically mentioned in the Plat of said "Second Addition To Redmon Park", to-wit: "thence N 71° E along said north line to the meander line of Dewart Lake";

- (c) And, more particularly involving a tract of ground in Kosciusko County, Indiana, and described in a certain Warranty Deed dated November 20, 1973 and recorded January 31, 1974 in Deed Record Book 250, Page 214 in the Office of the Recorder of Kosciusko County, Indiana, which tract of ground in Kosciusko County, Indiana is more particularly described as follows, to-wit:

Commencing at the West Quarter Post of Section 25, Township 34 North, Range 6 East; thence North along the centerline of County Road 300 East and the West line of the Northwest Quarter of said Section 25, 1661.8 feet to a P.K. nail; thence South 64 degrees East 372.24 feet to an iron pipe; thence North 71 degrees East 5.6 feet to a point for a true point of beginning; thence North 71 degrees East 112.5 feet more or less to the low water mark of Dewart Lake; thence Southwesterly along said low water mark 80 feet more or less to a point on the extension of the South line of Lot 13 in Redmon's Second Addition to Redmon Park; thence Northwesterly along the extension of said South line 89 feet more or less to the point of beginning.

- (d) And, more particularly involving Lots 14 and 15 in the "Third Addition To Redmon Park", so as to show and properly mark, and thereupon monument by durable material with letters and figures, so as to show, mark, and establish that part of the lines of "East Drive" in front of and to the immediate east of Lots 14 and 15 as well as the lines and four corners of Lot 15, and the northeast and southeast corners of Lot 14 in the "Third Addition To Redmon Park";
- (e) That said established lines and corners will be referenced and tied to corners shown in the Corner Record Books in the Office of the County

Surveyor, and/or to lines and corners shown on and in the Recorded Plats of the "1st", "2nd", and "3rd" Additions To Redmon Park, which Plats are recorded in the Office of the Recorder of Kosciusko County, Indiana.

3. That the undersigned, as the Land Surveyor herein, will make said Legal Survey, commencing at 9:30: o'clock ^AP.M. (EST) on MONDAY, JULY 14, 1980, and will continue such Legal Survey until completed.

4. That the undersigned, as the Land Surveyor herein, will present to the County Surveyor and/or to the Office of the County Surveyor of Kosciusko County, Indiana, for entry in the Legal Survey Record Book, a plat of such Legal Survey, together with proof of notice to the adjoining landowners; such Notice shall be given by the undersigned Land Surveyor to adjoining landowners by Certified Mail within ten (10) days after the filing of said Legal Survey.

5. That the lines and corners, as so located and established by said Legal Survey, shall be binding upon all landowners affected, their heirs and assigns, unless an appeal is taken as provided for by I.R.S. 1852, ch. 103, Section 8 [17-3-58-5], as amended; the right to appeal shall commence when the plat of the Legal Survey is recorded by the County Surveyor in the Legal Survey Record Book.

Dated this ____ day of May, 1980.

Robert J. Dangler
Robert J. Dangler

Catherine K. Dangler
Catherine K. Dangler

Charles M. Brower
Charles Brower, Land Surveyor

NOTICE
of
Completion of Legal Survey
of the
Entry And Recording Thereof by The County Surveyor
in the
Legal Survey Record Book Of The Kosciusko County Surveyor
and
Notice Of Your Right To Appeal

TO: Fred Wilcox
Ruth Wilcox
R.R. #1, Box 275H
Syracuse, Indiana 46567

Lowell G. Showalter
Cynthia S. Showalter
R.R. #5, Box 37
Syracuse, Indiana 46567

Tom G. McClain
R.R. #1, Box 185
Syracuse, Indiana 46567

Donald H. Beer
Ruth A. Beer
R.R. #1, Box 235A
Milford, Indiana 46542

Robert J. Dangler
Catherine K. Dangler
1212 Leland Avenue
Indianapolis, Indiana 46219

1. Under and pursuant to the provisions of the Indiana Code, Volume 3, Title 17, 17-3-63-1 through 17-3-63-5, and 17-3-58-5, also found in Burns Indiana Statutes Annotated, Title 17, 17-3-63-1 through 17-3-63-5, and 17-3-58-5, you and each of you were NOTIFIED that Robert J. Dangler and Catherine K. Dangler, the record owners of Lots 15 and 19 in the "Third Addition To Redmon Park", had procured and employed Charles Brower, a Land Surveyor licensed in the State of Indiana, and who also is the duly elected, qualified, and acting Surveyor of Kosciusko County, Indiana.

2. You were further NOTIFIED that said Licensed Land Surveyor, Charles Brower, had been so procured and employed to make a Legal Survey, and that he would make a Legal Survey:

- (a) Of part of the "Second Addition To Redmon Park" and also a part of the "Third Addition To Redmon Park";
- (b) And, more particularly involving Lots 11, 12, and 13 and the "Lake Approach" between Lots 11 and 12 in the "Second Addition To Redmon Park", so as to show and properly mark, and thereupon monument by durable material with letters and figures, so as to show, mark, and establish [1] that part of the lines of "East Drive" in front of and to the immediate west of Lots 11, 12 and 13, [2] as well as the lines and the four (4) corners of Lots 11 and 12; [3] as well as the lines and five (5) corners of Lot 13; [4] as well as the lines and four (4) corners of the Lake Approach, which is 15 feet wide and 100 feet long between Lots 11 and 12 in the "Second Addition To Redmon Park", the north line of said Lake Approach being one and the same as the south line of said Lot 11, the south line of said Lake Approach being one and the same as the north line of Lot 12, the northeast and northwest corners of said Lake Approach being one and the same as the southeast and southwest corners respectively of said Lot 11, and the southeast and southwest corners of said Lake Approach being one and the same as the northeast and northwest corners respectively of said Lot 12; [5] as well as the southeast corner of said "Second Addition To Redmon

Park" intersecting at the "meander line of Dewart Lake, that is, that point specifically mentioned in the Plat of said "Second Addition To Redmon Park", to-wit: "thence N 71° E along said north line to the meander line of Dewart Lake";

- (c) And, more particularly involving a tract of ground in Kosciusko County, Indiana, and described in a certain Warranty Deed dated November 20, 1973 and recorded January 31, 1974 in Deed Record Book 250, Page 214 in the Office of the Recorder of Kosciusko County, Indiana, which tract of ground in Kosciusko County, Indiana is more particularly described as follows, to-wit:

Commencing at the West Quarter Post of Section 25, Township 34 North, Range 6 East; thence North along the centerline of County Road 300 East and the West line of the Northwest Quarter of said Section 25, 1661.8 feet to a P.K. nail; thence South 64 degrees East 372.24 feet to an iron pipe; thence North 71 degrees East 5.6 feet to a point for a true point of beginning; thence North 71 degrees East 112.5 feet more or less to the low water mark of Dewart Lake; thence Southwesterly along said low water mark 80 feet more or less to a point on the extension of the South line of Lot 13 in Redmon's Second Addition to Redmon Park; thence Northwesterly along the extension of said South line 89 feet more or less to the point of beginning.

- (d) And, more particularly involving Lots 14 and 15 in the "Third Addition To Redmon Park", so as to show and properly mark, and thereupon monument by durable material with letters and figures, so as to show, mark, and establish that part of the lines of "East Drive" in front of and to the immediate east of Lots 14 and 15 as well as the lines and four corners of Lot 15, and the northeast and southeast corners of Lot 14 in the "Third Addition To Redmon Park";

- (e) That said established lines and corners will be referenced and tied to corners shown in the Corner Record Books in the Office of the County

Surveyor, and/or to lines and corners shown on and in the Recorded Plats of the "1st", "2nd", and "3rd" Additions To Redmon Park, which Plats are recorded in the Office of the Recorder of Kosciusko County, Indiana.

3. You were still further NOTIFIED, that said Licensed Land Surveyor, Charles Brower, would make said Legal Survey, commencing at 9:30 o'clock A.M. (EST) on Monday, July 14, 1980, and would continue such Legal Survey until completed.

4. You were also further NOTIFIED, that said Licensed Land Surveyor, Charles Brower, would present to the County Surveyor and/or to the Office of the County Surveyor of Kosciusko County, Indiana, for entry in the Legal Survey Record Book, a plat of such Legal Survey, together with proof of notice to the adjoining landowners, and that such Notice would be given by the said Licensed Land Surveyor to adjoining landowners by Certified Mail within ten (10) days after the filing of said Legal Survey.

5. You were further NOTIFIED that the lines and corners, as so located and established by said Legal Survey, would be binding upon all landowners affected, their heirs and assigns, unless an appeal was taken as provided for by I.R.S. 1852, ch. 103, Section 8 [17-3-58-5], as amended; and, that the right to appeal would commence when the plat of the Legal Survey was recorded by the County Surveyor in the Legal Survey Record Book of the Kosciusko County Surveyor in Kosciusko County, Indiana.

6. The aforementioned NOTICE was duly signed and executed on May 7, 1980 by said Robert J. Dangler and Catherine K. Dangler, the record owners of Lots 15 and 19 in the "Third Addition To Redmon Park" and also signed and executed on the same date by said Licensed Land Surveyor, Charles M. Brower.

7. A copy of said NOTICE is attached hereto, made a part hereof, and marked Exhibit "A"; said NOTICE was duly mailed, to each of you under date of May 7, 1980, via "Certified U.S. Mail", with "Return Receipt Requested", all as shown by "Receipts For Certified Mail", which "Receipts", numbered 5047534 to 5047542, are attached hereto on a sheet, made a part hereof, and marked Exhibit "B"; said NOTICE was duly received by each of you via Certified Mail on or before June 23, 1980, which was at least twenty (20) days before the said Legal Survey was to start on July 14, 1980, all as required by law, and all as shown by "Green Return Receipts", which "Green Return Receipts", numbered 5047534 to 5047542, are attached hereto on a sheet, made a part hereof, and marked Exhibit "C".

8. You are now further NOTIFIED, that said Legal Survey was so commenced at 9:30 A.M. (EST) on Monday, July 14, 1980, and was continued thereafter until completed, all as provided in said NOTICE attached hereto as Exhibit "A".

9. You are still further NOTIFIED, that said Licensed Land Surveyor presented to the Kosciusko County Surveyor and/or to the Office of the County Surveyor of Kosciusko County, Indiana, for entry in the Legal Survey Record Book of Kosciusko County, the Plat of said Legal Survey on July 28, 1980, and, that the said Plat of said Legal Survey was duly entered and recorded in the Legal Survey Record Book of the County Surveyor of Kosciusko County on July 28, 1980.

10. You are still further NOTIFIED, that an Appeal as to and/or

from said Legal Survey may be taken to the Kosciusko County Circuit Court, Warsaw, Indiana, within ninety (90) days from July 28, 1980, which latter date is the day upon which the said Legal Survey was duly entered and recorded by the Kosciusko County Surveyor in the Kosciusko County Legal Survey Record Book. [I.R.S. 1852, ch. 103, Section 8, as amended; Acts 1969, ch. 96, §3, p. 215; Indiana Code, Vol. 3, Title 17, 17-3-58-5, and, 17-3-63-3(f); Indiana Code, Vol. 3, Title 17, 17-3-63-1 through 17-3-63-6; Burns Indiana Statutes, Title 17, 17-3-63-1 through 17-3-63-6, and, 17-3-58-5, as amended.]

11. The undersigned give you this NOTICE, together with "Proof Of Notice" thereof to each of you, within ten (10) days after the said filing, entering, and recording of said Legal Survey in the Legal Survey Record Book of the Kosciusko County Surveyor, via "Certified U.S. Mail", with "Green Return Receipts Requested", all as shown by "Receipts For Certified Mail", which "Receipts", numbered 5047583 to 5047591, are attached hereto on a sheet, made a part hereof, and marked Exhibit "D".

12. You are further NOTIFIED, that the lines and corners as so located and established by said Legal Survey, shall be binding upon each of you and upon all landowners affected, their heirs and assigns, unless an Appeal is taken to the Kosciusko County Circuit Court, Warsaw, Indiana, within ninety (90) days from July 28, 1980, which was the day upon which the Plat of said Legal Survey was presented by the Licensed Land Surveyor to the Kosciusko County Surveyor for entry in the Legal Survey Record Book of the Office of the Kosciusko County Surveyor, and which was the day upon which the

Surveyor of Kosciusko County, Indiana, duly entered and recorded the said Plat of said Legal Survey in the Legal Survey Record Book of the Office of the Surveyor of Kosciusko County, Indiana.

[I.R.S. 1852, ch. 103, Section 8, as amended; Acts 1969, ch. 96, §3, p. 215; Indiana Code, Vol. 3, Title 17, 17-3-58-5, and, 17-3-63-3(f); Indiana Code, Vol. 3, Title 17, 17-3-63-1 through 17-3-63-6; Burns Indiana Statutes, Title 17, 17-3-63-1 through 17-3-63-6, and, 17-3-58-5, as amended.]

13. A copy of the said Plat of said Legal Survey is attached hereto, made a part hereof, and marked Exhibit "E".

Dated this ~~29th~~ day of July, 1980.

Robert J. Dangler
Robert J. Dangler

Catherine K. Dangler
Catherine K. Dangler

Charles M. Brower
Charles M. Brower
Licensed Land Surveyor

NOTICE

of

LEGAL SURVEY

TO: Fred Wilcox
Ruth Wilcox
R.R. #1, Box 275H
Syracuse, Indiana 46567

Lowell G. Showalter
Cynthia S. Showalter
R.R. #5, Box 37
Syracuse, Indiana 46567

Tom G. McClain
R.R. #1, Box 185
Syracuse, Indiana 46567

Donald H. Beer
Ruth A. Beer
R.R. #1, Box 235A
Milford, Indiana 46542

Robert J. Dangler
Catherine K. Dangler
1212 Leland Avenue
Indianapolis, Indiana 46219

Exhibit "A"

1. Under and pursuant to the provisions of the Indiana Code, Volume 3, Title 17, 17-3-63-1 through 17-3-63-5, and 17-3-58-5, also found in Burns Indiana Statutes Annotated, Title 17, 17-3-63-1 through 17-3-63-5, and 17-3-58-5, you and each of you are hereby NOTIFIED that Robert J. Dangler and Catherine K. Dangler, the record owners of Lots 15 and 19 in the "Third Addition To Redmon Park", have procured and employed the undersigned, Charles Brower, a Land Surveyor licensed in the State of Indiana, and who also is the duly elected, qualified, and acting Surveyor of Kosciusko County, Indiana.

2. That the undersigned, Charles Brower, has been so procured and employed to make a Legal Survey, and each of you are so NOTIFIED, that he will make a Legal Survey:

- (a) Of part of the "Second Addition To Redmon Park" and also a part of the "Third Addition To Redmon Park";
- (b) And, more particularly involving Lots 11, 12, and 13 and the "Lake Approach" between Lots 11 and 12 in the "Second Addition To Redmon Park", so as to show and properly mark, and thereupon monument by durable material with letters and figures, so as to show, mark, and establish [1] that part of the lines of "East Drive" in front of and to the immediate west of Lots 11, 12 and 13, [2] as well as the lines and the four (4) corners of Lots 11 and 12; [3] as well as the lines and five (5) corners of Lot 13; [4] as well as the lines and four (4) corners of the Lake Approach, which is 15 feet wide and 100 feet long between Lots 11 and 12 in the "Second Addition To Redmon Park", the north line of said Lake Approach being one and the same as the south line of said Lot 11, the south line of said Lake Approach being one and the same as the north line of Lot 12, the northeast and northwest corners of said Lake Approach being one and the same as the southeast and southwest corners respectively of said Lot 11, and the southeast and southwest corners of said Lake Approach being one and the same as the northeast and northwest corners respectively of said Lot 12; [5] as well as the southeast corner of said "Second Addition To Redmon

Park" intersecting at the "meander line of Dewart Lake, that is, that point specifically mentioned in the Plat of said "Second Addition To Redmon Park", to-wit: "thence N 71° E along said north line to the meander line of Dewart Lake";

- (c) And, more particularly involving a tract of ground in Kosciusko County, Indiana, and described in a certain Warranty Deed dated November 20, 1973 and recorded January 31, 1974 in Deed Record Book 250, Page 214 in the Office of the Recorder of Kosciusko County, Indiana, which tract of ground in Kosciusko County, Indiana is more particularly described as follows, to-wit:

Commencing at the West Quarter Post of Section 25, Township 34 North, Range 6 East; thence North along the centerline of County Road 300 East and the West line of the Northwest Quarter of said Section 25, 1661.8 feet to a P.K. nail; thence South 64 degrees East 372.24 feet to an iron pipe; thence North 71 degrees East 5.6 feet to a point for a true point of beginning; thence North 71 degrees East 112.5 feet more or less to the low water mark of Dewart Lake; thence Southwesterly along said low water mark 80 feet more or less to a point on the extension of the South line of Lot 13 in Redmon's Second Addition to Redmon Park; thence Northwesterly along the extension of said South line 89 feet more or less to the point of beginning.

- (d) And, more particularly involving Lots 14 and 15 in the "Third Addition To Redmon Park", so as to show and properly mark, and thereupon monument by durable material with letters and figures, so as to show, mark, and establish that part of the lines of "East Drive" in front of and to the immediate east of Lots 14 and 15 as well as the lines and four corners of Lot 15, and the northeast and southeast corners of Lot 14 in the "Third Addition To Redmon Park";
- (e) That said established lines and corners will be referenced and tied to corners shown in the Corner Record Books in the Office of the County

Surveyor, and/or to lines and corners shown on and in the Recorded Plats of the "1st", "2nd", and "3rd" Additions To Redmon Park, which Plats are recorded in the Office of the Recorder of Kosciusko County, Indiana.

3. That the undersigned, as the Land Surveyor herein, will make said Legal Survey, commencing at 9 : 30 o'clock A.M. (EST) on Monday, July 14, 1980, and will continue such Legal Survey until completed.

4. That the undersigned, as the Land Surveyor herein, will present to the County Surveyor and/or to the Office of the County Surveyor of Kosciusko County, Indiana, for entry in the Legal Survey Record Book, a plat of such Legal Survey, together with proof of notice to the adjoining landowners; such Notice shall be given by the undersigned Land Surveyor to adjoining landowners by Certified Mail within ten (10) days after the filing of said Legal Survey.

5. That the lines and corners, as so located and established by said Legal Survey, shall be binding upon all landowners affected, their heirs and assigns, unless an appeal is taken as provided for by I.R.S. 1852, ch. 103, Section 8 [17-3-58-5], as amended; the right to appeal shall commence when the plat of the Legal Survey is recorded by the County Surveyor in the Legal Survey Record Book.

Dated this 7~~th~~ day of May, 1980.

Robert J. Dangler
Robert J. Dangler

Catherine K. Dangler
Catherine K. Dangler

Charles M. Brower
Charles Brower, Land Surveyor

NOTICE

of

LEGAL SURVEY

TO: Fred Wilcox
Ruth Wilcox
R.R. #1, Box 275H
Syracuse, Indiana 46567

Lowell G. Showalter
Cynthia S. Showalter
R.R. #5, Box 37
Syracuse, Indiana 46567

Tom G. McClain
R.R. #1, Box 185
Syracuse, Indiana 46567

Donald H. Beer
Ruth A. Beer
R.R. #1, Box 235A
Milford, Indiana 46542

Robert J. Dangler
Catherine K. Dangler
1212 Leland Avenue
Indianapolis, Indiana 46219

1. Under and pursuant to the provisions of the Indiana Code, Volume 3, Title 17, 17-3-63-1 through 17-3-63-5, and 17-3-58-5, also found in Burns Indiana Statutes Annotated, Title 17, 17-3-63-1 through 17-3-63-5, and 17-3-58-5, you and each of you are hereby NOTIFIED that Robert J. Dangler and Catherine K. Dangler, the record owners of Lots 15 and 19 in the "Third Addition To Redmon Park", have procured and employed the undersigned, Charles Brower, a Land Surveyor licensed in the State of Indiana, and who also is the duly elected, qualified, and acting Surveyor of Kosciusko County, Indiana.

2. That the undersigned, Charles Brower, has been so procured and employed to make a Legal Survey, and each of you are so NOTIFIED, that he will make a Legal Survey:

- (a) Of part of the "Second Addition To Redmon Park" and also a part of the "Third Addition To Redmon Park";
- (b) And, more particularly involving Lots 11, 12, and 13 and the "Lake Approach" between Lots 11 and 12 in the "Second Addition To Redmon Park", so as to show and properly mark, and thereupon monument by durable material with letters and figures, so as to show, mark, and establish [1] that part of the lines of "East Drive" in front of and to the immediate west of Lots 11, 12 and 13, [2] as well as the lines and the four (4) corners of Lots 11 and 12; [3] as well as the lines and five (5) corners of Lot 13; [4] as well as the lines and four (4) corners of the Lake Approach, which is 15 feet wide and 100 feet long between Lots 11 and 12 in the "Second Addition To Redmon Park", the north line of said Lake Approach being one and the same as the south line of said Lot 11, the south line of said Lake Approach being one and the same as the north line of Lot 12; the northeast and northwest corners of said Lake Approach being one and the same as the southeast and southwest corners respectively of said Lot 11, and the southeast and southwest corners of said Lake Approach being one and the same as the northeast and northwest corners respectively of said Lot 12; [5] as well as the southeast corner of said "Second Addition To Redmon

Park" intersecting at the "meander line of Dewart Lake, that is, that point specifically mentioned in the Plat of said "Second Addition To Redmon Park", to-wit: "thence N 71° E along said north line to the meander line of Dewart Lake";

- (c) And, more particularly involving a tract of ground in Kosciusko County, Indiana, and described in a certain Warranty Deed dated November 20, 1973 and recorded January 31, 1974 in Deed Record Book 250, Page 214 in the Office of the Recorder of Kosciusko County, Indiana, which tract of ground in Kosciusko County, Indiana is more particularly described as follows, to-wit:

Commencing at the West Quarter Post of Section 25, Township 34 North, Range 6 East; thence North along the centerline of County Road 300 East and the West line of the Northwest Quarter of said Section 25, 1661.8 feet to a P.K. nail; thence South 64 degrees East 372.24 feet to an iron pipe; thence North 71 degrees East 5.6 feet to a point for a true point of beginning; thence North 71 degrees East 112.5 feet more or less to the low water mark of Dewart Lake; thence Southwesterly along said low water mark 80 feet more or less to a point on the extension of the South line of Lot 13 in Redmon's Second Addition to Redmon Park; thence Northwesterly along the extension of said South line 89 feet more or less to the point of beginning.

- (d) And, more particularly involving Lots 14 and 15 in the "Third Addition To Redmon Park", so as to show and properly mark, and thereupon monument by durable material with letters and figures, so as to show, mark, and establish that part of the lines of "East Drive" in front of and to the immediate east of Lots 14 and 15 as well as the lines and four corners of Lot 15, and the northeast and southeast corners of Lot 14 in the "Third Addition To Redmon Park";
- (e) That said established lines and corners will be referenced and tied to corners shown in the Corner Record Books in the Office of the County

Section 25

Town 34

North of Range 6

East

Surveyed 8-5-1963.

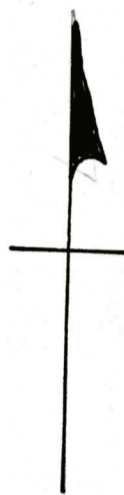
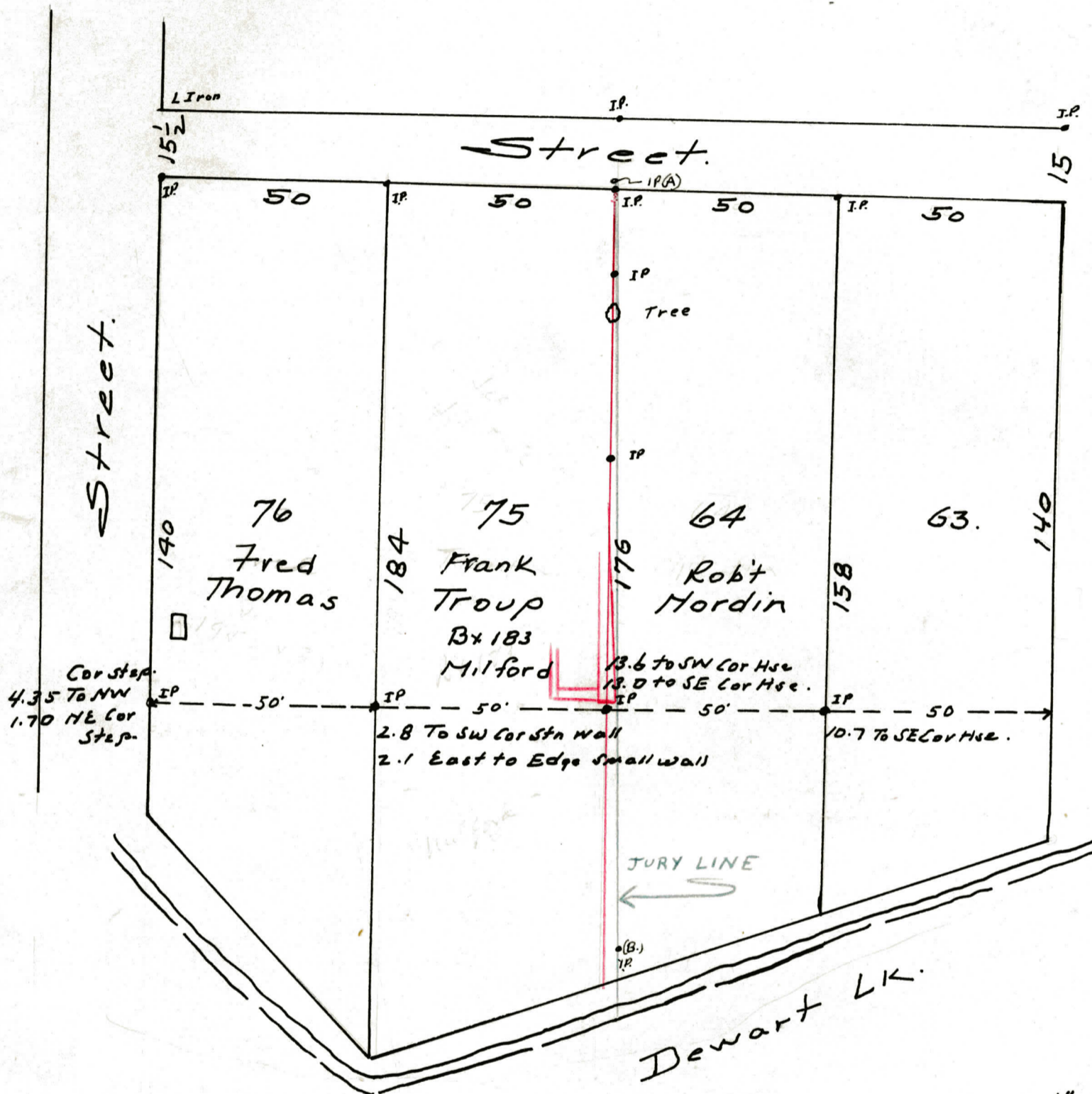
C.M.B. & J.G.

To run line between Troup & Hordin.

Jas. Baker Chainman Reg Land Surveyor.

Plat 136

Redmon Park Replat



For Former Surveys
See BK LL 75 4-27-53
WW 73 9-28-56
DDD 67

Wall encroachment on lot 64, 2.2'

1"=30'
8-63
C.M.B.-J.G.-G.H.

Surveyed by the undersigned.

Charles M. Brower
Kosciusko County Surveyor

See big plat I made
on X Sec paper 8/20/63
Jn.

NOTE: SEE CIRCUIT COURT DECISION
JURY TRIAL. 31138 Civil No.

SET IRON PIPES AS PER DECISION.
(A) I.P., Power Pole \pm 16.4' South
 \pm 16" W. OAK 33.4' N.W.
 \pm 12" HICKORY 32.5' S.E.

(B) I.P. 16" Hackberry 10.8' N.W.
S. LINE of Ret. Wall 15.4' N
S.E. COR. SEA WALL 7.9' SE

MEMORANDUM

STATE OF INDIANA }
KOSCIUSKO COUNTY } SS

GENE B. LEE

JUDGE, KOSCIUSKO CIRCUIT COURT

July 1, 1965

Court Docket:

Civil No. 31138
Criminal No.
Estate No.
Guardianship No.
Trust No.
Juvenile Court No.

Parties: FRANK TROUP VS. ROBERT A. NORDIN, DORIS M. DIERKS NORDIN,
CHARLES BROWER, SURVEYOR OF KOSCIUSKO COUNTY

Docket Entry:

"The Jury having heretofore returned its verdict in this cause,
the Court does now render judgment thereon in accordance therewith.

"It is, therefore, considered, ordered, adjudged and decreed by the Court that the boundary line located and established by the County Surveyor on August 5, 1963, is not the true boundary line separating the respective lands of the parties to this action, and that the true boundary line between the lands of the plaintiff, Frank Troup, and the defendants, Robert A. Nordin and Doris M. Dierks Nordin, is as follows, to-wit: Beginning at a point ten (10) inches North of the iron pipe marking the Northwest corner of Lot Number 64 in the Redmon Park Replat as established by the County Surveyor on August 5, 1963, and running thence South to the Northeast corner of an existing North-South stone and concrete retaining wall; thence South along the East line of said North-South stone and concrete retaining wall to the South lines of said Lots Numbered 64 and 75 in said subdivision.

"It is further considered, ordered, adjudged and decreed by the Court that the Surveyor of Kosciusko County, Indiana, be and he is hereby ordered and directed to locate and perpetuate such true line and the corners thereof as found by the Court by depositing in the proper places, below freezing point, a stone or other durable materials and marker and make entry thereof in his field notes as required by law.

Date of Entry: July 1, 1965

(Continued)

Copies Mailed to: Graham, Rasor & Harris
Attorneys at Law
Warsaw, Indiana

(Attention Mr. Samuel R. Henderson)

Widaman, Bowser, Widaman & Reed
Attorneys at Law
Warsaw, Indiana

(Attention Mr. John D. Widaman)

Mr. Charles M. Brower
Surveyor of Kosciusko County
Kosciusko County Courthouse
Warsaw, Indiana

10" Hackberry NW

10' 8"

15.4' Set Ret Wall

SE on Sep. Wall

7.9' SE

N. Cor.
E. P. Pole
16.4 South
E. W. Oak 16"
33.7 NW
E. 12" Hickory
32.5 SE

MEMORANDUM

STATE OF INDIANA }
KOSCIUSKO COUNTY } SS

GENE B. LEE
JUDGE, KOSCIUSKO CIRCUIT COURT

Court Docket:

Civil No. 31138 (Page 2)
Criminal No.
Estate No.
Guardianship No.
Trust No.
Juvenile Court No.

Parties:

Docket Entry:

"It is further considered, ordered, adjudged and decreed by the Court that the costs of this action shall be and the same are hereby taxed to the defendants, and that the plaintiff shall have and recover of and from the defendants all costs laid out and expended by the plaintiff in this cause."

Date of Entry:

Copies Mailed to:

Section

Town

North of Range

East

NOTICE

TO: Frank Troup
Box 183, Milford, Indiana

You are hereby notified that Robert A. Nordin and Doris M. Dierks Nordin being the owners of real estate within Kosciusko County, Indiana, hereinafter described, desire to establish, relocate and perpetuate the Southwest corner, the Northwest corner and West boundary line of the following described real estate situate in Kosciusko County, Indiana, to-wit:

Lot Number Sixty-four (64) in Redmon Park Replat as the same is platted, laid out and recorded in the records of Kosciusko County, Indiana;

and they have requested the County Surveyor of Kosciusko County, Indiana, to establish, relocate, and perpetuate said corners and said boundary line on the 5th day of August, 1963.

You are further notified that the above described real estate adjoins real estate of which you are in possession and claim an interest and that your interest in said adjoining real estate may be affected by the establishment, relocation and perpetuation of said corners and said boundary line.

The survey will commence on the 5th day of August, 1963, and if inclement weather or any other reason prevents the survey taking place on said date, said survey will stand continued from day to day until finished.

Robert A. Nordin
(Robert A. Nordin)

Doris M. Dierks Nordin
(Doris M. Dierks Nordin)

RETURN OF SERVICE

This is to certify that on the 8th day of July, 1963, I served a notice, of which the above and foregoing is a full and correct copy, upon Frank Troup, by reading to and within the hearing
of the within named Frank Troup.

Max Ganshorn

KOSCIUSKO COUNTY, INDIANA

Section 25 Town 34 North of Range 7 East

State of Indiana
Kosciusko County ^{ss} To Raymond Densel R3 Syracuse, Ind.

You are hereby notified that I, the undersigned, have employed
Charles M. Brower, Surveyor in & for Kosciusko County, Indiana, to divide and set apart my lot situated in

Samuel Hoffer's Resubdivision of Lots No 1 A-B-C in Sub. 6 of 21 lots. See Plat BK 2. Pg 178.
Line Bet Lots 16 & 17 is in question.

The survey will commence on the 20th day of July 1961 and if inclement weather or any other reason prevents the survey from being held on said date then the survey will stand continued from day to day until finished.

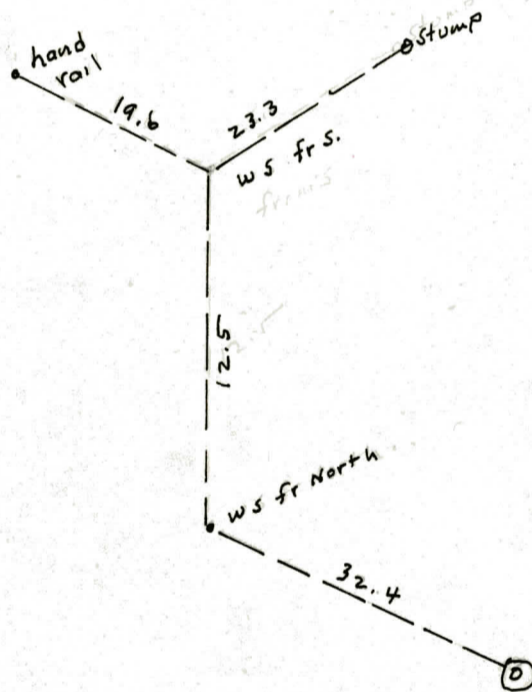
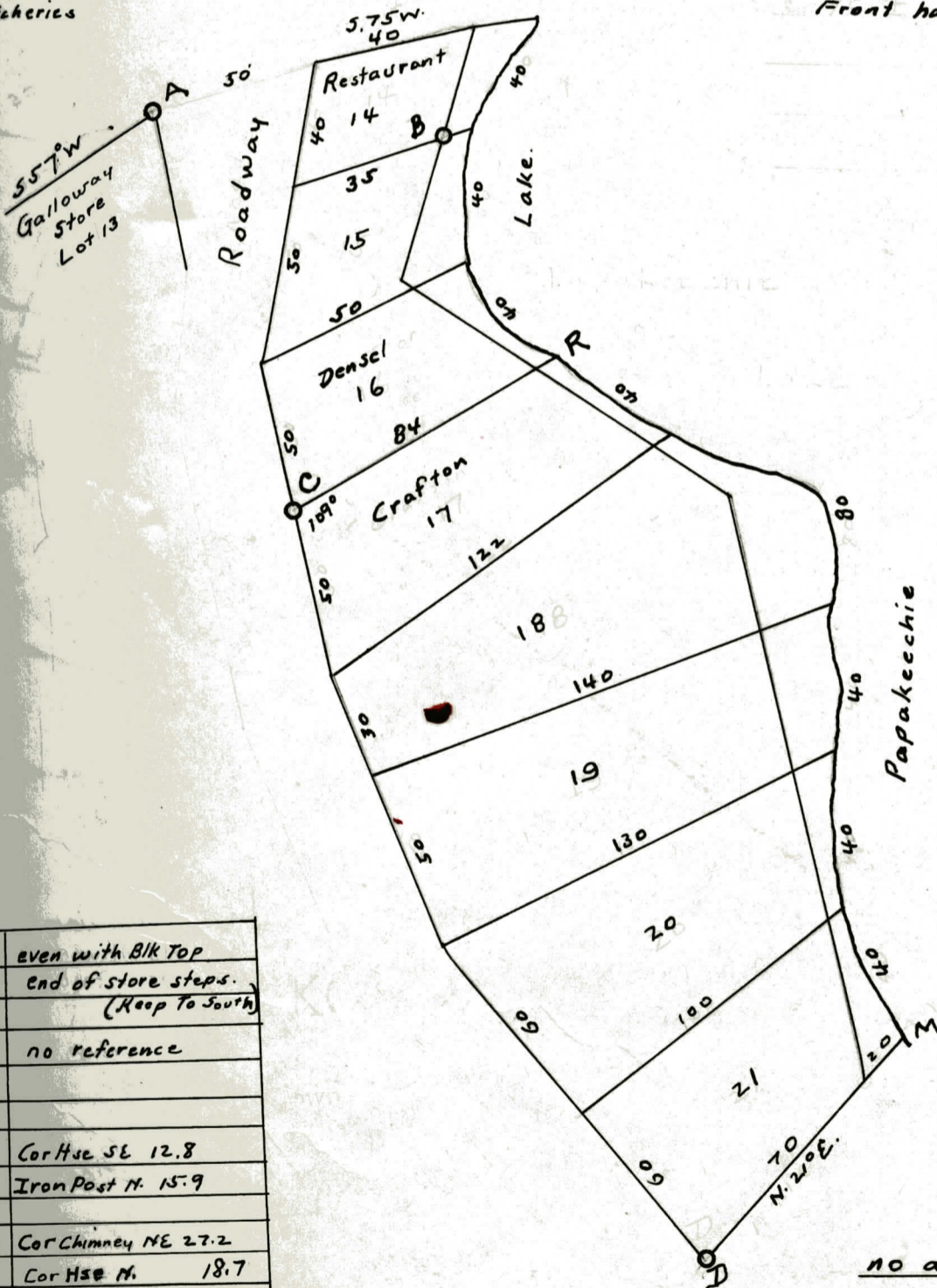
Your land being affected by said survey, you will take notice and meet on said day at ¹⁰~~9~~ AM.
on said premises.

Signed - Harold Crafton R.R. 3 Syracuse, Ind.

The survey was made on July 20, 1961 according to the following plat. See opposite page.

Pipe found at C lined with a present fence in
a concrete curb extending toward the lake 75±.
Front has been filled in and to water now is 100±.

Fish
Hatcheries



Overlap front of 16 & 17 12 1/2 ft.

A	Pipe	even with Blk Top end of store steps. (Keep To South)
B	Pipe	no reference
C	Pipe	Cor Hse SE 12.8 Iron Post N. 15.9
D	Pipe	Cor Chimney NE 27.2 Cor Hse N. 18.7

Engineer of this Plat 178 BK 2 was

Jack Latta 7-14-24.

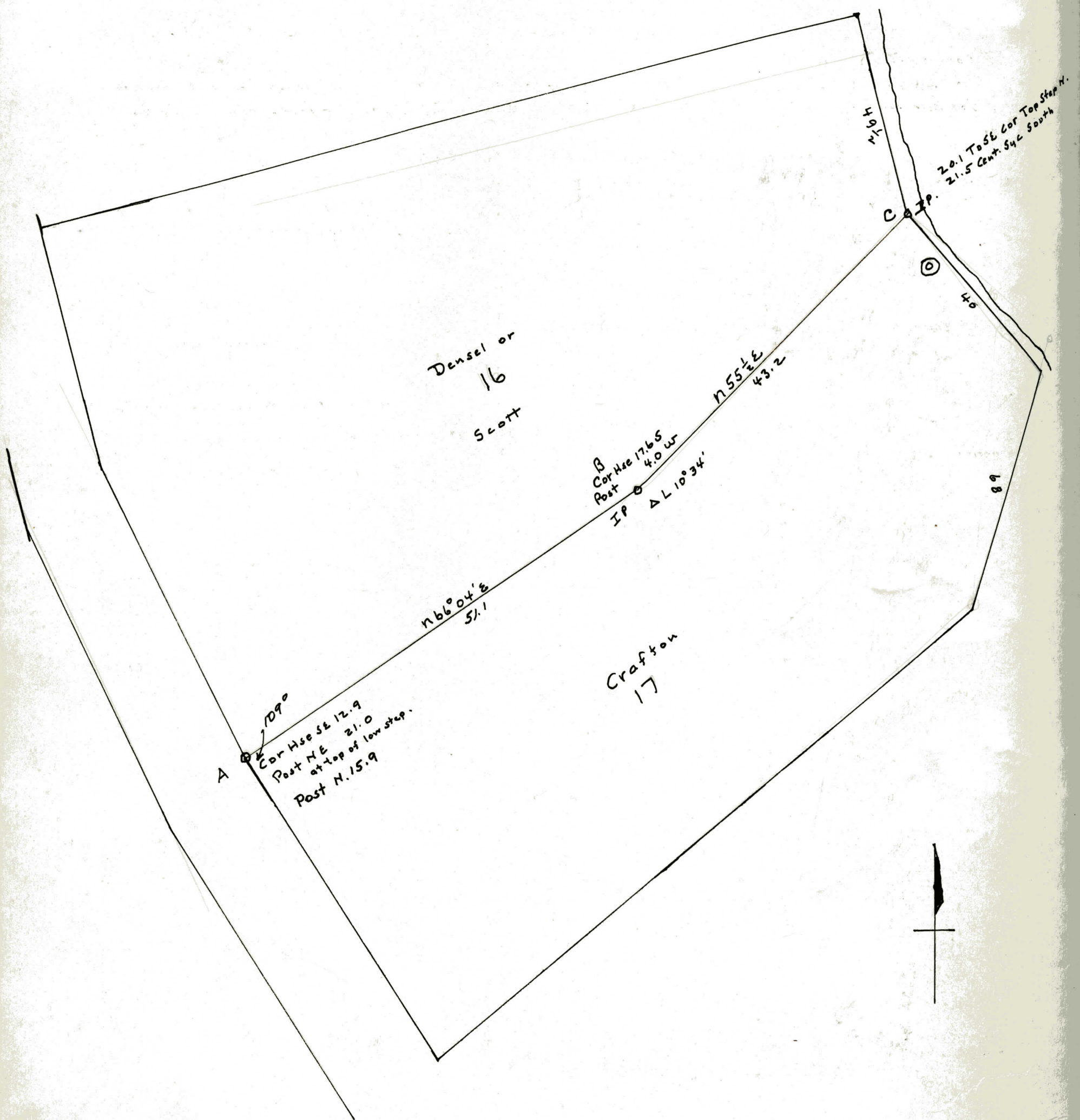
Very poor plat.

NO angles taken - Few Bearings - Distances shown on lake shore
DM on given bearing would go thru house.

1" = 50'

Chas. M. Brower C.S.

7-61



Lines AB & BC agreed on by
 Crafton & Scott as Lot Line between
 16 & 17 for all time. Agreement was
 signed. 7-20-62. By all parties

Notice of Survey.

State of Indiana - Kosciusko County, ss:-

To James J. Motherwell &
Beverly E. Motherwell
RFD North Columbia City, Indiana.

You are the owners of Lots No ¹⁶ ~~14 & 15~~ in Papakeecchie as the same is known and designated on the Recorded Plat of said Papakeecchie in Plat Book 5 Pg 25 of the records of Kosciusko County, Indiana.

We are the owners of Lots 14 & 15 in said plat as recorded in Book 5, Page 25 *ibid*.

You are hereby notified that we, the undersigned, have employed Chas. M. Brower, Surveyor for Kosciusko County, Indiana, to set the boundary line between Lot 15 & Lot 16 of said plat.

The survey will commence on the 2nd day of May, 1969 and if inclement weather or any other reason prevents the survey taking place on said day the survey will stand continued from day to day until finished.

Your land being affected by said survey you will take notice and meet on said day for said legal survey on the property above described.

Robert Lancaster

Norma Lancaster

Charles Prescott

Roma Prescott

Lois Marrs

Warren Marrs

This survey was made by me on Sept. 18, 1969 according to the plats shown on Page 31.

found to be over

Charles M. Brower

C.M. Brower C.S., K.C.I.

Sub. 9 Papakeech

Lakech

NOTICE OF SURVEY

STATE OF INDIANA, KOSCIUSKO COUNTY, SS:

TO: JAMES J. MOTHERWELL
 BEVERLY E. MOTHERWELL
 R.F.D. North
 Columbia City, Whitley County, Indiana

You are the owners of Lot Number Sixteen (16) in Sub-division Nine (9), Papakeechie Lake, in Papakeechie, as the same is known and designated on the Recorded Plat of said Papakeechie, recorded in Plat Book 5 at page 25 of the records of Kosciusko County, Indiana.

We are the owners of Lots Numbered Fourteen (14) and Fifteen (15) in Papakeechie as the same is known and designated on the Recorded Plat of said Papakeechie, recorded in Plat Book 5 at page 25 of the records of Kosciusko County, Indiana.

YOU ARE HEREBY NOTIFIED that we, the undersigned, have employed Charles M. Brower, Surveyor for Kosciusko County, Indiana, to set the boundary line between lots owned by yourselves and ourselves as above described in Kosciusko County, Indiana,

The survey will commence on the 2nd day of May, 1969, and if inclement weather or any other reason prevents the survey taking place on said day, said survey will stand continued from day to day until finished.

Your land being affected by said survey, you will take notice and meet on said day for said legal survey at the property above described.

Robert H. Lancaster
 Robert Lancaster

Norma Lancaster
 Norma Lancaster

Charles Prescott
 Charles Prescott

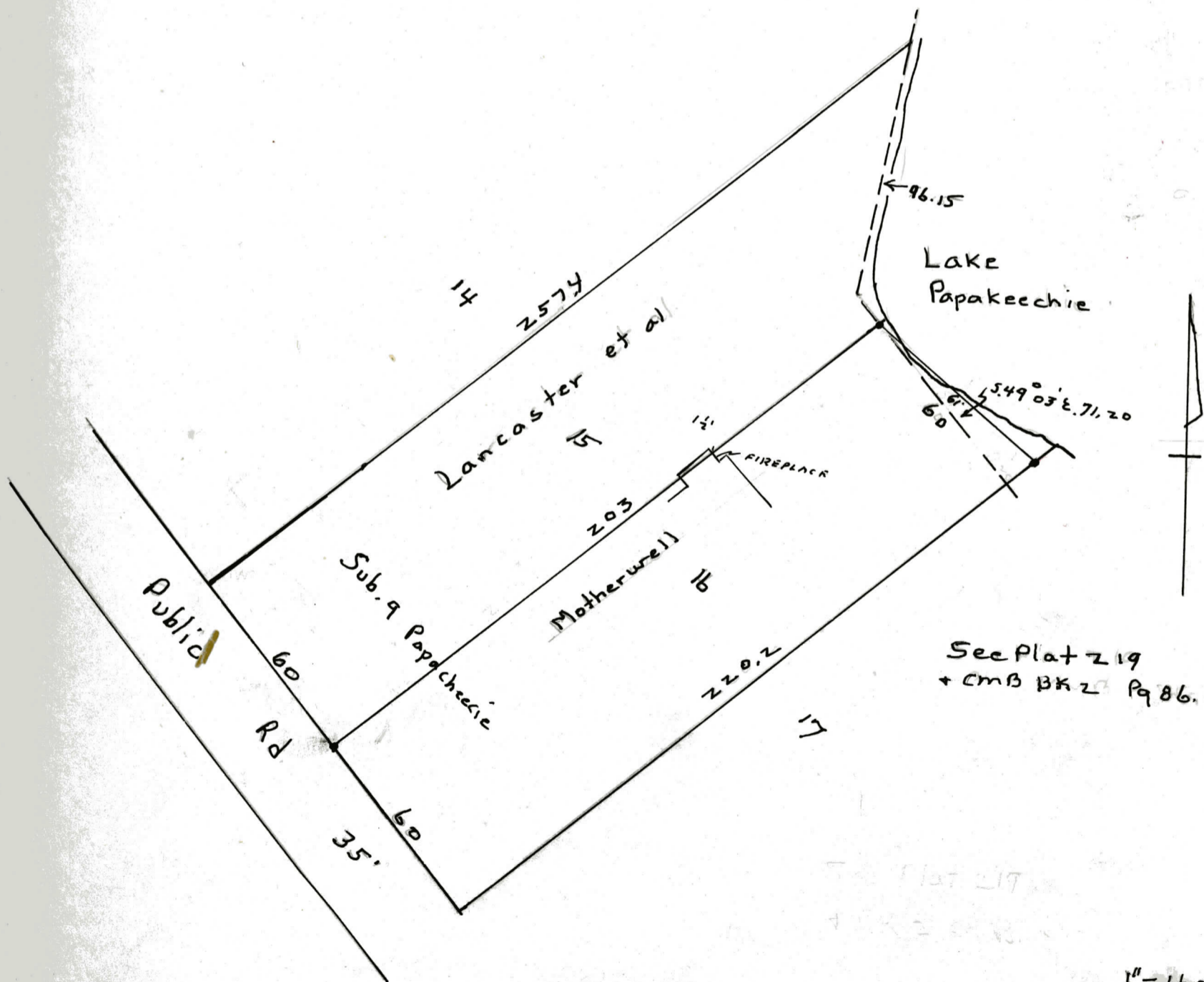
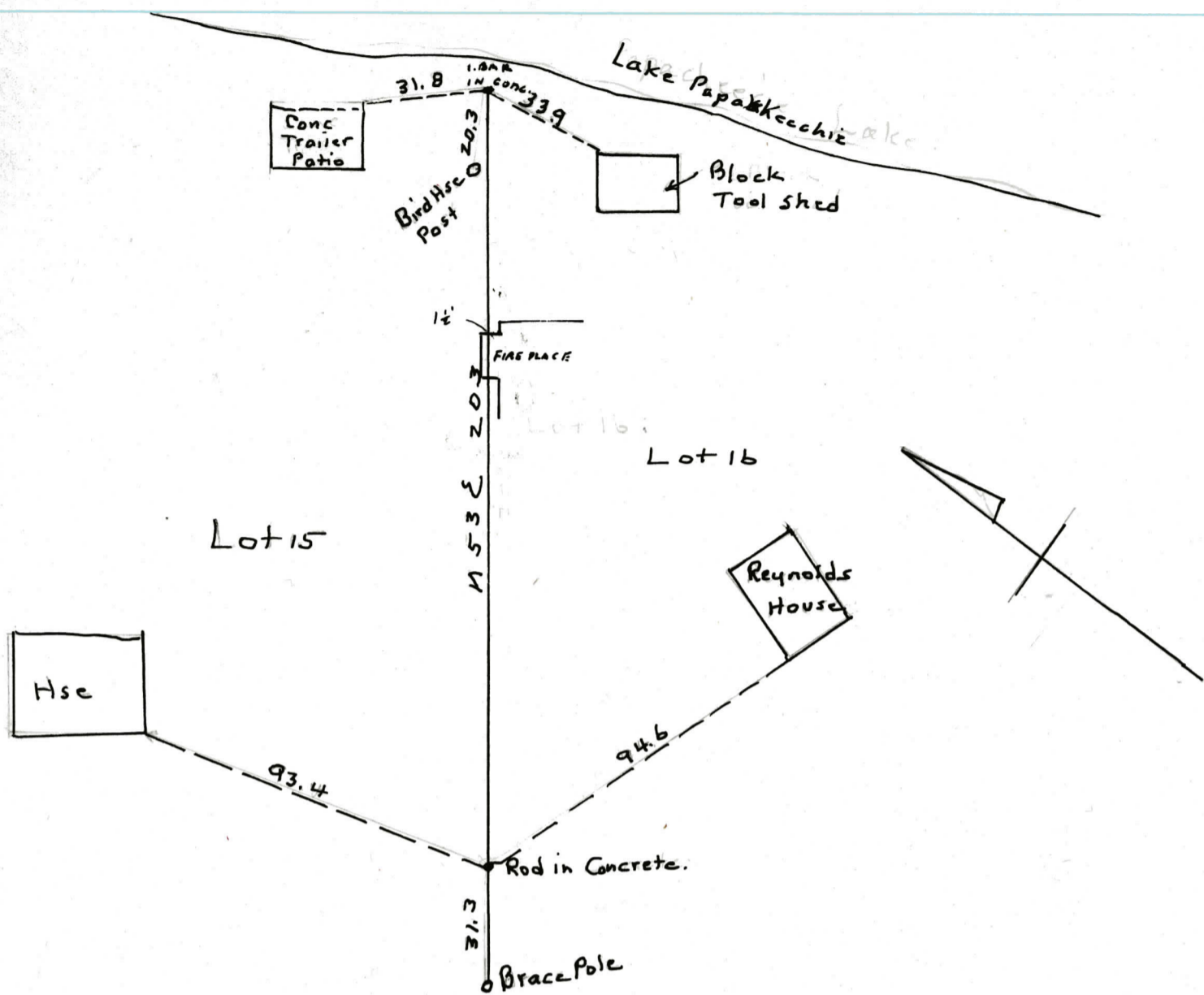
Roma Prescott
 Roma Prescott

Lois L. Marrs
 Lois L. Marrs

Warren Marrs
 Warren Marrs

Recorded on
 Pg 30-31
 BK 4

Sub. 9 Papakeechie Plat 219.



1" = 40'
C.M.B. + R.L.
Drawn by
gan 9/69.

Section NE 28

Town 33

North of Range 7

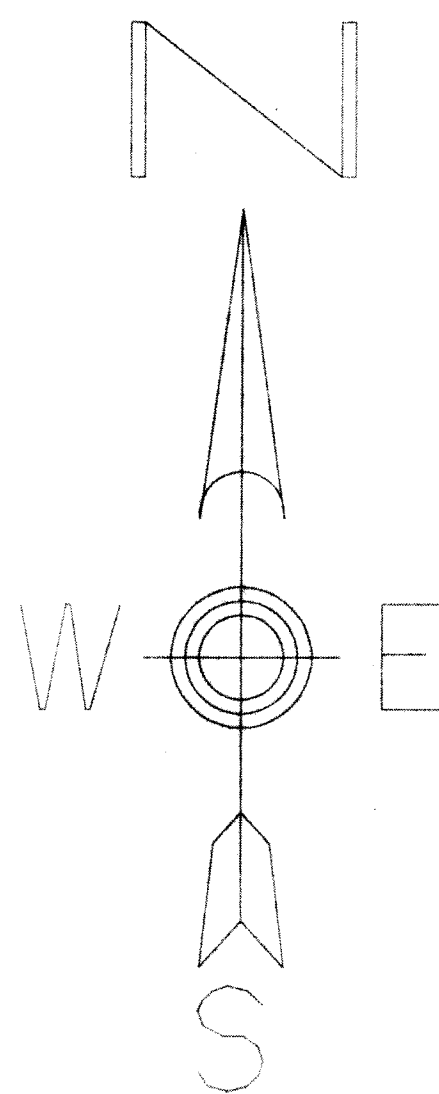
East

LINE BETWEEN LOTS 21, 20+22 KUHN'S SECOND ADDITION TO KUHN'S PLAT

ENTERED 2/1/01

CONTENTS OF THIS FOLDER FROM KOSCIUSKO COUNTY SURVEYOR'S
OFFICE LEGAL SURVEY BOOK 4 PAGES 76+77, WARSAW, INDIANA.

- NOTICE OF LEGAL SURVEY TO: BAKER + GULLEY DATED 8/28/2000
- 4 PAGES OF SURVEY (3 LEGAL SIZE + 1 24"x36" SIZE)
- NOTIFICATION OF LEGAL SURVEY BEING FILED, (DATED 2/1/01) FILED 2/20/01



SEE DETAIL OF BLOCK CONTAINING
LOTS 20-24 ON SHEET 2 ATTACHED

ROAD

N. BARBEE

PIPE PLAT

DR 137 P 162

DR 135 P 544

DR 131 P 518

DR 135 P 546

DR 126 P 411

DR 151 P 373

DR 151 P 373

DR 151 P 373

DR 151 P 373

DR 151 P 373

DR 151 P 373

DR 151 P 373

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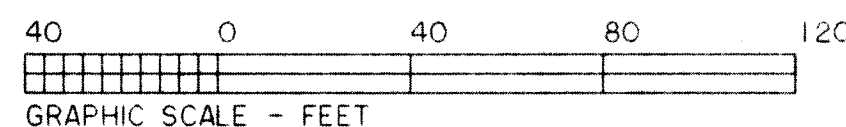
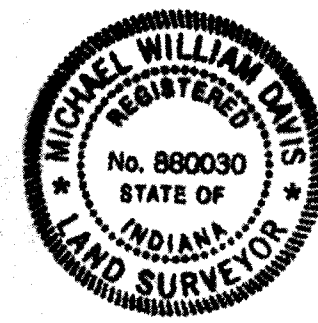
DR 151 P 373

DR 151 P 373

BIG BARBEE LAKE

CALCULATED PLAT CORNERS:

POINT	NORTHING	EASTING	DESCRIPTION
255	1202.7201	777.1450	calc. pt.
272	1206.8088	877.0841	calc. pt.
273	948.3682	886.1574	calc. pt.
274	954.7830	885.8643	calc. pt.
275	1302.8998	773.6553	calc. pt.
276	1302.8904	781.8626	calc. pt.
277	1277.7463	656.6822	calc. pt.
278	1243.0490	599.2954	calc. pt.
279	1056.5084	782.2505	calc. pt.
280	1068.7179	768.5188	calc. pt.
281	1150.4997	645.7887	calc. pt.
282	1155.4674	681.4742	calc. pt.
283	1120.4356	717.1486	calc. pt.
284	1170.4518	766.2645	calc. pt.
285	1239.3642	763.8581	calc. pt.
286	1205.4132	730.5183	calc. pt.
287	996.3377	884.4125	calc. pt.
288	1056.3016	882.3187	calc. pt.
289	1106.5707	880.5758	calc. pt.
290	1156.2402	878.8290	calc. pt.
291	1052.8338	785.8907	calc. pt.
292	1102.7807	780.6346	calc. pt.
293	1152.7503	778.8897	calc. pt.



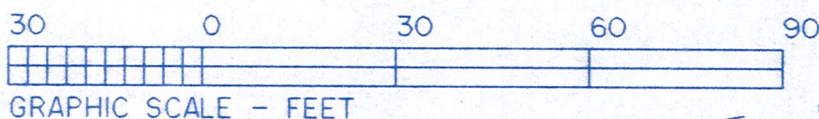
LEGAL SURVEY TO ESTABLISH
THE SOUTHWESTERLY LINE OF LOT 21
IN KUHN'S SECOND ADDITION
AT BIG BARBEE LAKE, KOSCIUSKO COUNTY
INDIANA

SHEET 1 OF 4		JOB # 0007071		Revisions:	
HOFFER AND DAVIS, INC.		203 West Wayne St., Suite 316 Fort Wayne, In. 46802 (317) 422-8922		Scale: 1" = 40' Date: 1/29/01	

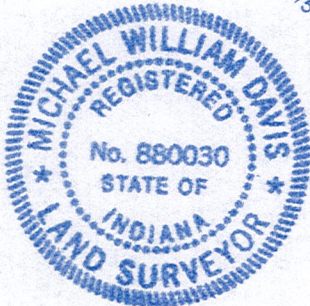
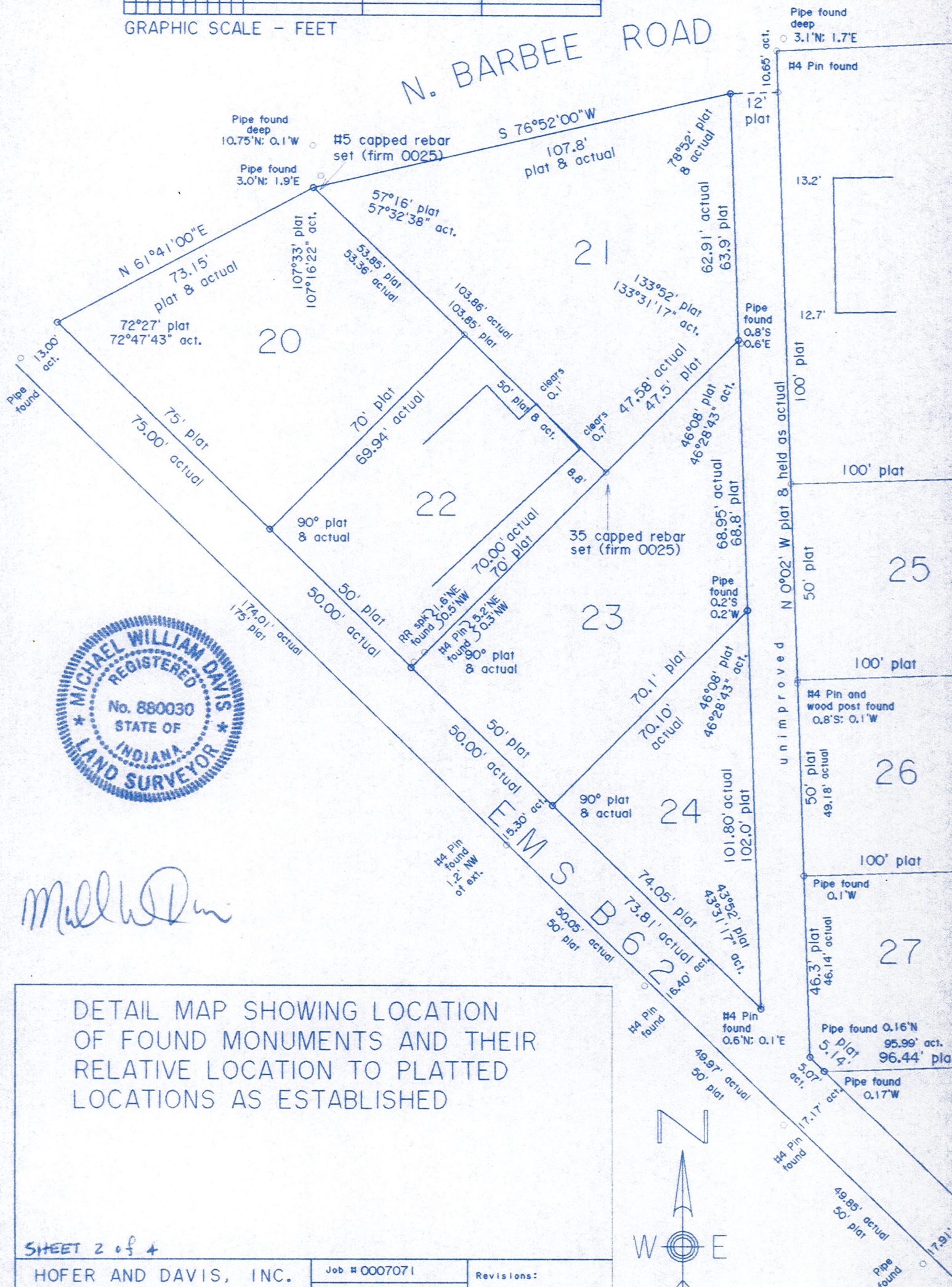
RECEIVED
11/31/01

ENTERED IN LEGAL SURVEY BOOK 4 PAGES
76 & 77, CO. SURVEYOR'S OFFICE, 2/1/01

Rich H. Hays



N. BARBEE ROAD



Michael Davis

DETAIL MAP SHOWING LOCATION
OF FOUND MONUMENTS AND THEIR
RELATIVE LOCATION TO PLATTED
LOCATIONS AS ESTABLISHED

SHEET 2 of 4

HOFER AND DAVIS, INC.
203 West Wayne St. Suite 316
Fort Wayne, In. 46802
(219) 422-9922

Job # 0007071
Scale: 1" = 30'
Date: 1/29/01

Revisions:





HOFER AND DAVIS, INC.

LAND SURVEYORS
203 W. WAYNE ST. #316
FORT WAYNE, IN 46802
(219) 422-9922
FAX (219) 424-2157

MICHAEL W. DAVIS L.S.
HANS C. HOFER L.S.
WM. S. DAVIS L.S. (RET.)
CARL A. HOFER L.S. P.E. (RET.)
A. K. HOFER L.S. P.E. (1968)

RECEIVED
1/31/01
ENTERED IN LEGAL SURVEY BOOK 4
PAGES 76+77, CO. SURVEYOR'S OFFICE
2/1/01
Rich H. Hofer

SURVEYOR'S REPORT

Pursuant to the Indiana Administrative Code Title 865, Article 1.1, Chapter 12 regarding uncertainties as to the location of the property corners and boundary lines found or set by the preceding survey, and by discrepancies and/or ambiguities in the reference monuments, title documents, and evidence of occupation and possession, we hereby submit the following opinions and observations:

1. The theoretical uncertainty of the corners established by this survey due to random errors in measuring the perimeter of said tract falls within the criterion of a Class "B" Survey (0.25 feet) as defined by the aforesaid Indiana Administrative Code.

2. UNCERTAINTY IN THE REFERENCE MONUMENTS:

See survey map for coordinates of found monuments and coordinates of plat corners.

3. UNCERTAINTY DUE TO POSSIBLE TITLE AMBIGUITIES:

None apparent. No title commitment reviewed for this report.

4. UNCERTAINTIES IN LINES OF OCCUPATION AND/OR POSSESSION:

The purpose of this report is to establish the lot line between the East boundary of Lots 20 and 22 and the Westerly boundary of Lot 21 in Kuhn's Second Addition. No visible lines of possession exist. See discussion below.

NOTES: The plat of Kuhn's Second Addition to Kuhn's Plat was prepared by Donald H. Leesig and recorded on December 20, 1940 in Plat Book 3, page 312-A. The plat begins at the Southwest corner of Lot 25 in Kuhn's First Addition of Kuhn's plat at an iron pipe and proceeds by bearing and distance counterclockwise until it reaches the Lake Barbee shoreline, then proceeds along the shoreline until it reaches a point Southerly of the Southeast corner of the aforesaid Lot 25, then proceeds to the point of beginning. As a result of the perimeter legal description contained on the plat, a closure cannot be determined. There does appear on the face of the plat numerous angles within the individual blocks, however, by utilizing the angles and distances thereon contained, many of the lots and blocks fail to form a mathematically closed figure. It is by virtue of this fact that some assumptions needed to be made to determine the intent of the parties as to the actual platted locations of the lot lines.

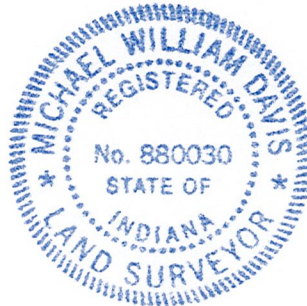
It is the opinion of the undersigned, that Kuhn's Second Addition must be established from the previously existing plats to the East. Several corner monuments were found and generally agree with their platted locations as shown on the survey map attached. In addition, several of the corner monuments can be identified as those found in some of the reference surveys obtained for this report. The oldest being surveys of Lots 26 and 27 by Brower and Baker from August 24th, 1966. Since the block containing Lots 20-24 inclusive fails to form a mathematically closed figure, the plat bearings and distances were held up to the Northwesterly corner of Lot 20. From this point, the Southwesterly lines of Lots 20, 22, 23, 24, and 28 were forced to close on the Southeasterly corner of Lot 28 as established from the aforesaid existing monumentation. It should be noted that the four corners around Lot 25 appear to have been disturbed due to the construction of a new chain link fence around the perimeter of said Lot and have been disregarded. This has been confirmed by the testimony of several of the neighboring property owners.

A series of corner monuments has also been found along the Southwesterly lines of Lots 1-9 as indicated on the survey map. While an argument could be made to accept these corners as the platted location of the Northeasterly line of the lane, it would not be consistent with the remainder of the found monuments to the East. No attempt to determine why these monuments seem to cross the lane was made for this report.

The uncertainties created by this report all depend on the corners held for the recreation of the platted lines. In the course of preparing this survey, a total of 69 potential monuments and 1 tree have been found and located. The retracement of the boundaries for this survey and report are based upon the pipe at the Southwesterly corner of Lot 27 and the iron pin at the Northwest corner of the property described in Deed Record 137, page 162. This theory best fits the majority of the corners found with their relative platted positions, particularly to the East. The bearing of this line was fixed as the platted bearing of North 2 degrees West, with rest of the plat laid out using this as the basis of East/West locations. The North/South positions based upon the pipe found at the Northwest corner of Lot 26, evidenced since at least 1966. The perpendicularity of the lot lines with the roadway along the Southwesterly side for lots 20-24 was maintained with the variance in angles and distances noted on the detail sheet. The relationship of the found monuments with the platted locations is also as shown on the detail sheet and indicate the retracement herein performed is relatively consistent with these monuments.

IN WITNESS WHEREOF, I Place my hand
and seal this 29th day of January, 2001.

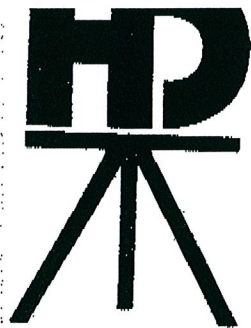
Michael William Davis



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1/31/01

ENTERED IN LEGAL SURVEY BOOK 4 PAGES 76+77,
CO. SURVEYOR'S OFFICE, 2/01/01

Richard H. Hays



HOFFER AND DAVIS, INC.

LAND SURVEYORS
203 W. WAYNE ST. #316
FORT WAYNE, IN 46802
(219) 422-9922
FAX (219) 424-2157

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2/20/01

MICHAEL W. DAVIS L.S.
HANS C. HOFER L.S.
WM. S. DAVIS L.S. (RET.)
CARL A. HOFER L.S. P.E. (RET.)
A. K. HOFER L.S. P.E. (1968)

FIXED, FILED IN LEGAL SURVEY

BOOK 4 PAGES 76+77

KOSCIUSKO COUNTY SURVEYORS OFFICE

February 1, 2001

Mr. Michael Gulley
12 EMS B62 Lane
Warsaw, IN 46582

RE: Legal Survey

Dear Mr. Gulley:

Pursuant to the Indiana Code 36-2-12-10 regarding legal surveys, you are hereby notified that on February 1, 2001, the legal survey to determine the boundary line between Lots 21 and Lots 20 and 22 was completed and recorded in Legal Survey Record Book 4, pages 76-77 in the office of the Kosciusko County Surveyor.

Respectfully,
Hofer and Davis, Inc.

Michael W. Davis

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MIR & MRS. CHARLES BAKER
3736 N. BARBEE RD.
WARSAW, IN 46582

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly): B. Date of

JOAN BAKER 2/3/01

C. Signature

X  ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

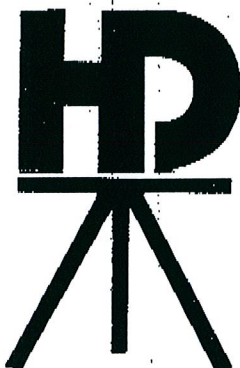
2. Article Number (Copy from service label)

7000 1670 0012 1258 5568

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



HOFER AND DAVIS, INC.

LAND SURVEYORS
203 W. WAYNE ST. #316
FORT WAYNE, IN 46802
(219) 422-9922
FAX (219) 424-2157

MICHAEL W. DAVIS L.S.
HANS C. HOFER L.S.
WM. S. DAVIS L.S. (RET.)
CARL A. HOFER L.S. P.E. (RET.)
A. K. HOFER L.S. P.E. (1968)

RECEIVED
2/20/01

*FILED, FILED IN LEGAL SURVEY
BOOK 4 PAGES 76-77
KOSCIUSKO COUNTY SURVEYOR'S OFFICE*

February 1, 2001

Mr. and Mrs. Charles Baker
3736 N. Barbee Road
Warsaw, IN 46582

RE: Legal Survey

Post-it® Fax Note	7671	Date	2/20/01	# of pages	2
To	MIKE KISSINGER		From	MIKE DAVIS	
Co./Dept.			Co.		
Phone #	219 372 2369		Phone #		
Fax #			Fax #		

Dear Mr. Gulley:

Pursuant to the Indiana Code 36-2-12-10 regarding legal surveys, you are hereby notified that on February 1, 2001, the legal survey to determine the boundary line between Lots 21 and Lots 20 and 22 was completed and recorded in Legal Survey Record Book 4, pages 76-77 in the office of the Kosciusko County Surveyor.

Respectfully,
Hofer and Davis, Inc.

Michael W. Davis

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. MICHAEL GULLEY
12 EMS B62 LANE
WARSAW, IN 46582

2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

MICHAEL GULLEY

B. Date of Delivery

2/21/01

C. Signature

[Signature]

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

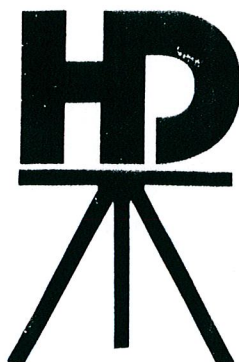
4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



HOFER AND DAVIS, INC.

LAND SURVEYORS
203 W. WAYNE ST. #316
FORT WAYNE, IN 46802
(219) 422-9922
FAX (219) 424-2157

MICHAEL W. DAVIS L.S.
HANS C. HOFER L.S.
WM. S. DAVIS L.S. (RET.)
CARL A. HOFER L.S. P.E. (RET.)
A. K. HOFER L.S. P.E. (1968)

August 28, 2000

Mr. and Mrs. Charles Baker
3736 N. Barbee Road
Warsaw, IN 46582

RE: Legal Survey

Dear Mr. Gulley:

Pursuant to the Indiana Code 36-2-12-10 regarding Legal Surveys, you are hereby notified that on or about Monday, September 18, 2000, I will be doing a survey to determine the property line between Lot 21 and Lots 20 and 22 in Kuhn's Second Addition to Kuhn's Plat as recorded in Plat Book 3, page 312A in the Office of the Recorder of Kosciusko County, Indiana.

Respectfully,
Hofer and Davis, Inc.

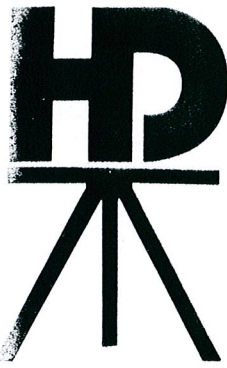
Michael W. Davis

RECEIVED
11/31/01

ENTERED IN LEGAL BOOK 4 PAGES
76+77, CO. SURVEYOR'S OFFICE, 21/1/01

Is your RETURN ADDRESS completed on the reverse side?	SENDER: <ul style="list-style-type: none">• Complete items 1 and/or 2 for additional services.• Complete items 3, and 4a & b.• Print your name and address on the reverse of this form so that we can return this card to you.• Attach this form to the front of the mailpiece, or on the back if space does not permit.• Write "Return Receipt Requested" on the mailpiece below the article number.• The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to: MR. & MRS. CHARLES BAKER 3736 N. BARBEE ROAD WARSAW, IN 46582		4a. Article Number 7099-3400-0014 3-100-198-182-7251 7485	
			4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
	5. Signature (Addressee) Joan Baker		7. Date of Delivery 8-31-00	
	6. Signature (Agent) Michael W. Davis		8. Addressee's Address (Only if requested and fee is paid)	
PS Form 3811, December 1991 *U.S. GPO: 1993-352-714				
DOMESTIC RETURN RECEIPT				

Thank you for using Domestic Return Receipt



HOFER AND DAVIS, INC.

LAND SURVEYORS
203 W. WAYNE ST. #316
FORT WAYNE, IN 46802
(219) 422-9922
FAX (219) 424-2157

—MICHAEL W. DAVIS L.S.
HANS C. HOFER L.S.
WM. S. DAVIS L.S. (RET.)
CARL A. HOFER L.S. P.E. (RET.)
A. K. HOFER L.S. P.E. (1968)



August 28, 2000

Mr. Michael Gulley
12 EMS B62 LN.
Warsaw, IN 46582

RE: Legal Survey

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Respectfully,
Hofer and Davis, Inc.

Michael W. Davis

RECEIVED
1/31/01

ENTERED IN LEGAL BOOK 4 PAGES
76 & 77, CO. SURVEYOR'S OFFICE, 2/1/01

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

MR. MICHAEL GULLEY
12 EMS B62 LN.
WARSAW, IN 46582

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number 7094-3400-0014
~~2-228-178-681~~ 7251 753

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

Section

Town

North of Range

East

29

,

32 N

,

7 E

, Monoquet

33

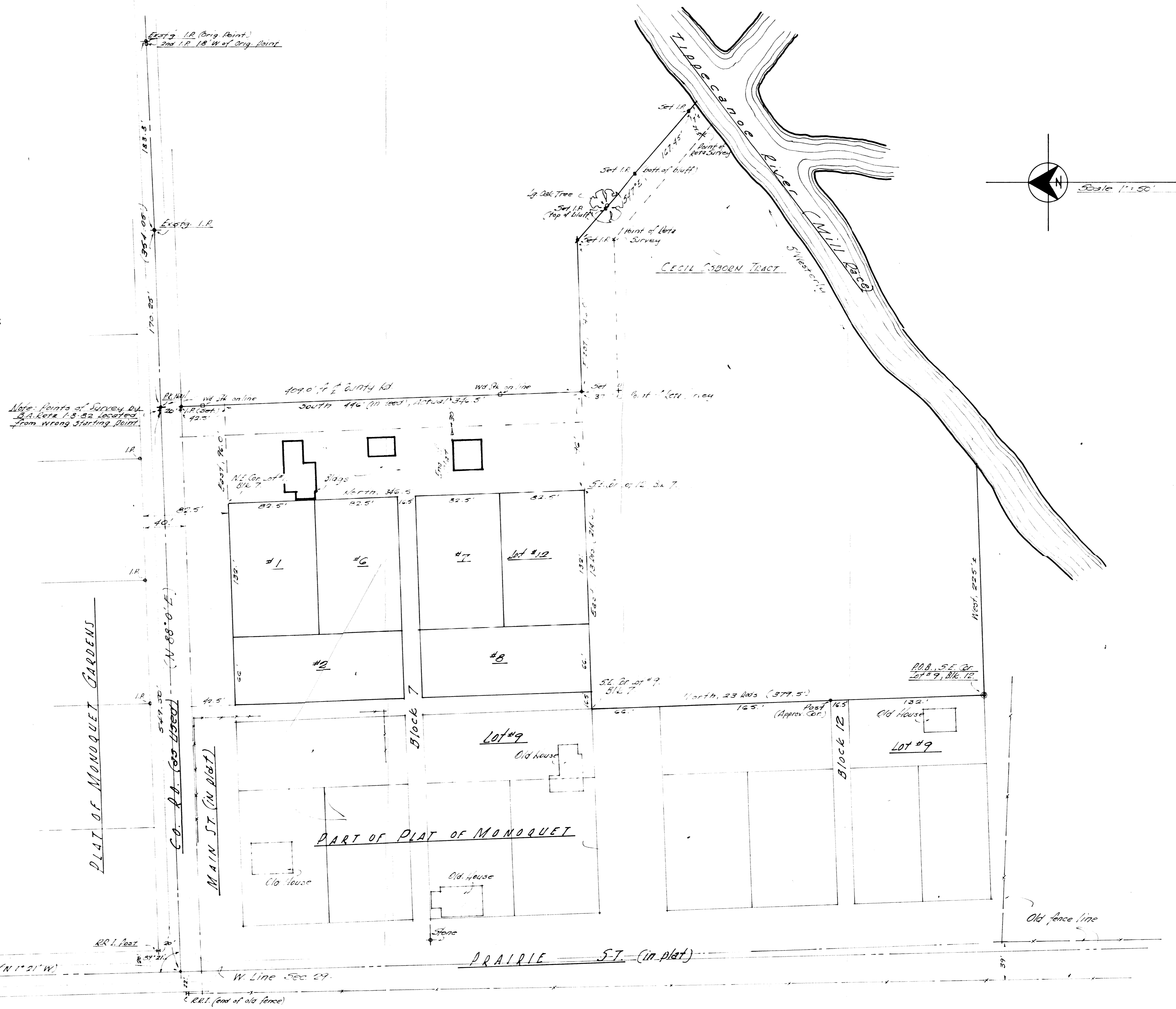
6

CECIL OSBORN , Survey Mar. 18, 1983

D. N. Smith
LS. 101130

THIS IS TO CERTIFY THAT THE UNDERSIGNED LAND SURVEYOR, REGISTERED AS PROVIDED BY LAW IN THE STATE OF INDIANA, HAS MADE A SURVEY OF THE EAST LINE OF THE FOLLOWING DESCRIBED TRACT OF LAND IN KOSCIUSKO COUNTY, INDIANA:

LOTS NO. 1, 2, 6, 7, 8 AND 12 IN BLOCK 7 IN THE VILLAGE OF MONOQUET. ALSO BEGINNING AT THE SOUTHEAST CORNER OF LOT NO. 9 IN BLOCK NO. 12 IN THE VILLAGE OF MONOQUET AND RUNNING THENCE NORTH TWENTY-THREE (23) RODS TO THE SOUTHEAST CORNER OF LOT NO. 9 IN BLOCK NO. 7 IN THE VILLAGE OF MONOQUET; THENCE EAST TO THE SOUTHEAST CORNER OF LOT NO. 12 IN BLOCK NO. 7 IN THE SAID VILLAGE OF MONOQUET; THENCE NORTH TO THE NORTHEAST CORNER OF LOT NO. 1 IN BLOCK NO. 7 IN SAID VILLAGE; THENCE EAST 96 FEET; THENCE SOUTH 446 FEET TO A POINT 96 FEET EAST OF THE SOUTHEAST CORNER OF LOT NO. 12 IN SAID VILLAGE; THENCE EAST 146 FEET; THENCE SOUTH 47 DEGREES EAST TO THE NORTH BANK OF THE MILL RACE; THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF THE MILL RACE TO A POINT DUE EAST OF THE PLACE OF BEGINNING; THENCE WEST TO THE PLACE OF BEGINNING.



CECIL H. OSBORN TRACT	
DATE	FILED
JUL 1	JUL 1
1914	1914
Legal Survey of East Line	6784
D. H. LESSIG ENGINEERS, INC.	WARSAW, INDIANA
I CERTIFY THAT THE ABOVE SURVEY IS CORRECT	
D. H. LESSIG ENGINEERS, INC.	
WARSAW, IND.	
10/13	

D. H. Lessig Engineers, Inc.

D.H. Lessig, Jr., P.E., L.S., A.R.A.
President

220 NORTH BUFFALO STREET
P.O. BOX 951
WARSAW, INDIANA 46580
Telephone: 219-267-3151

8 FEBRUARY 1983

MR. & MRS. NOEL RHINEHART
RURAL ROUTE 7
WARSAW, INDIANA 46580

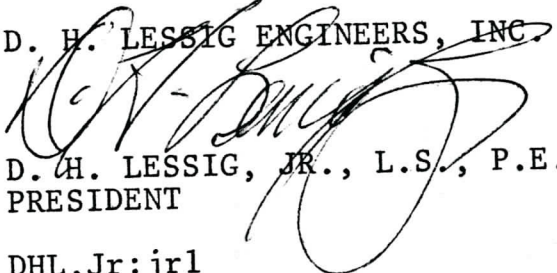
DEAR MR. & MRS. RHINEHART:

PURSUANT TO INDIANA CODE I.C. 36-2-12-10, NOTICE IS HEREBY GIVEN THAT TWENTY (20) DAYS FROM THE DATE OF NOTICE, OR AS SOON THEREAFTER AS POSSIBLE, A SURVEY WILL BE CONDUCTED IN ACCORDANCE WITH SAID STATUTE.

THE PURPOSE OF THE SURVEY IS TO ESTABLISH THE LOCATION OF THE BOUNDARY LINE BETWEEN YOUR PROPERTY AND THE ADJOINING PROPERTY OWNED BY EDNA OSBORN. THE PROPERTY WILL BE SURVEYED BY D. H. LESSIG ENGINEERS, INC., 220 NORTH BUFFALO STREET, WARSAW, INDIANA.

VERY TRULY YOURS,

D. H. LESSIG ENGINEERS, INC.


D. H. LESSIG, JR., L.S., P.E., ARA,
PRESIDENT

DHL,Jr:jrl

CERTIFIED MAIL
RETURN RECEIPT NO. 4876057

Section 30

Town 31

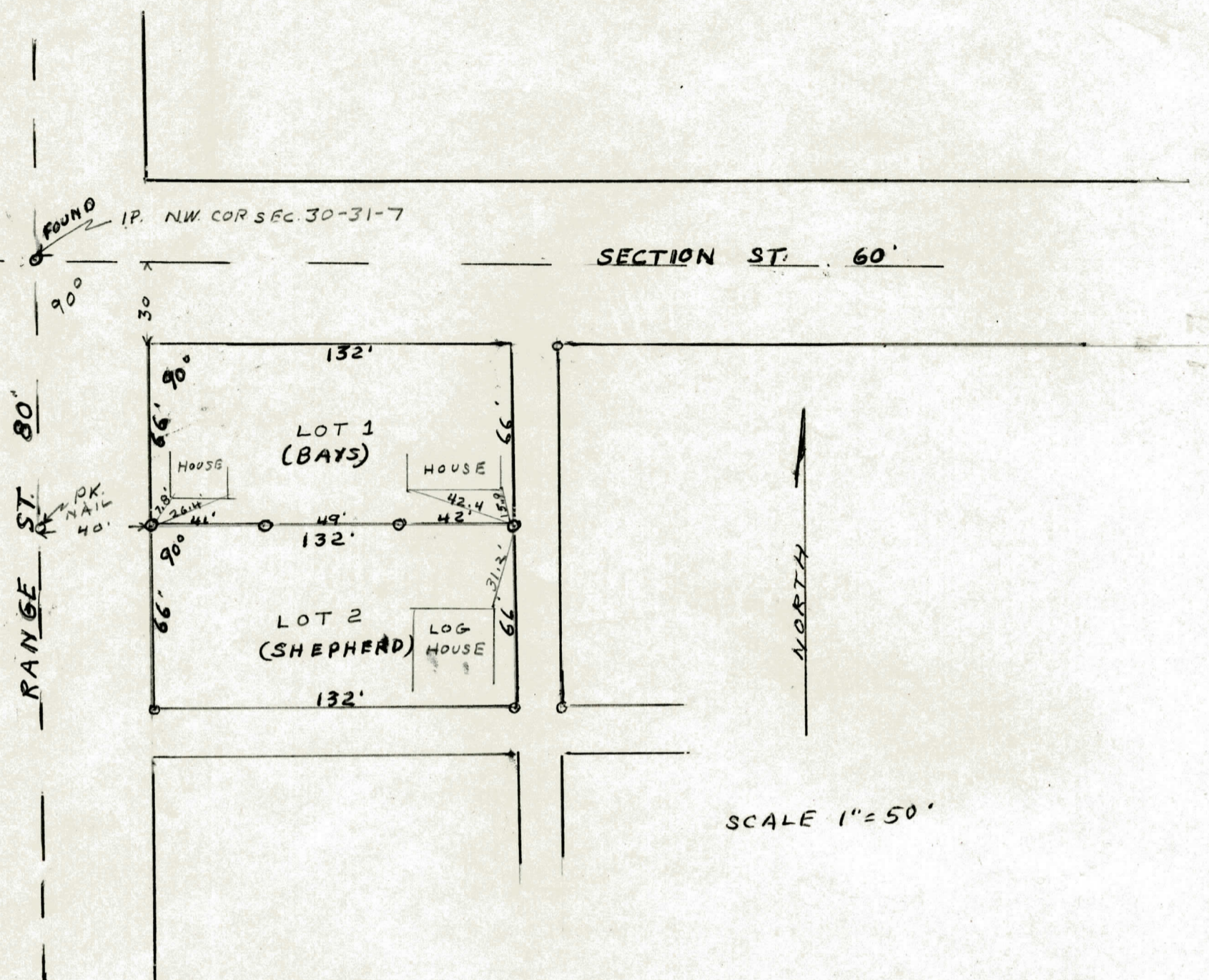
North of Range

7

East

PACKERTON; LINE BETWEEN LOTS 1 AND 2 LUCAS ADD.

HERBERT BAYS AND JUNIOR SHEPHERD WERE NOTIFIED BY ATT. THOMAS EARNA
PROPERTY OWNERS DID NOT APPEAR AT SURVEY 10:00AM APRIL 4, 1975



O = IRON MARKER

SURVEYED BY:

FOUND
R X SPIKE
w. 1/4 POST
SEC. 30-31-7

Charles M. Brower
KOSCIUSKO COUNTY SURVEYOR
REG. LAND SURVEYOR LIC. 12065

NOTICE OF SURVEY

STATE OF INDIANA, KOSCIUSKO COUNTY SS:

TO: MR. HERBERT BAYS
RURAL ROUTE #2
CLAYPOOL, INDIANA 46510

EMPLOYED: MANCHESTER FOUNDRY
NORTH MANCHESTER, INDIANA

MR. AND MRS. JUNIOR SHEPHERD
RURAL ROUTE #2
CLAYPOOL, INDIANA 46510

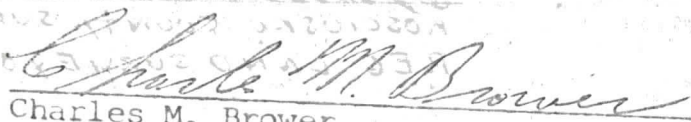
You are hereby notified that I have been instructed and will perform a legal survey, to divide, separate and determine the lot line and boundries of Lot # 1 and 2, in Isaac N. Lucas Addition to the town of Packerton, Indiana, situated in Section 30 Township 31 North, and Range 7 East, Kosciusko County, Indiana.

This survey will commence on the 4th day of April at 10:00 A.M., 1975 and if inclement weather or any other reason prevents the survey from taking place on said date, said survey will stand continued from day to day until finished.

You are further notified that you have 90 days in which to appeal this survey commencing from when the plat of the legal survey is recorded by the county surveyor in the legal survey record book. Failure to appeal within this time shall establish said surveyed lines as binding on all landowners affected, their heirs and assigns.

The cost of said survey to be born equally by the landowners affected.


Your land is being affected and you will take notice and meet at the above described location on said date and at said time.


Charles M. Brower


STATE OF INDIANA

KOSCIUSKO COUNTY:

I, the undersigned, swear that I gave to the above named parties notice to the legal survey to be performed as described herein.


Charles M. Brower

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 13th day of March, 1975.


Thomas W. Earhart
Notary Public

My Commission Expires:

September 7, 1977

RECORD OF SURVEYS

A. E. BOYCE CO., MUNCIE, IND. 13003

Section

30

Town

31

North of Range

6

East

For Benj Hill Est.

Merl Fitten Exec.

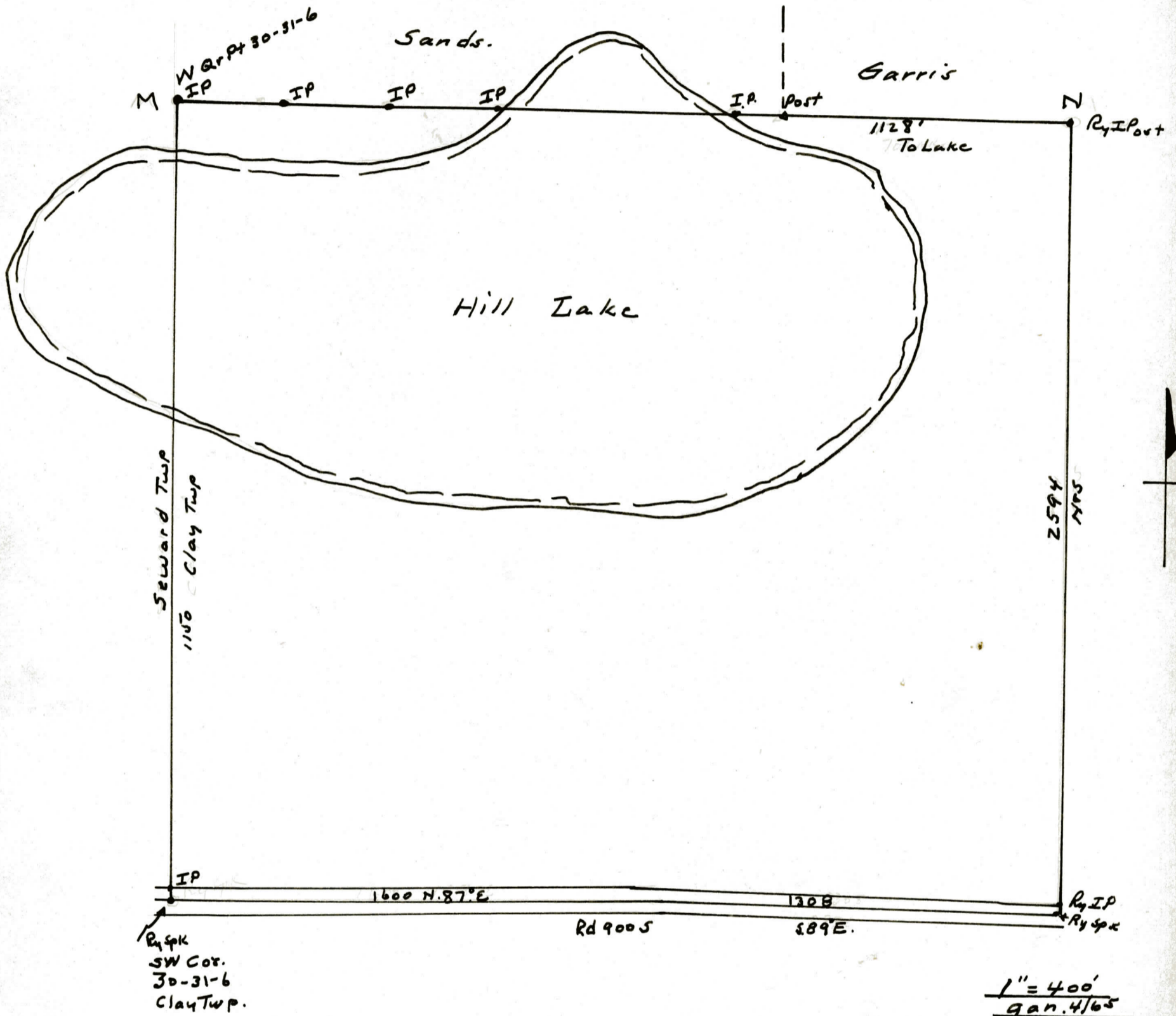
Claypool, Ind. R1

Purpose To run line MM.

M+H were in place.

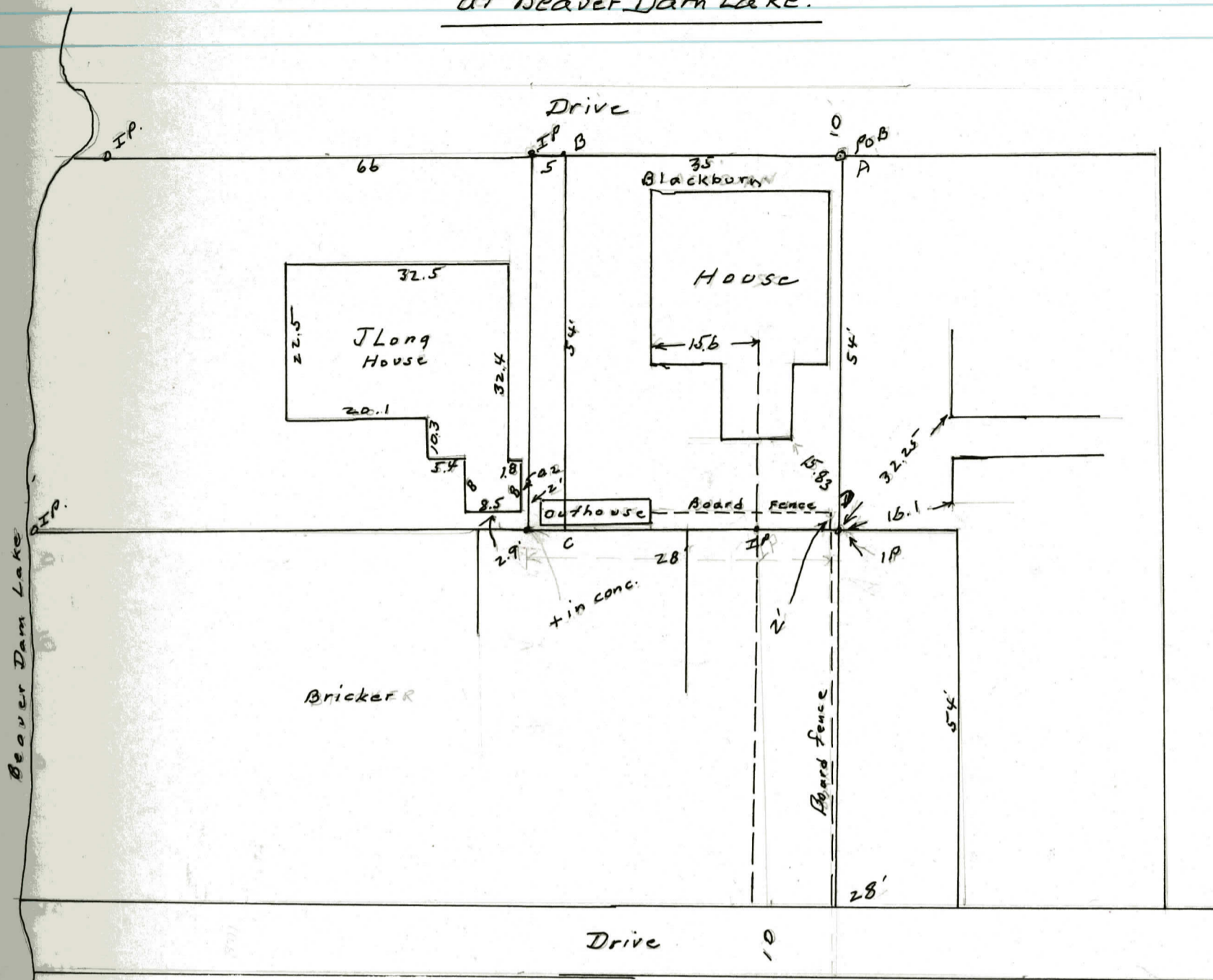
Jesse John
Garris + Sands on the North
DR168-Pg504

DR94-Pg195 g.v.



All 3 Parties were duly notified.
Survey made by Chas. M. Brower,
County Surveyor K.C.I., & by Jas.
Baker, Deputy, 4-9-65. as per
above plat.

Charles M. Brower
Kosciusko Co. Surveyor.

Long-Hamaker Surveyat Beaver Dam Lake.

One POB is 374' W
 & Th 394' N of SE Cor NW $\frac{1}{4}$ SE $\frac{1}{4}$
 33-31-5 K.C.I.

1" = 20'

Beq. at a point 448' N + 362' W. of SE Cor NW $\frac{1}{4}$ SE $\frac{1}{4}$
 33-31-5 in K.C.I. Th S 54 ft; Th W 35 feet; Th N 54'
 Th E 35' TO P.O.B. Marked A B C D.

To establish, Locate and perpetuate the south line of the above description.

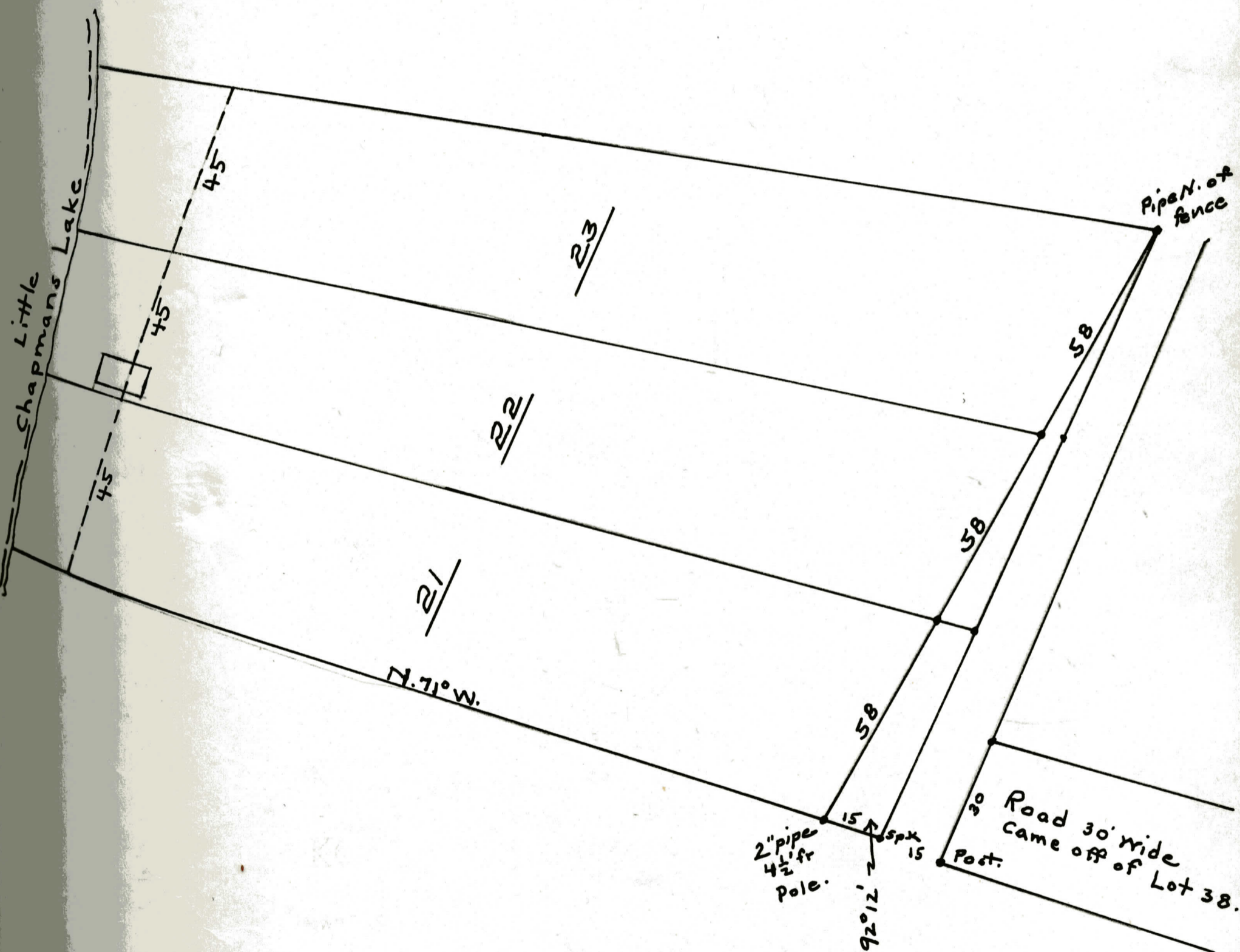
Due notice having been given this survey was done by me
 on July 8, 1969. I hereby certify the same to be true &
 accurate as I verily believe.

C.M. Brower C.S. + L.L.S.
7-10-69.

Drawn by G.M.

Divers Lots in
Lakewood Park
Plat 280

Lot 21 owned by E.R. Fontaine
5150 E. Wash Indianapolis, Ind.



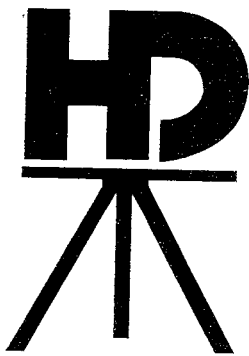
Field BK HH
Pg 31 1953
GAN.

Section 4 (W $\frac{1}{2}$) Town 34 North of Range 7 East

LINE BETWEEN LOTS 51 + 52 MAXWELTON MANOR

CONTENTS OF THIS FOLDER FROM THE KOSCIUSKO COUNTY
SURVEYOR'S OFFICE LEGAL SURVEY BOOK 4 PAGES 78 + 79,
WARSAW, INDIANA

- NOTICE OF LEGAL SURVEY TO: GERRARD REEGER (7/2/04 FILED)
- 6 PAGES OF SURVEY (PAGE 4 REQUIRED 3 8.5"x11" SHEETS)
INCLUDING LETTER TO CO. SURVEYOR
(7/2/04 FILED)



HOFER AND DAVIS, INC.

LAND SURVEYORS
203 W. WAYNE ST. #316
FORT WAYNE, IN 46802
(260) 422-9922
FAX (260) 424-2157

MICHAEL W. DAVIS L.S.
HANS C. HOFER L.S.
WM. S. DAVIS L.S. (RET.)
CARL A. HOFER L.S. P.E. (1994)
A. K. HOFER L.S. P.E. (1968)



July 2, 2004

Mr. Richard J. Kemper, L.S.
KOSCIUSKO COUNTY SURVEYOR
Courthouse
100 West Center Street
Warsaw, IN 46580

RE: Legal Survey (Maxwelton Manor, Syracuse Lake)

Dear Mr. Kemper:

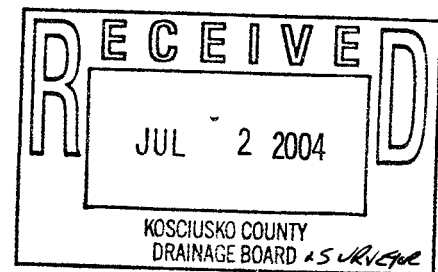
We have completed a legal survey to determine the common boundary between Lots 51 and 52 in Maxwelton Manor.

Please find attached, sheets 2 through 6, being the plat of survey and report as well as proof of notice to the adjoining landowners. Pursuant to IC36-2-12-10 (5), please consider this for entry into the legal survey record book.

Thank you for your attention to this matter.

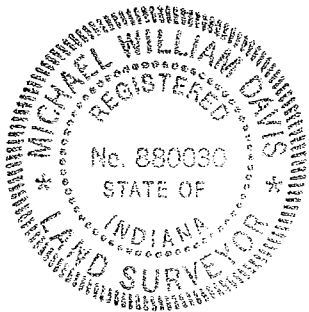
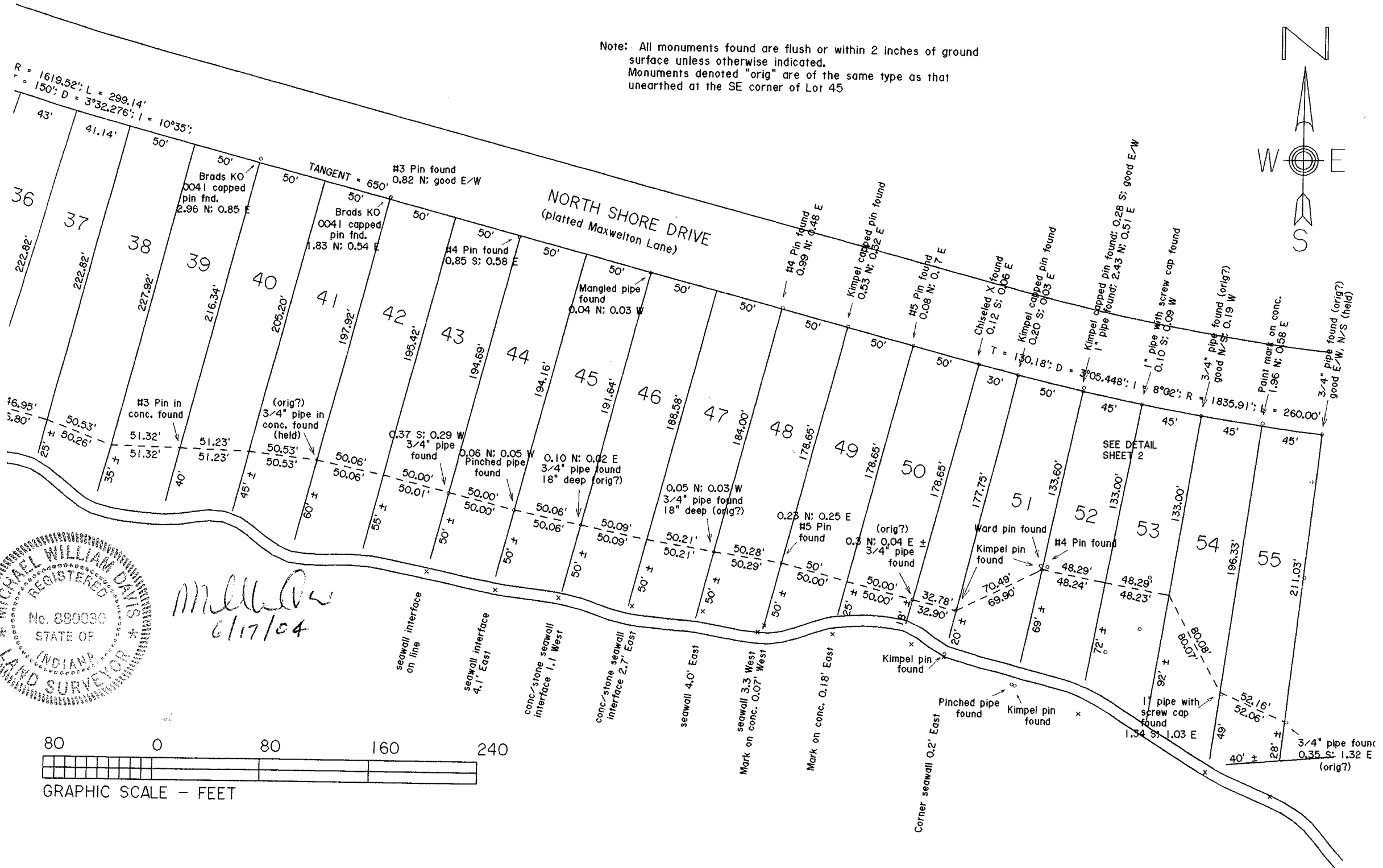
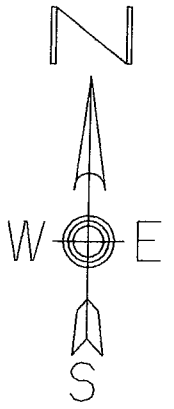
Sincerely,
Hofer and Davis, Inc.

Michael W. Davis, L.S.

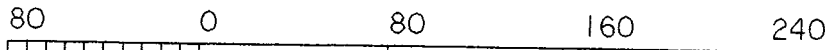


2 of 6

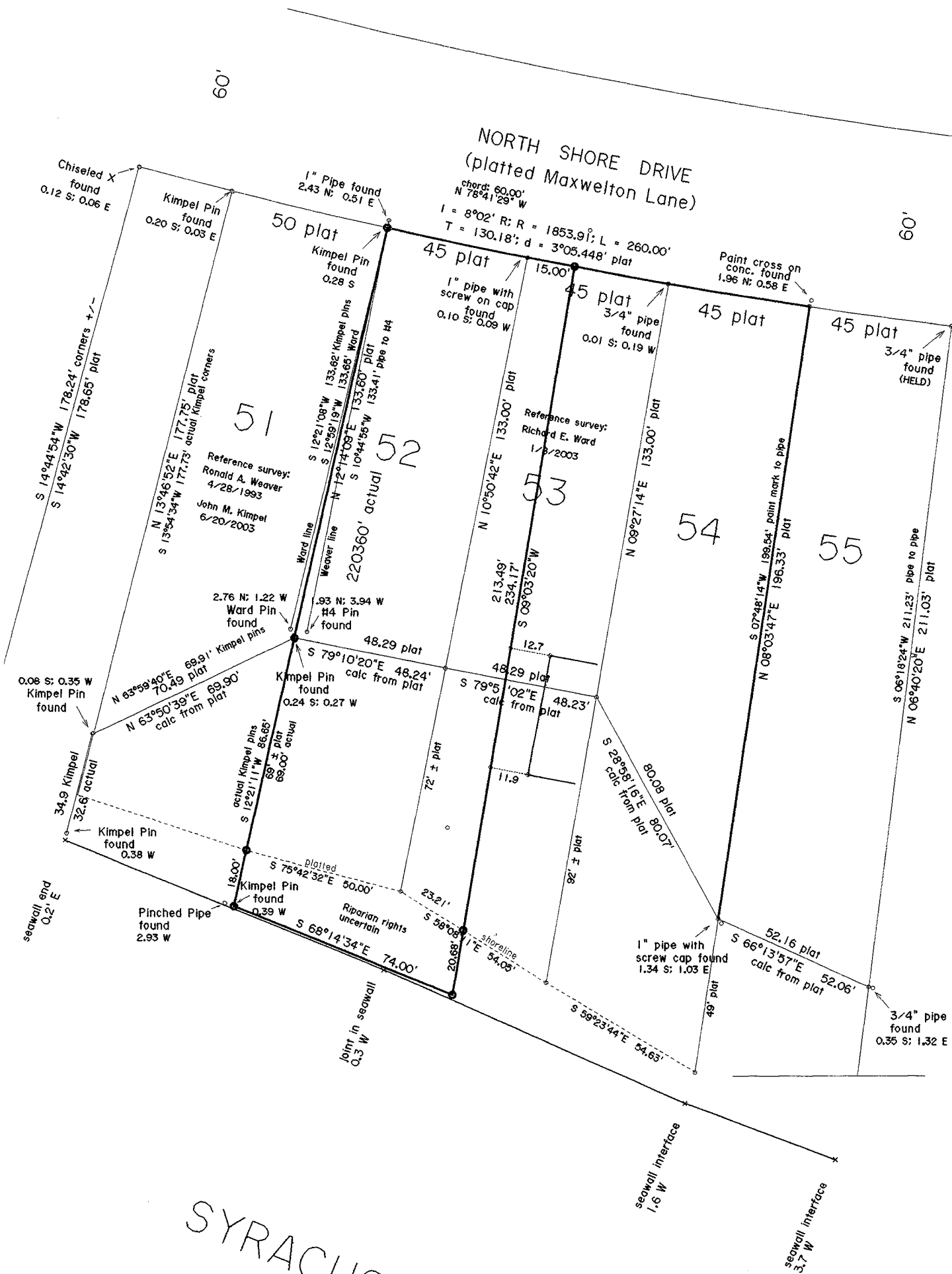
Note: All monuments found are flush or within 2 inches of ground surface unless otherwise indicated.
Monuments denoted "orig" are of the same type as that unearthed at the SE corner of Lot 45



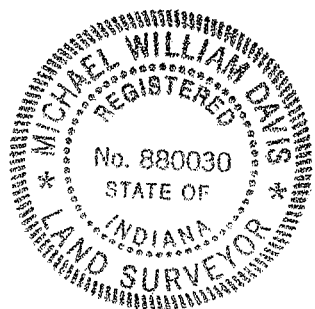
MLL
6/17/04



GRAPHIC SCALE - FEET



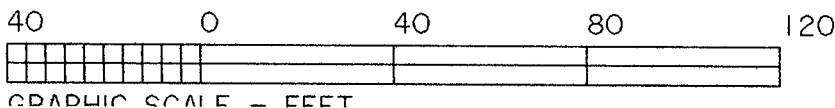
SYRACUSE LAKE



BASIS OF BEARINGS: West line of plat
assumed North/South
(see report)
Ties North/South and East/West are computed
based on the original plat as established.

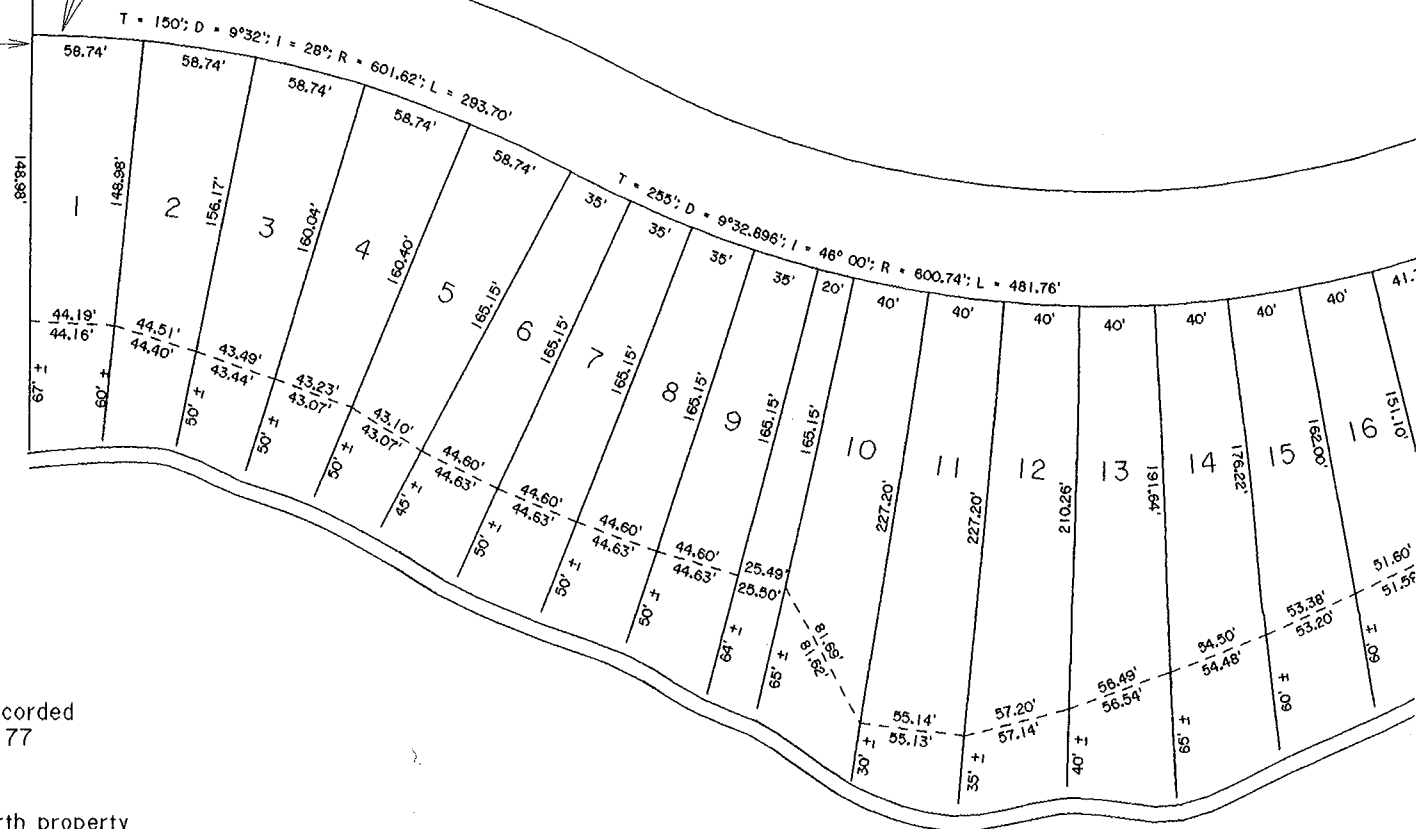
Indicates #5 x 24" rebar set
with yellow plastic
Hofer & Davis, Inc. firm 0025
cap affixed.

Michael
6/17/04



CURVE ASSUMED TANGENT TO LINE
NORMAL TO WEST LINE

ASSUMED NORTH / SOUTH FOR PLAT RECREATION.



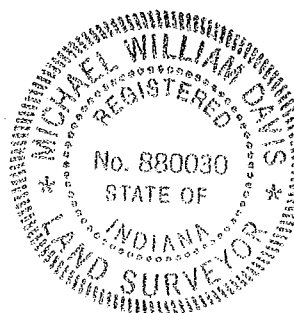
Plat by Harmon J. Weaver, P.E. recorded
12/1/1924 in Plat Book 4, page 77

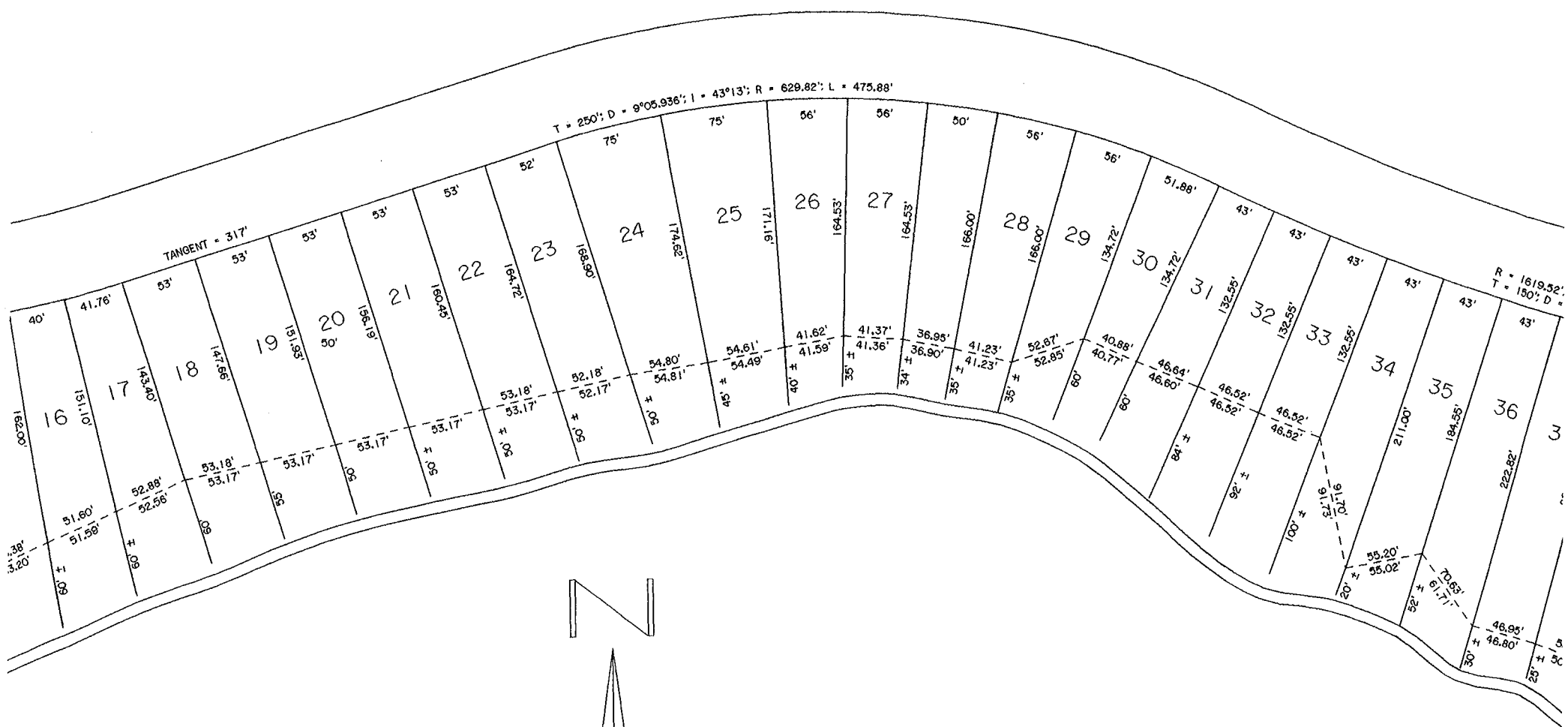
Notes on Plat:
All Lot lines at right angles to North property
line. Iron stakes about 1" in diameter set
at all corners.

* Slight variance with curve data on face
of plat and script of legal description.

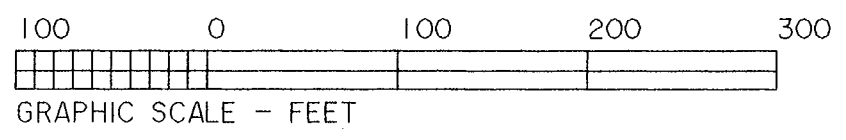
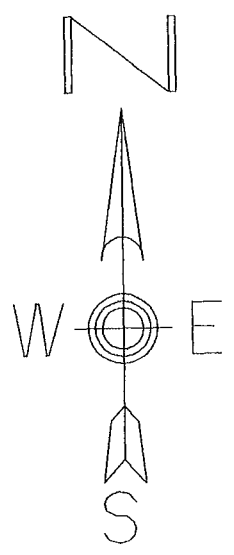
DIMENSIONS ALONG HIGH BANK TRAVE
ARE PLAT DIMENSIONS ON TOP AND
CALCULATED DIMENSIONS ON BOTTOM

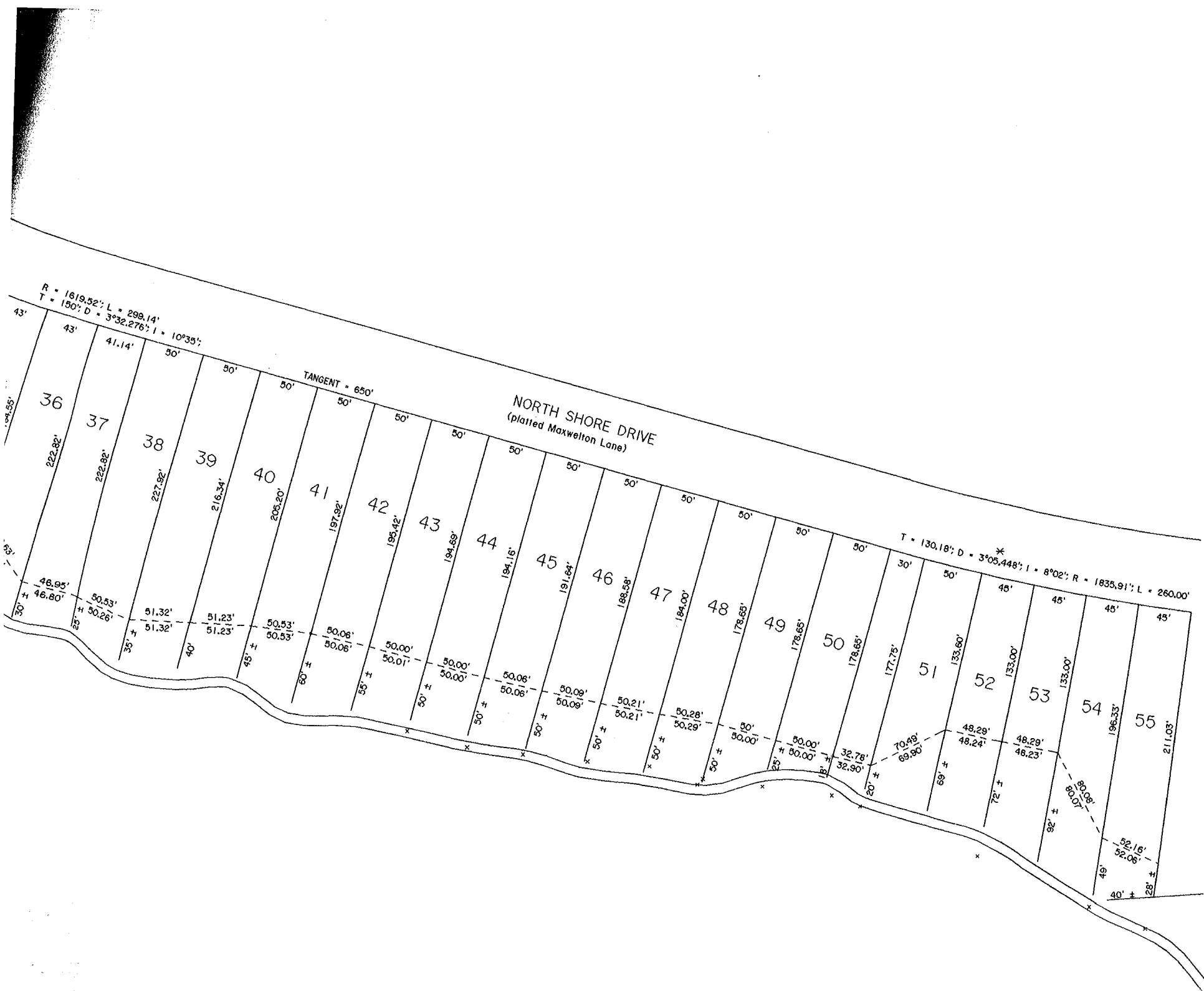
Michael William Davis
6/17/04





BANK TRAVERSE
 TOP AND
 ON BOTTOM





SURVEYOR'S REPORT

Pursuant to the Indiana Administrative Code Title 865, Article 1.1, Chapter 12 regarding uncertainties as to the location of the property corners and boundary lines found or set by the preceding survey, and by discrepancies and/or ambiguities in the reference monuments, title documents, and evidence of occupation and possession, we hereby submit the following opinions and observations:

1. The theoretical uncertainty of the corners established by this survey due to random errors in measuring the perimeter of said tract falls within the criterion of a Class "B" Survey (0.25 feet) as defined by the aforesaid Indiana Administrative Code.

2. UNCERTAINTY IN THE REFERENCE MONUMENTS:

See survey map for monuments found and their respective location to platted locations as established.

3. UNCERTAINTY DUE TO POSSIBLE TITLE AMBIGUITIES:

No title commitment available for this report. It is unclear for purposes of this report if the platted lot line between Lots 51 and 52 would extend to the current shoreline. It would depend upon how the extra land came to be. If it was caused by the natural deposit of land or the receding of the water, it would extend. If it was caused by manmade filling, it is possible the land between the platted shoreline and the actual Lake Shore belongs to the State of Indiana.

4. UNCERTAINTIES IN LINES OF OCCUPATION AND/OR POSSESSION:

See survey map.

NOTES: This survey is made in accordance with the requirements established by the Indiana Code 36-2-12-10 regarding legal surveys. Of reference for this survey were recent surveys by John M. Kimpel of Lot 51 dated 6/20/03 and Richard E. Ward for lots 52, 53, and 54 dated 1/8/03; a somewhat older survey by Ronald A. Weaver of Lot 51 dated 4/28/93; a copy of the recorded plat which was prepared by Harmon J. Weaver recorded on 12/1/1924; and testimony of long time residents owning Lots 45 and 46. Field work was commenced on June 2, 2004 with a goal of finding original monuments along the 650 foot long tangent on the North and along the high bank traverse, corner monuments found as indicated on survey map attached. One of the monuments found, being the Southeast corner of Lot 45 on the high bank traverse had never been unearthed since the residents have lived there, approximately 34 years. Due to the depth, age, and undisturbed nature of this monument, it was determined that the possibility exists that these were the "about 1 inch iron stakes" established when platted in 1924. Other monuments found of the similar type are as situated at the Southwest corner of Lot 42, the Southeast corner of Lot 47, the Southeast corner of Lot 50, the Southeast corner of Lot 55, The Northeast corner of Lot 55, and the Northeast corner of Lot 53. Corners seem to drift substantially to the North along the roadway as we went Westerly.

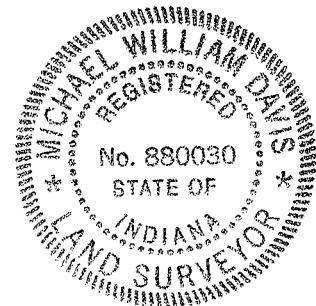
The physical location of the corner monuments found were then retrofitted onto a map of the original plat, with several different scenarios analyzed, and a "best fit" determined. It should be noted that the original plat is excellent in its detail, particularly considering the age. Some slight variances in high bank traverse distances is noted on the plat accompanying this report as well as some conflicting curve data between the face of the plat and the legal description contained on same, but all things considered, the plat is excellent. Variances in monument location to the plat location is as indicated and is relative to the basis of bearings and is not on lot line extensions. The basis of the bearings used for the recreation of the plat is North 0 degrees 00 minutes 00 seconds East for the West line of the plat (Lot 1) with the assumption that the initial curve is tangent to a line perpendicular to the West line aforesaid. The retrofitted basis of bearings of the actual monuments

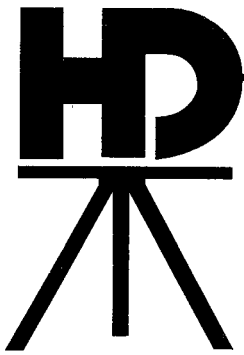
found was translated and rotated to be consistent with the Southwest corner of Lot 42 and the Northeast corner of Lot 55 having the same bearing as the platted calculated bearing. The calculated distance from the plat and the actual distance between the monuments was found to be exactly the same. Other evidence considered were possession lines of age, which were difficult to find due to the abundance of new construction in the area, with homes being razed and new ones built over the high bank traverse and new seawalls, decks, steps etc. at or near the lake shore. An apparently very old seawall on the lot line common to Lots 43 and 44 further supports the basis of plat recreation.

Regarding the reference surveys cited above, for the West line of Lot 52 and the East line of Lot 51 it appears the 1993 survey by Weaver used the pipe referenced on this survey to be 2.43 feet North and 0.51 feet East and the #4 pin found referenced on this survey to be 1.93 feet North and 3.94 feet East, Ward in 2003 used the same pipe on the North and set a pin (2.76 feet North, 1.22 feet West), and Kimpel used the same pipe at the North for alignment when he realized there was no rhyme or reason to the corners found along the roadway and established his own corner on the high bank traverse (0.24 feet South, 0.27 feet West). Based upon this survey, we find the pipe at the North to be on the Lot line extended and 2.48 feet Northerly, the Kimpel pin at the North to be virtually on the lot line and 0.27 feet Southerly. The corners on the high bank traverse are found to be: Weaver pin, 2.7 feet Northerly, 3.44 feet normally distant Easterly; Ward pin, 2.44 feet Northerly, 1.78 feet normally distant Westerly; Kimpel pin, 0.30 feet Southerly, 0.20 feet normally distant Westerly. The pinched pipe at the seawall is found to be 2.93 feet normally distant West and the Kimpel pin is 0.39 feet West. I hesitate to call the Kimpel corners erroneous, but at the current value of \$8500 per foot of lake frontage, 0.39 feet equates to \$3315, and while Mr. Kimpel clearly displays the proper technique in surveying the property, it is our opinion more original corners, or at least more corners along the high bank traverse needed to be found to accurately establish the plat, particularly because of the curve along the roadway. The Ward and Weaver surveys show no additional monuments outside the confines of their respective Lots so it is not clear whether they accepted the monuments found based upon other evidence or just what is shown on their survey maps.

IN WITNESS WHEREOF, I Place my hand
and seal this 17th day of June, 2004.

Michael William Davis





HOFER AND DAVIS, INC.

LAND SURVEYORS
203 W. WAYNE ST. #316
FORT WAYNE, IN 46802
(260) 422-9922
FAX (260) 424-2157

MICHAEL W. DAVIS L.S.
HANS C. HOFER L.S.
WM. S. DAVIS L.S. (RET.)
CARL A. HOFER L.S. P.E. (1994)
A. K. HOFER L.S. P.E. (1968)



April 22, 2004

Ms. Lynn C. Reecer
3027 Covington Lake Drive
Fort Wayne, IN 46804

RE: Legal Survey

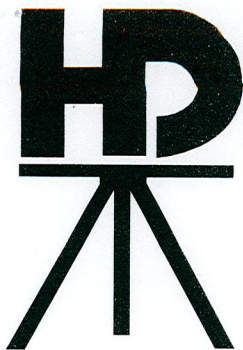
Dear Ms. Reecer:

You are the record owner of Lots 52, 53, and 54 in the plat of Maxwellton Manor on Lake Wawasee in Kosciusko County, Indiana.

We have been retained to perform a legal survey to determine the boundary between Lots 51 and 52 in said Maxwellton Manor. Pursuant to the requirements of the Indiana Code 36-2-12-10 regarding legal surveys, you are hereby notified that on or about May 12, 2004, this Office will be commencing the field work required to ascertain the platted location of the lot line common to said Lots 51 and 52.

Sincerely,
Hofer and Davis, Inc.

Michael W. Davis, L.S.



HOFER AND DAVIS, INC.

LAND SURVEYORS
203 W. WAYNE ST. #316
FORT WAYNE, IN 46802
(260) 422-9922
FAX (260) 424-2157

MICHAEL W. DAVIS L.S.
HANS C. HOFER L.S.
WM. S. DAVIS L.S. (RET.)
CARL A. HOFER L.S. P.E. (1994)
A. K. HOFER L.S. P.E. (1968)



April 22, 2004

Mr. Brian L. Gerard
1369 E. Northshore Drive
Syracuse, IN 46567

RE: Legal Survey

Dear Mr. Gerard:

You are the record owner of Lot 51 in the plat of Maxwellton Manor on Lake Wawasee in Kosciusko County, Indiana.

We have been retained to perform a legal survey to determine the boundary between Lots 51 and 52 in said Maxwellton Manor. Pursuant to the requirements of the Indiana Code 36-2-12-10 regarding legal surveys, you are hereby notified that on or about May 12, 2004, this Office will be commencing the field work required to ascertain the platted location of the lot line common to said Lots 51 and 52.

Sincerely,
Hofer and Davis, Inc.

Michael W. Davis, L.S.

U.S. Postal ServiceTM **CERTIFIED MAILTM RECEIPT**
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ 0.37 UNIT 10: 0900

Certified Fee \$ 0.30

Return Receipt Fee (Endorsement Required) \$ 1.75

Restricted Delivery Fee (Endorsement Required) \$ 0.00

Total Postage & Fees \$ 2.42

Postmark Here

11/11/04

Send To: MR. BRIAN L. GERARD
 Street Address: 1369 E. NORTHSIDE DR.
 City/State/Zip: SYRACUSE, NY 13609

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 MR. BRIAN GERARD
 1369 E. NORTHSIDE DR.
 SYRACUSE, NY 13609

2. Article Number
 (Transfer from service) 7003 3110 0005 1397 8844

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X B. L. W. ☐ Agent ☐ Addressee

B. Received by (Printed Name) Brian Gerard C. Date of Delivery 4/23/04

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal ServiceTM **CERTIFIED MAILTM RECEIPT**
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ 0.37 UNIT 10: 0900

Certified Fee \$ 0.30

Return Receipt Fee (Endorsement Required) \$ 1.75

Restricted Delivery Fee (Endorsement Required) \$ 0.00

Total Postage & Fees \$ 2.42

Postmark Here

11/11/04

Send To: MS. LYNN C. REECER
 Street Address: 3027 COVINGTON LAKE DR.
 City/State/Zip: FORT WAYNE, IN 46804

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 MS. LYNN C. REECER
 3027 COVINGTON LAKE DR.
 FORT WAYNE, IN 46804

2. Article Number
 (Transfer from service label) 7003 3110 0005 1397 8691

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

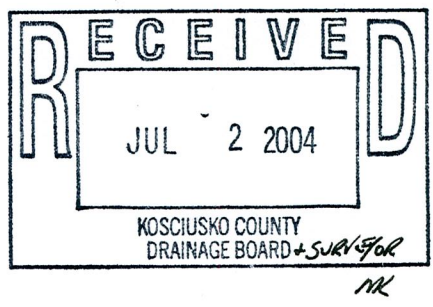
A. Signature
 X Lynn Reecer ☐ Agent ☐ Addressee

B. Received by (Printed Name) Lynn Reecer C. Date of Delivery 4-23-04

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



Section

Town

North of Range

East

NOTICE OF SURVEY

State of Indiana, Kosciusko, County, ss:

To Ray Teeple, 505 East Alward Street, Warsaw, Indiana

You are hereby notified that I, the undersigned, have employed Charles Brower
 Surveyor for Kosciusko County, Indiana, to divide and set apart my land situated in Lakeside Addition
 to the City of Warsaw, Wayne Township Line between Lots 83 & 84.
 XXXX XXXXXXXXXXXXXXX XXXX
 Town, and Range, East, Kosciusko County, Indiana.

The survey will commence on the 8th day of March, 1973, and
10 a. m.
if inclement weather or any other reason prevents the survey taking place on said date, said survey
will stand continued from day to day until finished.

Your land being affected by said survey, you will take notice and meet on said date at
505 Alward Street, Warsaw, Indiana

Signed,

James Wilson Van Curen

State of Indiana, Kosciusko County, ss:

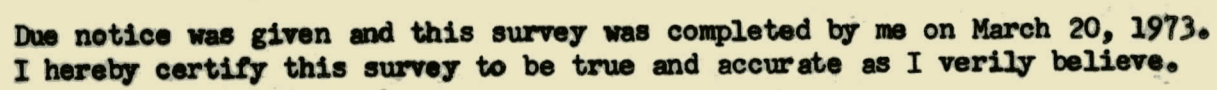
I, the undersigned, swear that I gave to the above named parties the above notice.

James Wilson Van Curen

Subscribed and sworn to before me, the 2nd day of December 1972

J. E. Lambert, Notary Public

My Commission expires July 24, 1976.



Charles M. Brower
CHARLES M. BROWER
KOSCIUSKO COUNTY SURVEYOR
REG. LAND SURVEYOR 12065

DER

Section 5

Town 34

North of Range 7

East

MK

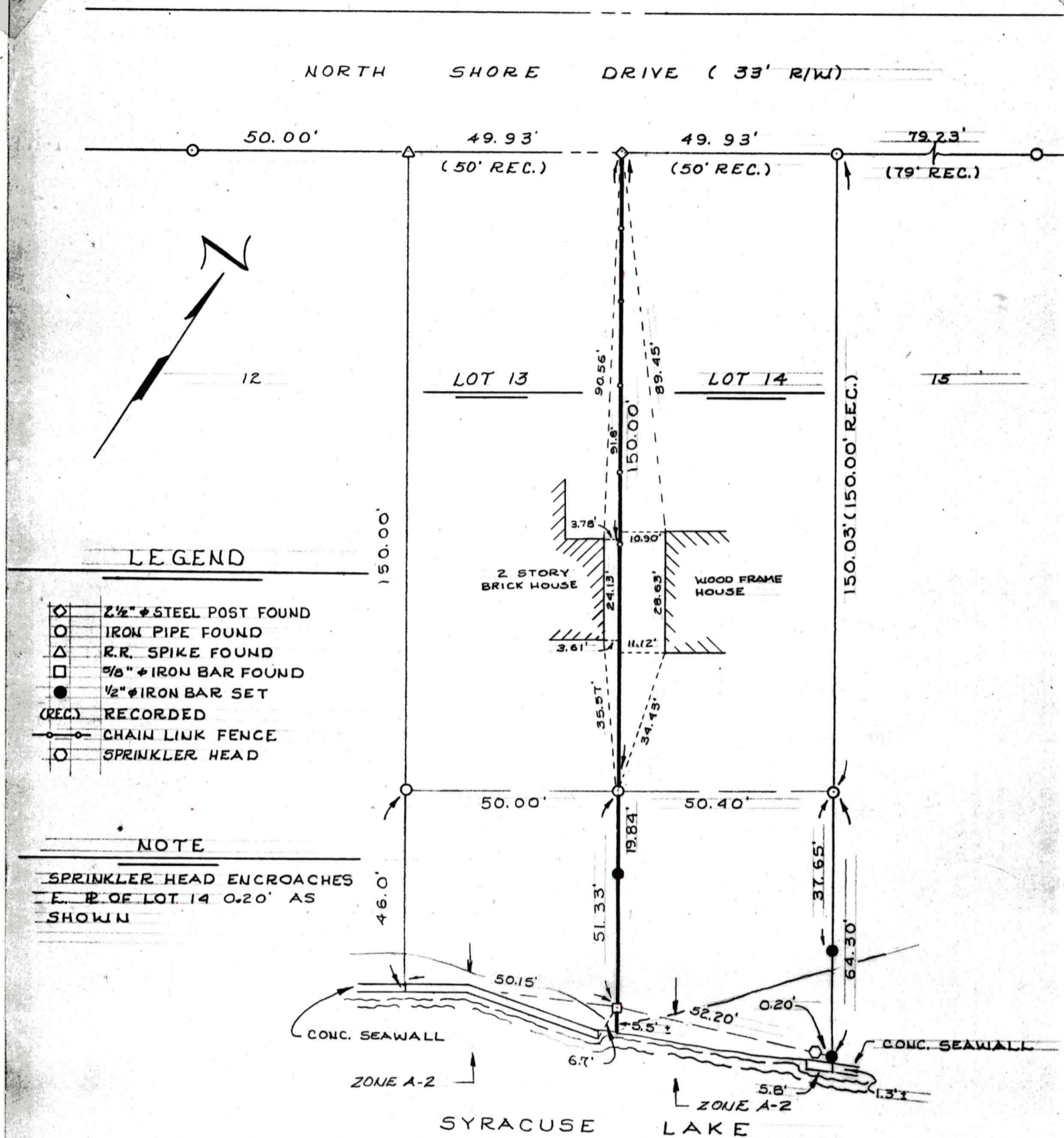
NW 5

T34N

R7E

PREPARED FOR KAROL STANLEY (ESTABLISHING THE LINE BETWEEN LOTS 13 & 14, PLAT OF POTAWATOMI PARK ON SYRACUSE LAKE, TURKEY CREEK TWP.)


SEE ATTACHED NOTICES



I HEREBY CERTIFY THAT THE TRACT OF LAND SHOWN ABOVE WAS SURVEYED UNDER MY DIRECT SUPERVISION FOLLOWING GENERALLY ACCEPTED STANDARDS AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION THEREOF.

Larry R. Long
LARRY R. LONG
REGISTERED LAND SURVEYOR



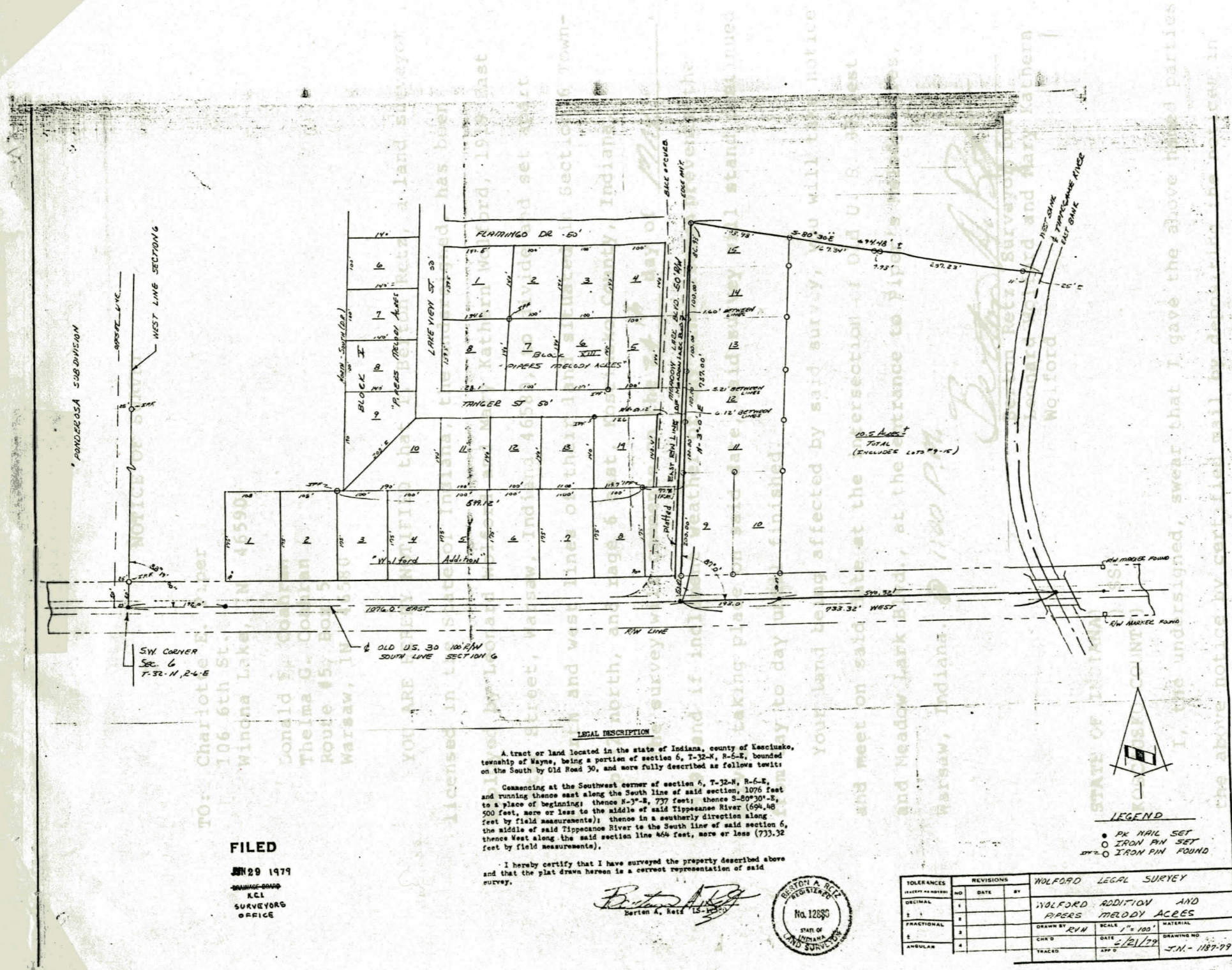
 <p>LARRY R. LONG AND ASSOCIATES, INC.</p> <p>CONSULTING ENGINEERS/LAND SURVEYING</p> <p>611 S. Buffalo St., Warsaw, IN 46580 Telephone (219) 269-6333</p> <p>LARRY R. LONG, P.E.</p>	<p>PLAT OF SURVEY, PROPERTY LINE BETWEEN LOTS 13 & 14 IN PLAT OF POTAWATOMI PARK ON SYRACUSE LAKE, TURKEY CREEK TWP., KOS. CO., IN.</p>		
	<p>FOR: KAROL STANLEY</p>		
<p>SCALE: 1" = 30'</p>	<p>DATE: 4-23-90</p>	<p>PROJECT NO.: 890489.00</p>	

D.L.

6

32

6

WOLFORD LEGAL SURVEY
WOLFORD ADD + PIPERS MELODY ACRES
BERT RETZ SURVEY

the U. S. Mail addressed to the landowners at the above addresses.

1979. Subscribed and sworn to before me, the 3rd day of May

My commission expires Jan 15th, 1984

FILED
SURVEYORS OFFICE

JUN 20 1979

WOL
WOL
BEA


TO: Charlotte E. Piper
106 6th St.
Winona Lake, IN 46590

Donald F. Coahran
Thelma G. Coahran
Route #5, Box 5
Warsaw, IN 46580

YOU ARE HEREBY NOTIFIED that I, Berton Retz, a land surveyor
licensed in the State of Indiana, the undersigned, has been
employed by Leonard Wolford and Mary Kathern Wolford, 1919 East
Center Street, Warsaw, Indiana 46580, to divide and set apart
the north and west lines of their land situated in Section 6 Town-
ship 32 north, and range 6 east, Kosciusko County, Indiana.

The survey will commence on the 24th day of MAY, 1979, and if inclement weather or any other reason prevents the survey taking place on said date, said survey will stand continued from day to day until finished.

Your land being affected by said survey, you will take notice and meet on said date at the intersection of Old U. S. 30 West and Meadow Lark Blvd., at the entrance to Piper's Melody Acres, Warsaw, Indiana. @ 1:00 P.M.


Berton Retz, Surveyor for
Leonard Wolford and Mary Kathern
Wolford

STATE OF INDIANA)
) SS:
KOSCIUSKO COUNTY)

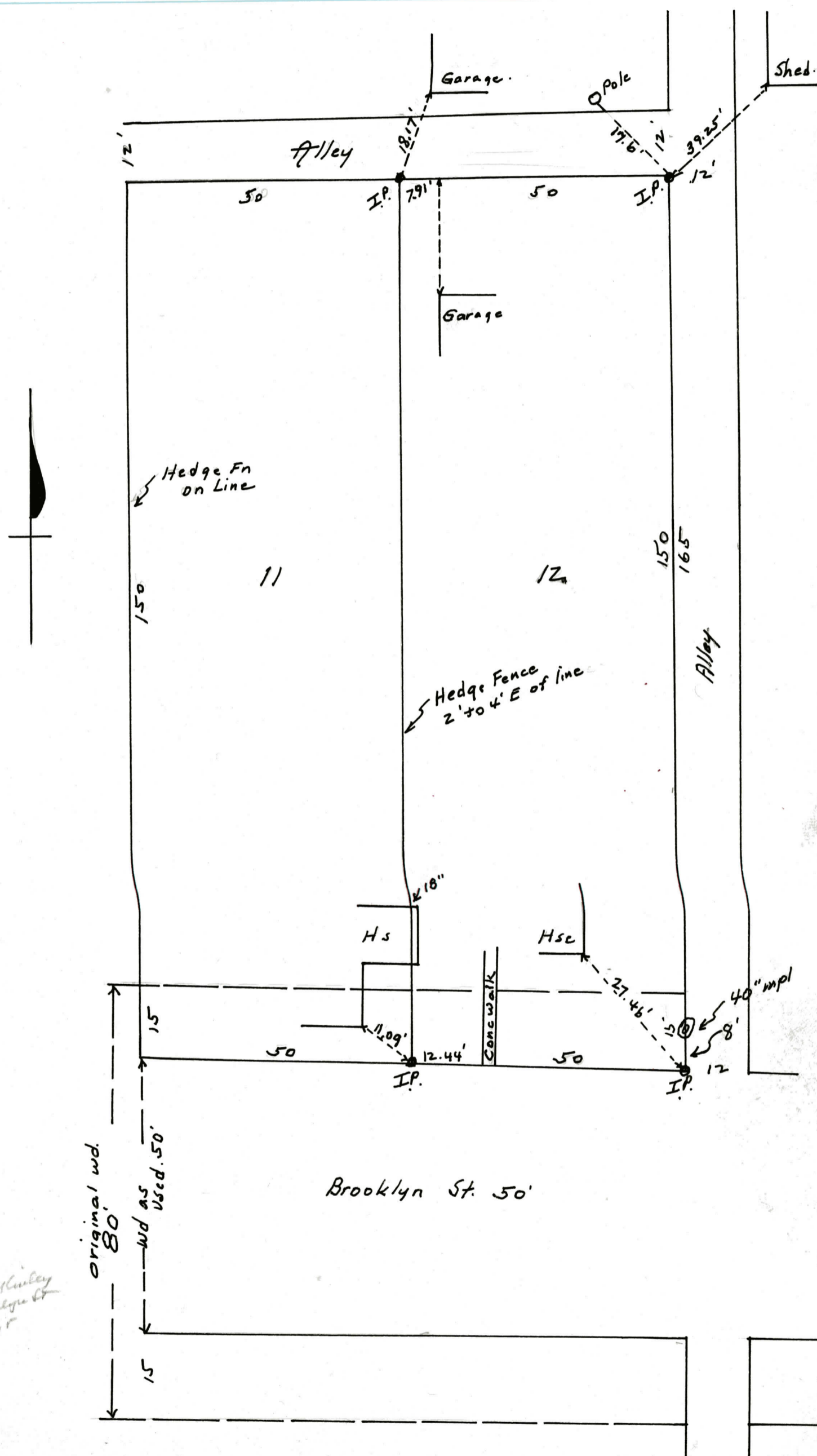
I, the undersigned, swear that I gave the above named parties the above notice by certified mail by depositing the notices in the U. S. Mail addressed to the landowners at the above addresses.

Subscribed and sworn to before me, the 3rd day of May, 1979.

Deane S. Maze
Notary

My commission expires: Jan. 18th, 1982

FILED
SURVEYORS OFFICE
JUN 29 1979



See envelope file K.

1 = 20'
C.M.B. G.N.
12-65

Section

Town

North of Range

East

Notice of Survey.State of Indiana, Kosciusko County ss-To Glen. L. Knisley & Bernice C. Knisley -
Ray McKinley & Fern McKinley -

Paid 20.53

Paid. $\frac{20.53}{\$41.06}$ TO AWARD

You are hereby notified that I, the undersigned, have employed the Surveyor of Kosciusko County, Indiana, to divide & set apart my land situated in Kosciusko County, Indiana, being Lot 12 in the revised plat of Ketrings & Ketrings Addition to the Town of Syracuse, Indiana and to establish a boundary line between Lots 11 & 12 in said addition.

The survey will commence on the 30th day of November 1965 at 10 AM. If inclement weather or any other reason prevents the survey taking place on said date, it will stand from day to day until finished.

Your land being affected by said survey you will take note and meet on said date at 10 AM. at 113 W. Brooklyn St., Syracuse, Ind.

Signed: Glen L Knisley Bernice C. KnisleyState of Indiana - Kosciusko County:

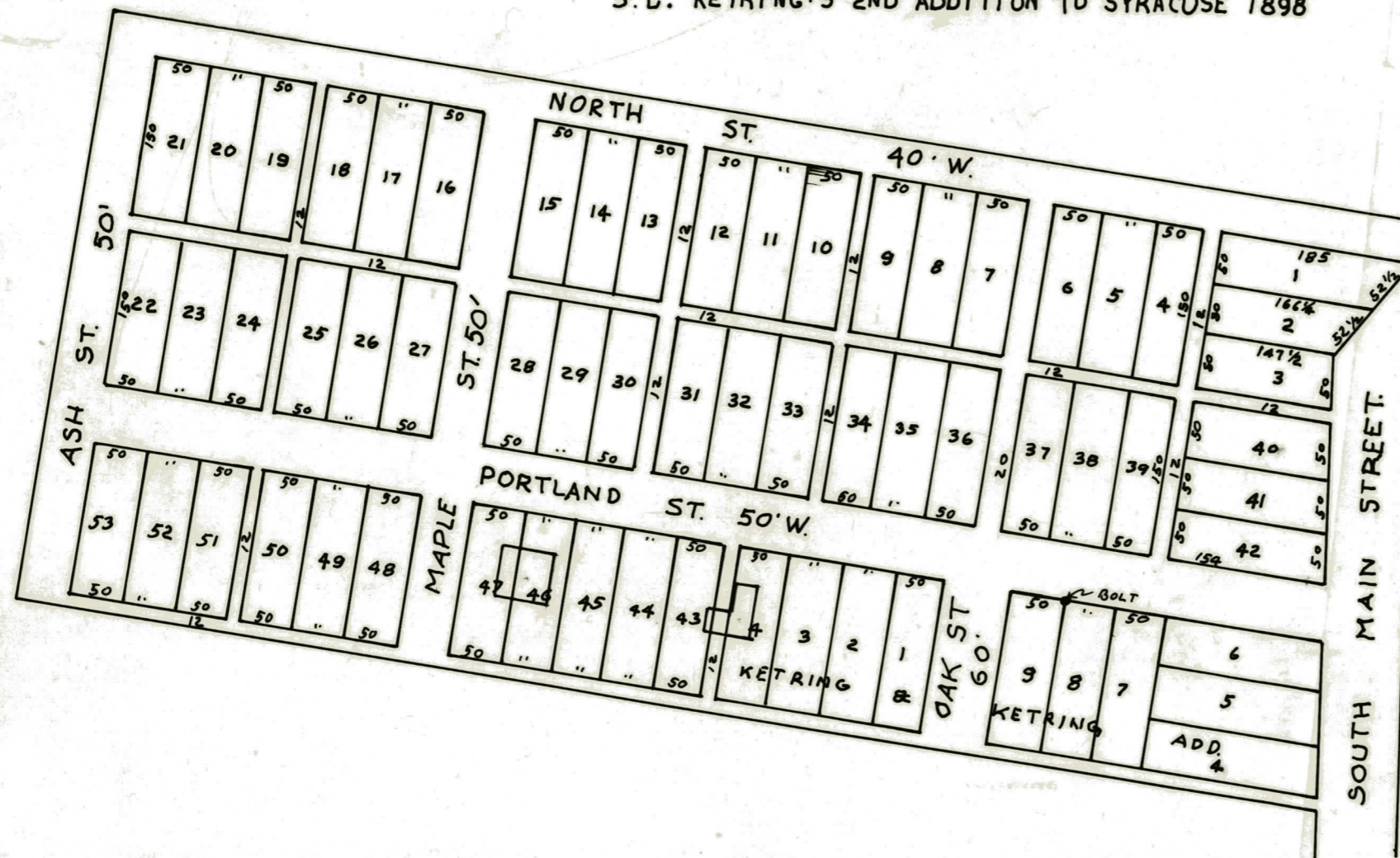
I, the undersigned, swear that I gave to the above named parties the above notice.

Carl L. Chatten

Subscribed and sworn to before me, this 13th day of Nov. 1965.

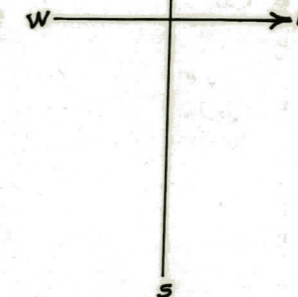
Gene R. Duffin, Notary Public.My Commission expires June 21-1969.

S.L. KETRING'S 2ND ADDITION TO SYRACUSE 1898



Legal Survey of Aug. 29, 1967
10:00 AM, notice given to Larry
& Betty Miller owners of Lots 46
and 47 and Earl Stidham owner of
Lots 43, 44 and 45 of S.L. Ketrings
second Add.

N
To determine Line Between Lots
45 and 46.



OCT. 18, 1967

Findings: By using a Bolt at the Northeast Corner of Lot 9 in Ketrings
and Ketrings Addition as established by former Legal Survey and Oak Street
as 60 feet wide as shown in S.L. Ketrings' 2nd Add 1898, house on Lot 4
encroaches over alley and into Lot 43.

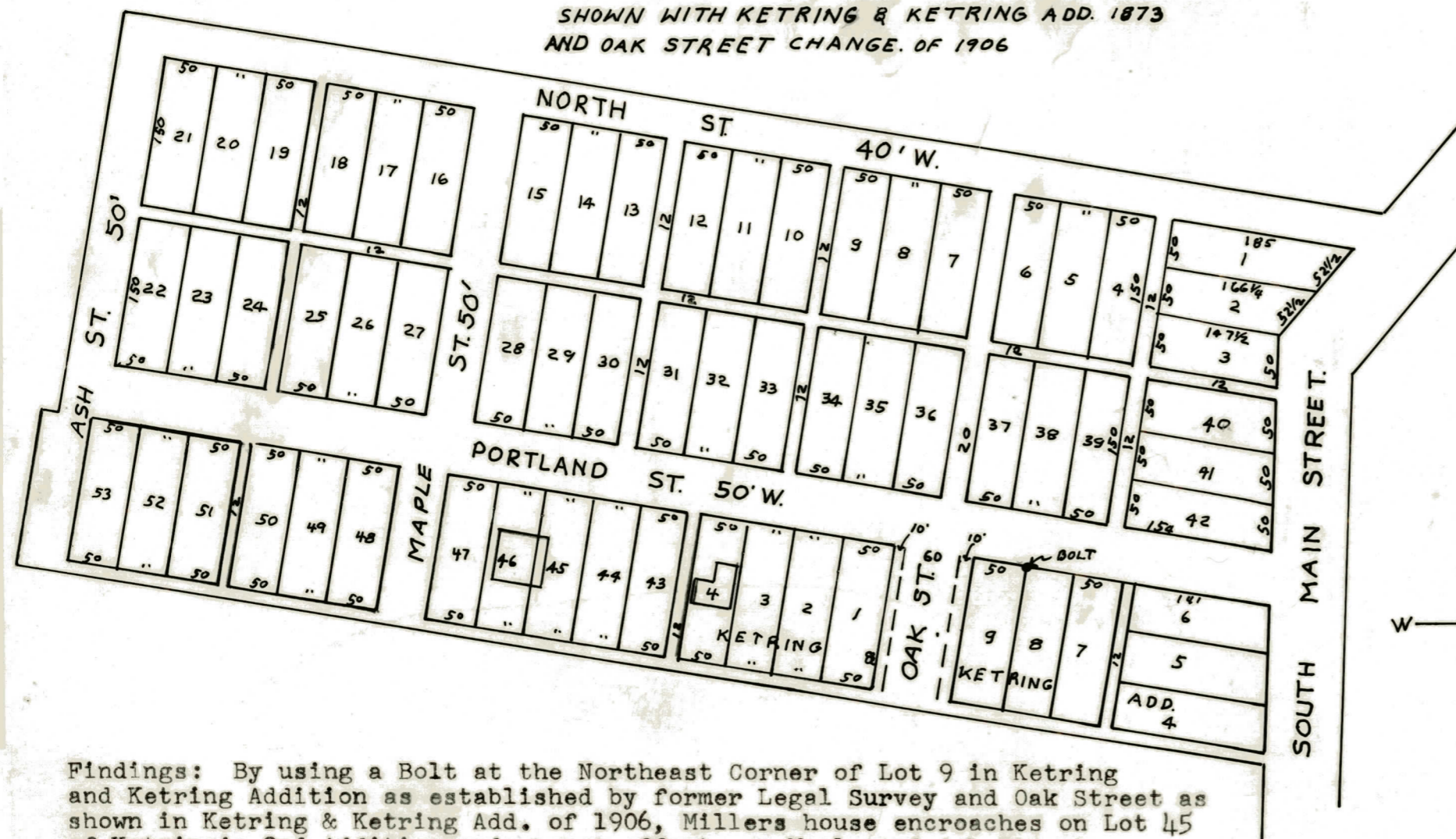
By using Ketrings & Ketrings original Plat and the Street change Plat of 1906
see findings on previous page.

Due to inconsistency of Recorded Plats Line between Lots 45 and 46 could not
be determined.

Charles M. Brower
Charles M. Brower

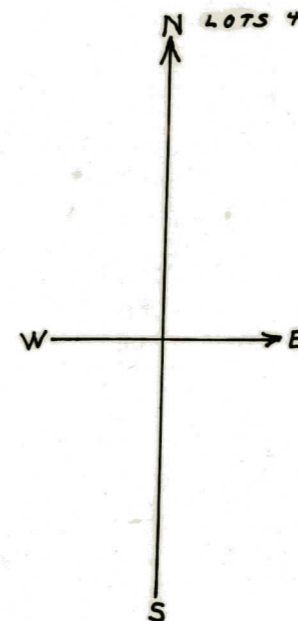
Kosciusko County Surveyor

S.L. KETRING'S 2ND ADDITION TO SYRACUSE 1898
SHOWN WITH KETRING & KETRING ADD. 1873
AND OAK STREET CHANGE. OF 1906



LEGAL SURVEY OF AUG. 29, 1967
10:00AM, NOTICE GIVEN TO LARRY &
BETTY MILLER OWNERS OF LOTS 46 &
47 AND EARL STIDHAM OWNER OF LOTS
43, 44, AND 45 OF S.L. KETRING'S SECOND
ADD.

PURPOSE: TO DETERMINE LINE BETWEEN
LOTS 45 AND 46.



OCT, 18, 1967

Findings: By using a Bolt at the Northeast Corner of Lot 9 in Ketrings and Ketrings Addition as established by former Legal Survey and Oak Street as shown in Ketrings & Ketrings Add. of 1906, Millers house encroaches on Lot 45 of Ketrings's 2nd Addition and causes offsets on Maple and Ash Streets.

By using S.L. Ketrings's 2nd Addition Plat see next Page.

Due to inconsistency of Recorded Plats Line between Lots 45 and 46 could not be determined.

Charles M. Brower
Charles M. Brower
Kosciusko County Surveyor

NOTICE OF LEGAL SURVEY.

To Larry Lee Miller &
Betty Jean Miller
Syracuse - Ind.

Greetings -

Syracuse, Ind.
July 27, 1967.

You and each of you are hereby notified that the undersigned Earl Stidham as the owner of Lots numbered 43 - 44 & 45 in S.L. Ketring's Second Addition to the Town of Syracuse - Indiana, is desirous of causing a legal survey to be made under the provisions of Burns Indiana Statutes 49-3311 to determine the exact boundary line between said lot 45 and Lot 46 in S.L. Ketring's Second Addition to the Town of Syracuse - Indiana wherein the fee simple title is vested in you as a matter of record.

You are hereby further notified that the surveyor of Kosciusko County - Indiana and/or his deputy, will appear on the 29th day of Aug., 1967 at the hour of 10 o'clock AM for the purpose of making such legal survey to determine the boundary line and establish the corners and you may be present on the day and hour named to observe the making of the survey.

You are hereby further notified that under the provisions of Burns Indiana Statutes 49-3311 the expense of such legal survey shall be borne equally by all interested persons.

Dated this 31st day of July - 1967.

Earl Stidham

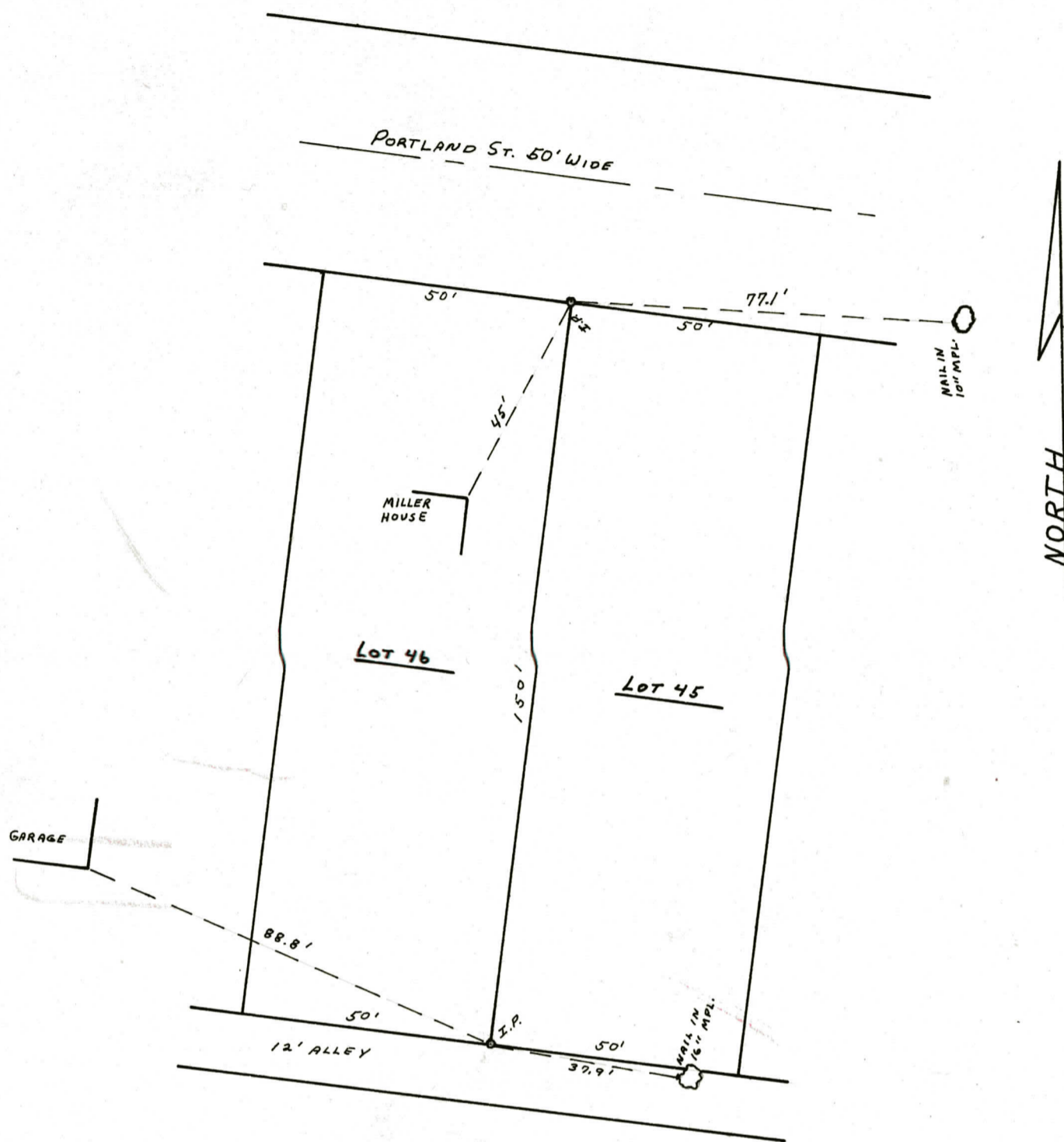
Survey was duly made by me and the plats I made for this survey are on pages 23 & 24 q.v. together with my findings.

C. M. Brower C.S.

NOTE: AFTER RECEIVING SUMMONS FOR MANDATE TO SET LINE, SURVEY WAS MADE, SEE NEXT PAGE. (27)

S.L. KETRINGS 2ND ADDITION TO SYRACUSE 1898
(CONTINUED FROM PAGE 23, 24, 25.)
TO: SET LINE BETWEEN LOTS 45 AND 46

JUNE 6, 1968



NOTE: LINE WAS SET ACCORDING TO S.L. KETRINGS 2ND ADDITION TO SYRACUSE 1898. SURVEY WAS STARTED FROM THE CENTER LINE OF MAIN STREET (80' WIDE) THEN TAPED 710' WESTERLY ALONG THE NORTH SIDE OF PORTLAND STREET ACCORDING TO PLAT, TURNED PERPENDICULAR TO THE NORTH LINE OF PORTLAND STREET, TAPED 50' TO THE NORTHEAST CORNER OF LOT 46 AND 150' TO THE SOUTHEAST CORNER OF LOT 46 AND SET IRON PIPES ON CORNERS.

Charles M. Brower
KOSCIUSKO COUNTY SURVEYOR

RECORD OF SURVEYS

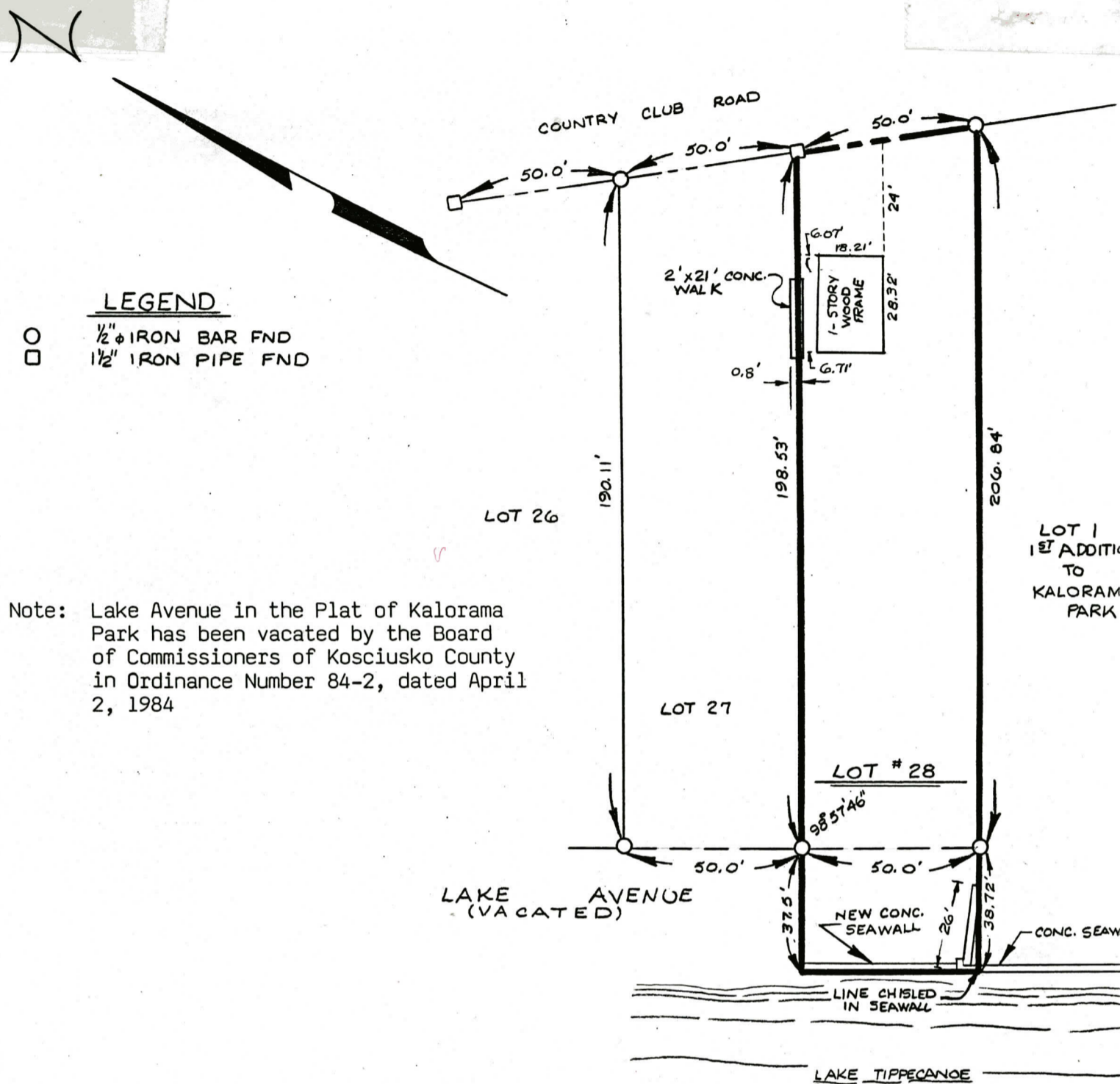
Section 7

Town 33 N

North of Range 7 E

East

Robert D. Gross / James H. & Carole Shelby - Line between Lot 28 in O.P. & Lot 1 in 1st Addition to Kalorama was line in question. Monumentation establishing adjacent lots in the O.P. were located and used to measure southeasterly to establish line. Old stone wall, on line established, provided additional evidence. Entered in this book April 8, 1985 @ 8:56 A.M.



LEGAL DESCRIPTION

A tract of land being a part of the Northwest Quarter of Section 7, Township 33 North, Range 7 East, 2nd P.M., Tippecanoe Township, Kosciusko County, Indiana bounded on the Northeast by Country Club Road, and on the Southwest by Lake Tippecanoe, more particularly described as follows:


LOT TWENTY-EIGHT (28) IN THE ORIGINAL PLAT OF KALORAMA PARK. ALSO THE VACATED PORTION OF LAKE AVENUE LYING BETWEEN SAID LOT AND THE WATERS EDGE OF TIPPECANOE LAKE.

Note: The tract of land shown above is located within a flood hazard area as indicated on the U.S. Dept. of Housing and Urban Development Flood Hazard Boundary Map No. 180121 0002A.

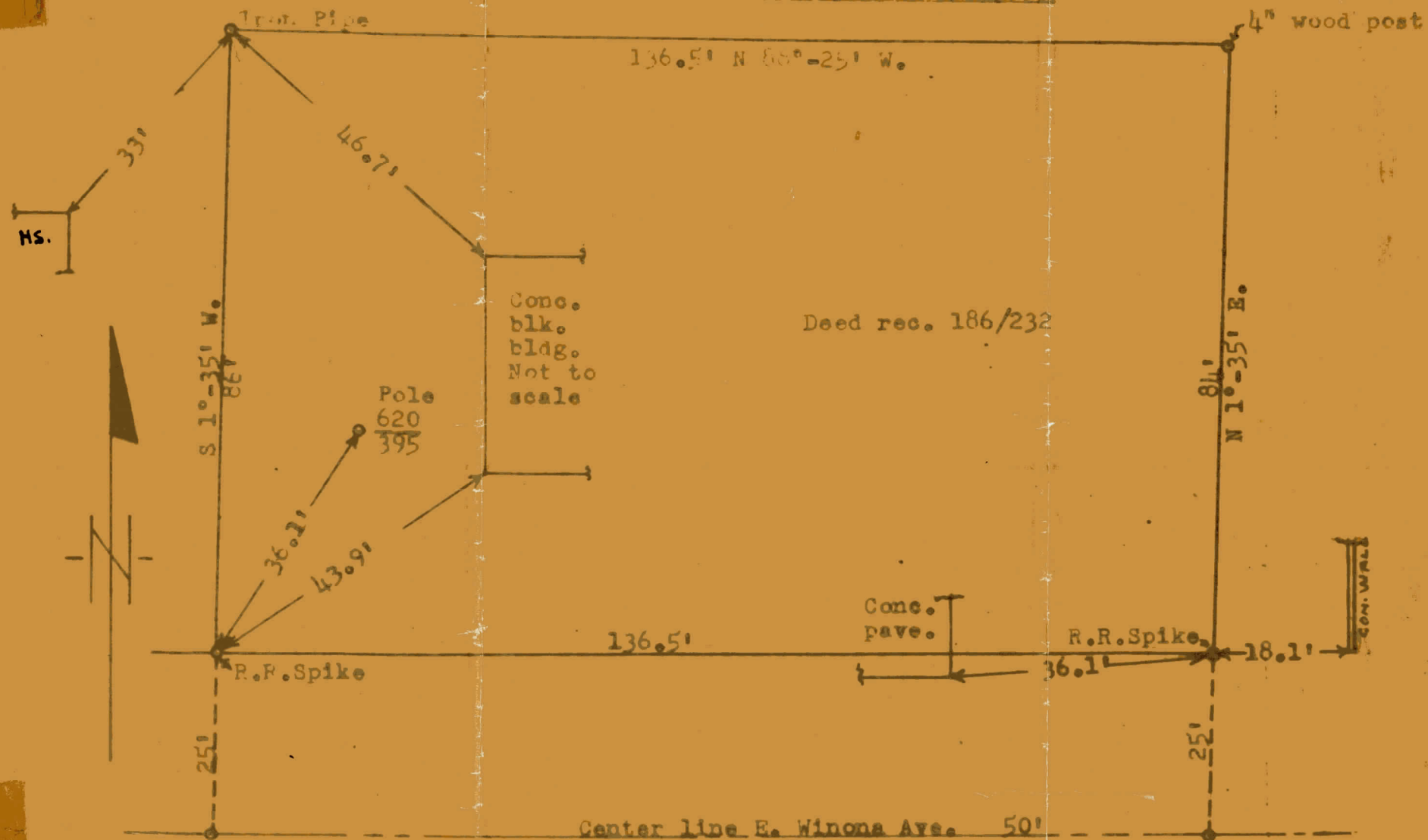
I HEREBY CERTIFY THAT THE TRACT OF LAND SHOWN ABOVE WAS SURVEYED UNDER MY DIRECT SUPERVISION FOLLOWING GENERALLY ACCEPTED STANDARDS AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION THEREOF.

Larry R. Long
Larry R. Long
Registered Land Surveyor



 <p>LARRY R. LONG AND ASSOCIATES, INC. CONSULTING ENGINEERS</p> <p>611 South Buffalo Street - Warsaw, Indiana 46580 Telephone (219) 269-6333</p>	Plat of survey for Lot 28 in the Original Plat of Kalorama Park		
	<p>SCALE: 1"=40'</p>	<p>DATE: 4-1-85</p>	<p>PROJECT NO. P85-32</p>

MEYER FILLING STATION E. WINONA AVE.
FLAT OF GROUNDS



Scale 1"-20' Feb. 1960
L.G. Slater Kos. Co. Surveyor

L5-22

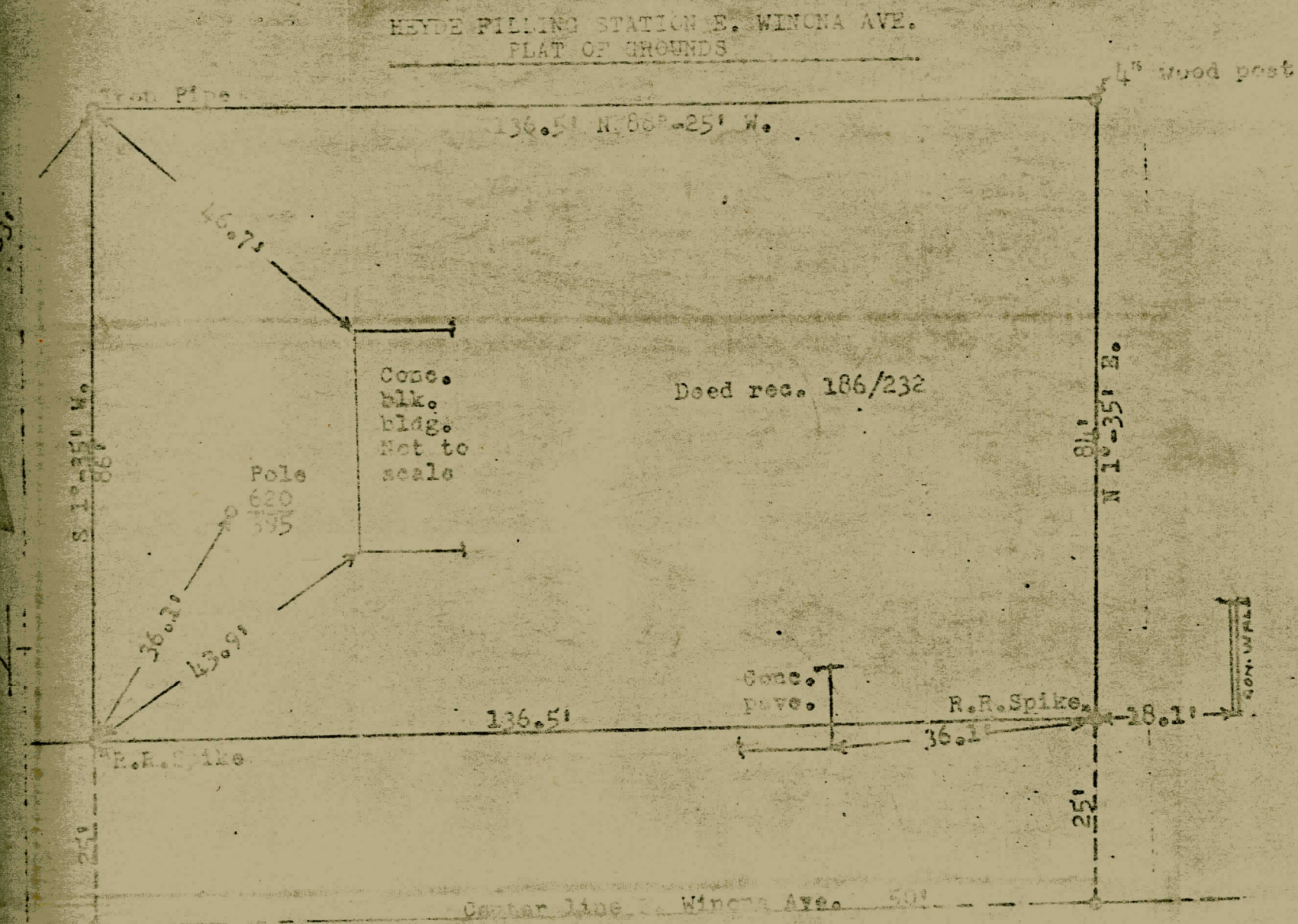
on 16

Town 32

North of Range 6

East

Should be Sec 8



Scale 1"=20' Feb. 1960
L.G. Slater Kos. Co. Surveyor
L5-22

Both parties, Heyde & Moss, agreed on this
west line April 26, 1961. Spike is 34 R + 14' W. of
E Scott St.

Geo. A. Nye

~~55'~~
575'

See pg 35

RECORD OF SURVEYS

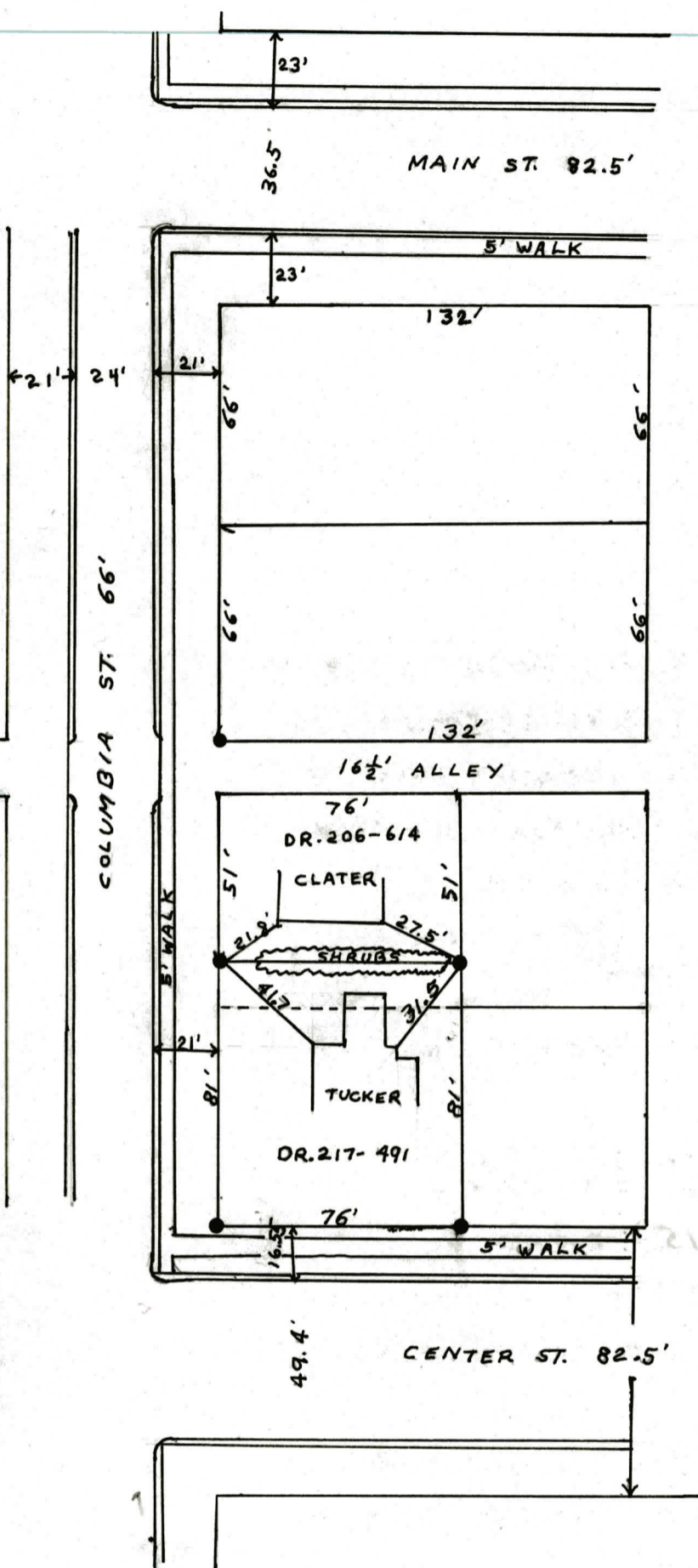
A. E. BOYCE CO., MUNCIE, IND. 47303

Section 8

Town 32

North of Range 6

East



SCALE 1" = 50'
AUG. 15, 1975

• - IRON PIPE

SURVEYED BY:

Charles M. Brower
KOSCIUSKO COUNTY SURVEYOR
LIC. 12065

NOTICE OF SURVEY

TO: Robert N. Clater and
Grace C. Clater,
Husband and Wife,
Spencerville, Ohio 45887

You, Robert N. Clater and Grace C. Clater, husband and wife, are hereby notified that I, the undersigned, a land surveyor licensed in the State of Indiana, have been employed by Albert M. Tucker and Helen Louise Tucker to establish the location of the line between their land situate in Kosciusko County, Indiana, and described as follows, to-wit:

The West 76 feet of Lots Numbered 386 and 387, excepting the North 51 feet thereof, in the Original Plat of the Town, now City of Warsaw;

and the adjoining land owned by you situate in Kosciusko County, Indiana, and described as follows, to-wit:

The North 51 feet of the West 76 feet of Lot Number 386 in the Original Plat of the Town, now City of Warsaw.

The survey will commence on the 15 day of August, 1975, at 9:30 o'clock .m., and if inclement weather or any other reason prevents the survey taking place on said date, said survey will stand continued from day to day until finished.

Your land being affected by said survey, you will take notice and meet on said date at said time at 112 North Columbia Street, Warsaw, Indiana.


(Charles M. Brower) Surveyor

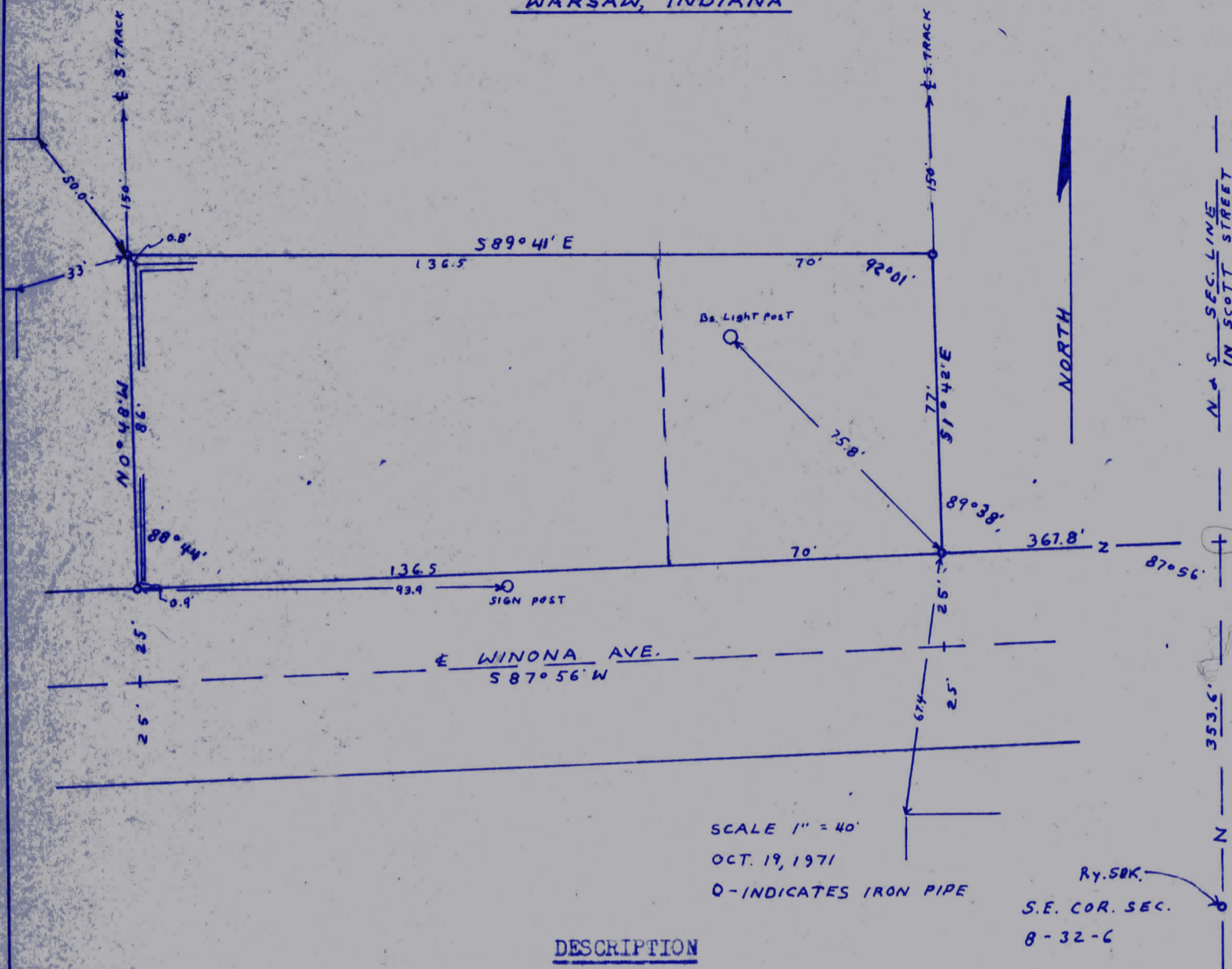
STATE OF INDIANA)
) SS:
KOSCIUSKO COUNTY)

I, the undersigned, swear that I gave notice by a notice to the above named Robert N. Clater and Grace C. Clater by certified mail on the _____ day of _____, 1975.


(Charles M. Brower)

JAY HEYDE SURVEY

WARSAW, INDIANA



DESCRIPTION

A tract of land in the Southeast Quarter of Section 8, Township 32 North, Range 6 East, in the Town of Warsaw, Indiana; more accurately described as follows:

Commencing at the Southeast corner of said section 8, thence North along the east line of said section 353.6 feet to the North line of Winona Avenue; thence South 87 degrees 56 minutes West along the North line of Winona Avenue 367.8 feet to an iron pipe marking the Principal Place of Beginning; thence South 87 degrees 56 minutes West along the North line of Winona Avenue 206.5 feet to an iron pipe; thence North 0 degrees 48 minutes West 86 feet to an iron pipe; thence South 89 degrees 41 minutes East 206.5 feet to an iron pipe; thence South 1 degree 42 minutes East 77 feet to the Principal Place of Beginning and containing 0.39 acre.

I the undersigned Registered Land Surveyor in the State of Indiana, hereby certify that I have made a true and accurate survey of the above described land.

Charles M. Brower
Charles M. Brower
Reg. Land Surveyor 12065

30 gives better description. See pg.

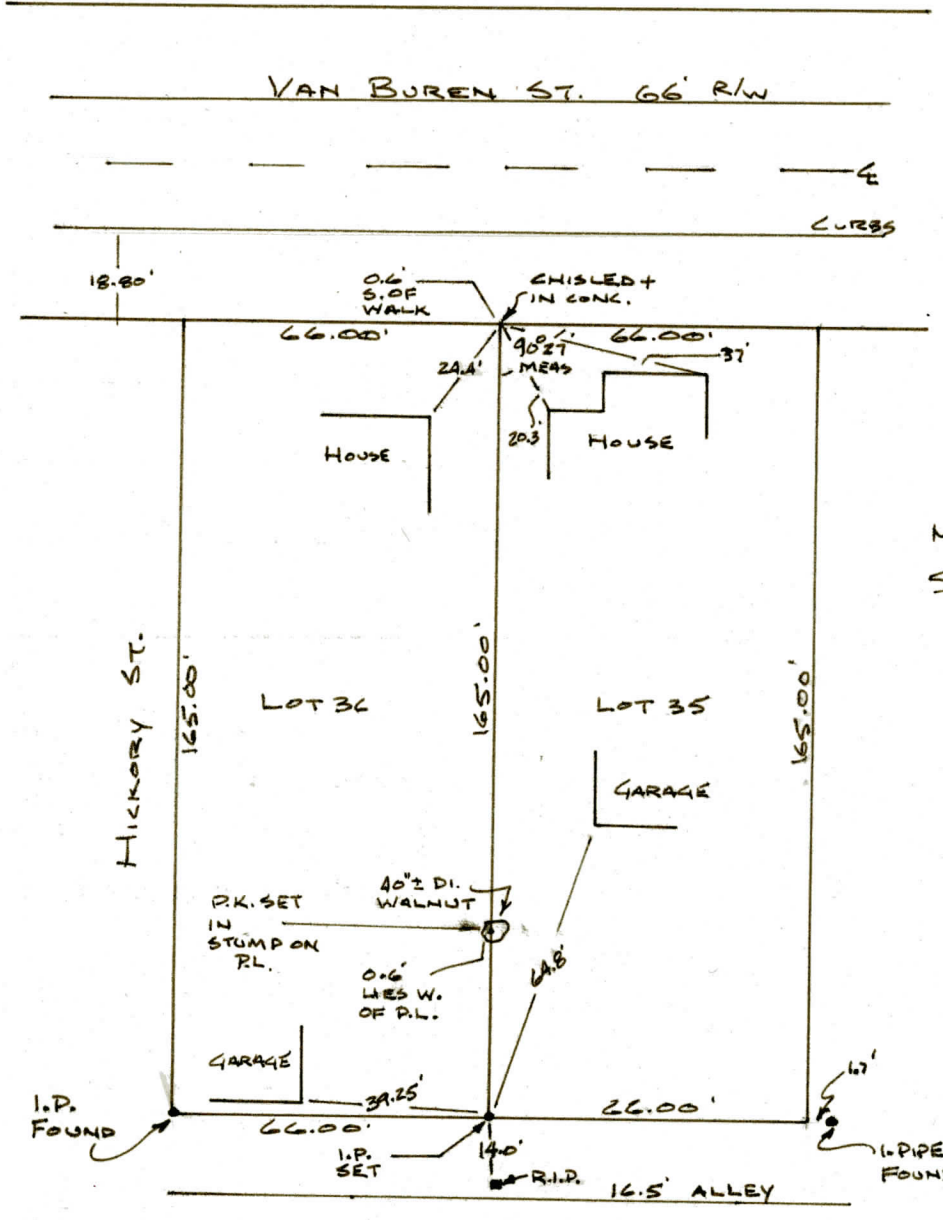
RECORD OF SURVEYS

A. F. ROYCE CO., MUNCIE, IND. 47303

Section 8 Town 33 North of Range 6 East

8-33-6 LEESBURG

* SURVEYED P.L. BETWEEN LOT 35 & 36 IN RECAPITULATION OF LEESBURG



P.L. DIVIDING LOTS 35 & 36 IS 858.00' FROM E OF PEARL ST.

Charles M. Brower
CHARLES M. BROWER
REG. LAND SURVEYOR LIC. # 12065



NOTE: ESTABLISHED CENTERLINE OF PEARL STREET AND CENTER LINE OF VANBUREN STREET, SURVEY WAS RUN FROM THOSE CENTER LINES.
C.M.B.

NOTICE OF SURVEY

Feb. 9, 1983

STATE OF INDIANA
KOSCIUSKO COUNTY

TO: Elbert Stephens
Leesburg, Ind.

You are hereby notified that I have been instructed by Don Wallace
of Leesburg, Ind. _____ to perform a legal survey to
divide, separate, and determine the boundaries of Lot 35 and Lot 36
in the Original Plat of the Town of Leesburg, Indiana _____.

This survey will commence on the 1 st day of March 1983
at 10:00 o'clock AM. If inclement weather or any other reason
prevents the survey from taking place on said date, said survey will
stand continued from day to day until completed.

You are further notified that you have 90 days in which to appeal
this survey commencing from when the plat of the legal survey is recorded
by the County Surveyor in the legal survey record book. Failure to appeal
within this time shall establish said surveyed lines as binding on all
landowners affected their heirs and assigns.

Your land is being affected and you will take notice and meet at
the above described location on said date and at said time.

I, the undersigned, swear that I have given to the above named
parties notice to the legal survey to be performed as described herein.

Charles M. Brower
Charles M. Brower

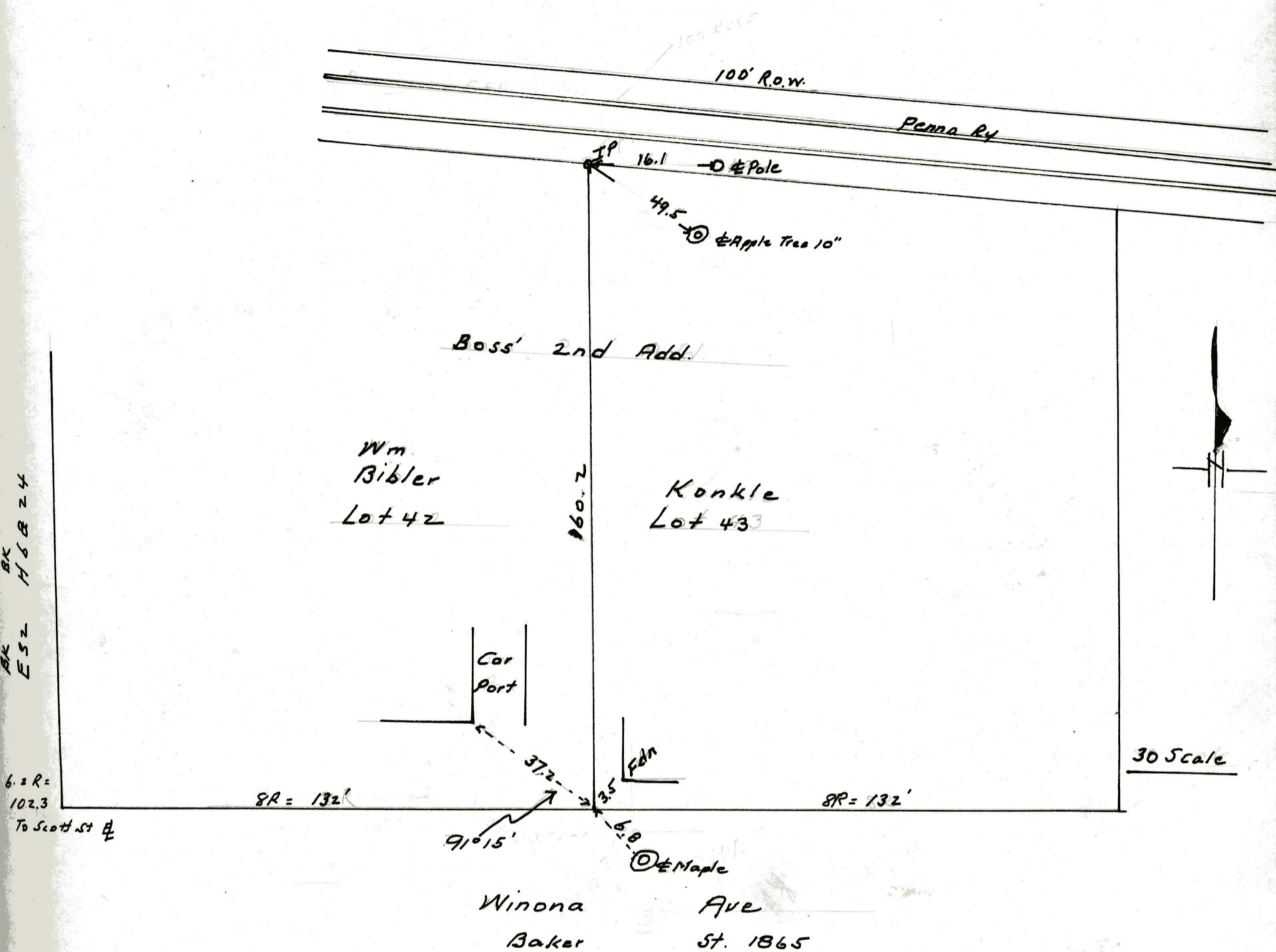
Subscribed and sworn to before me, a Notary Public in and for said
County and State, this 9th day of FEB., 1983.

Notary Public

My commission expires: _____



Boss' Add Warsaw - Ind.
2nd



To establish East Line of lot 42 in Boss' 2nd Add.
To Warsaw, Ind. Checked total dist. on $\frac{1}{4}$ Winona Ave &
RR R/W from Scott St & Maple Ave. (Card St)

Done Friday 7-23-1965. Set for 10 AM. Temp 92°
Due Notice given & both parties were present.

C.M. Brower C.S.

James Baker
James Baker
Licensed Land Surveyor,
Indiana.

RECORD OF SURVEYS

A. E. BOYCE CO., MUNCIE, IND. 47303

Section

9

Town 34

North of Range

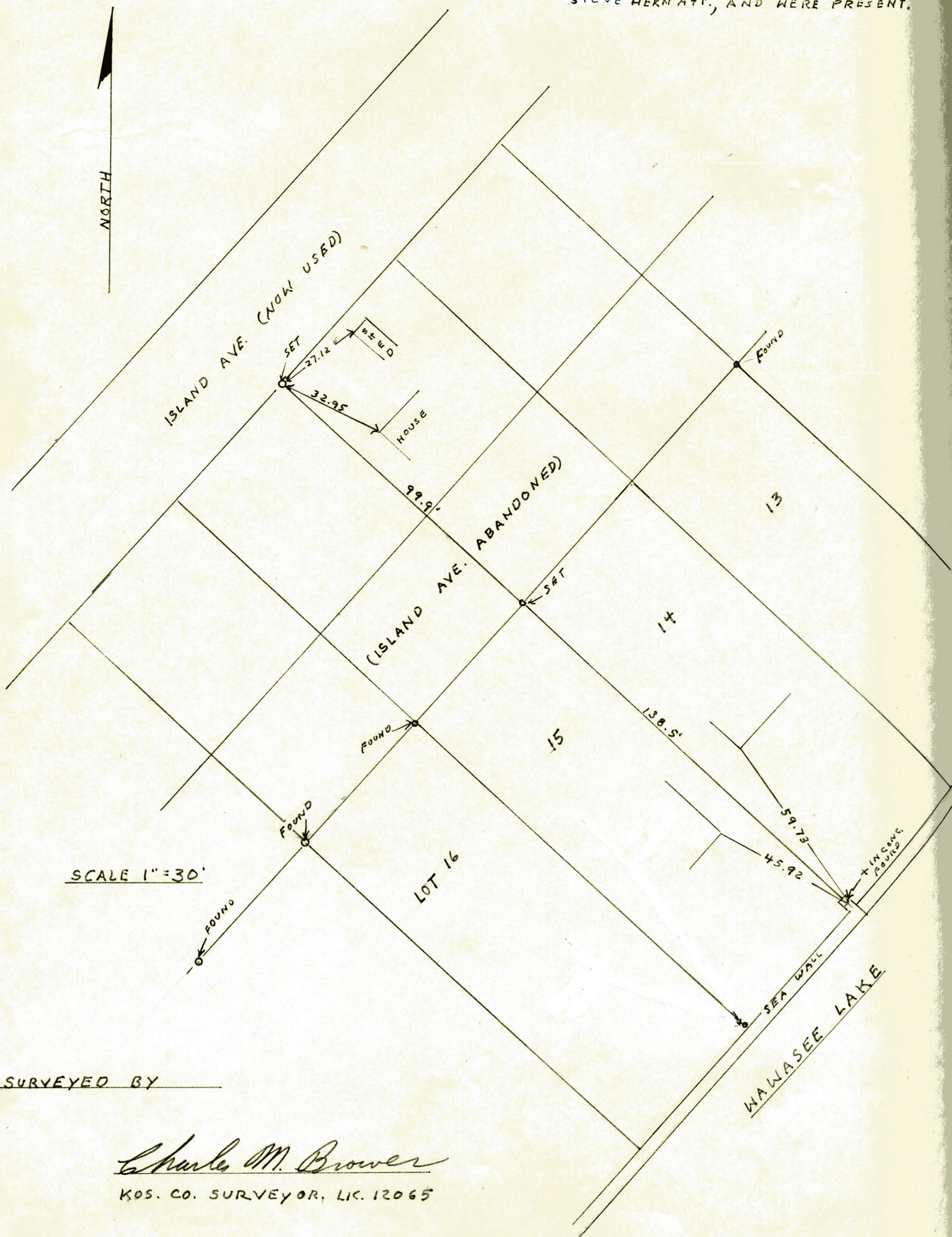
7

East

COPPES & XANDERS
SURVEY LINE BETWEEN LOTS 14 & 15 IN THE PLAT OF KALE ISLAND
ON WAWASEE LAKE, KOSCIUSKO COUNTY, INDIANA.

OCTOBER 28, 1980

BOTH PARTIES WERE NOTIFIED BY
STEVE HERNATT, AND WERE PRESENT.



SURVEYED BY

Charles M. Brower
KOS. CO. SURVEYOR, LIC. 12065