

# KOSCIUSKO COUNTY, INDIANA

73

Section 13 Town 32 North of Range 6 East

NW<sup>1</sup>/<sub>4</sub>

PREPARED FOR: FRED KING

ESTABLISH E. LINE W<sup>1</sup>/<sub>2</sub> NORTH 20 ACRES W<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub> SEC. 13-T32N-R6E ENTERED 7-5-2000



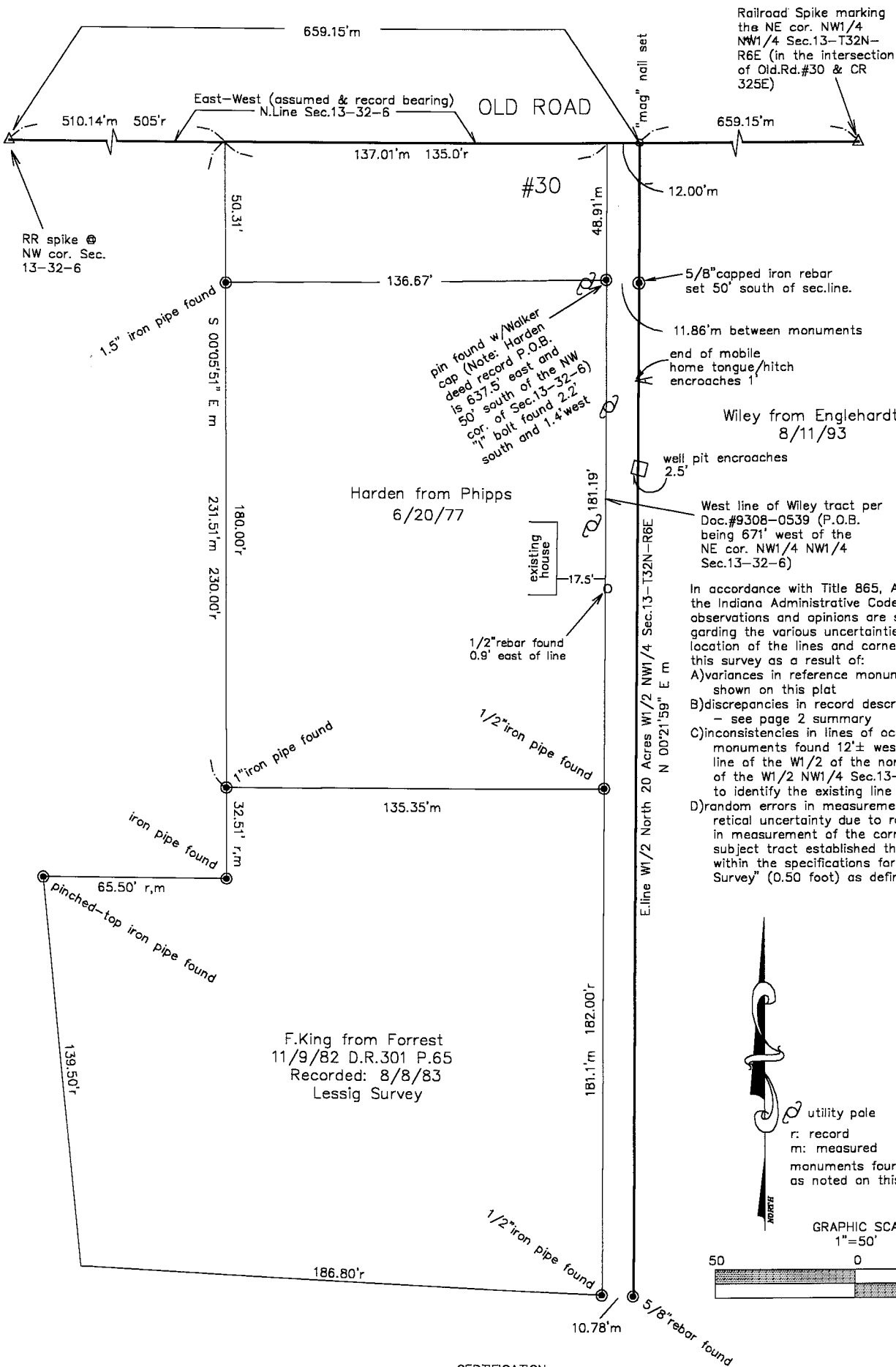
**SURVEY PREPARED FOR: FRED KING**

**ORIGINAL SURVEY DATED: 12/29/1989**

**DATE OF LEGAL SURVEY: 5/17/2000**

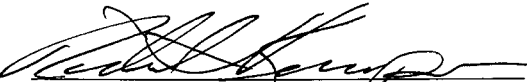
**ENTERED IN KOSCIUSKO COUNTY LEGAL SURVEY BOOK #4 PAGE #73: 7/5/2000**

**-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. KING**Kokomo, Indiana **STEPHEN R. SNYDER****RANDALL L. MORGAN**

Snyder, Birch, Cornwell &amp; 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.

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*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.*

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*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.*

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

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

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*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.*

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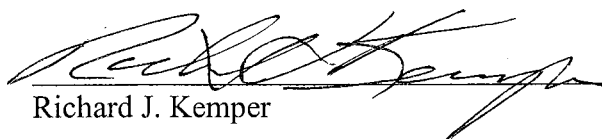
STATE OF INDIANA        )  
                                       )  
 COUNTY OF KOSCIUSKO )

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 19<sup>th</sup> 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

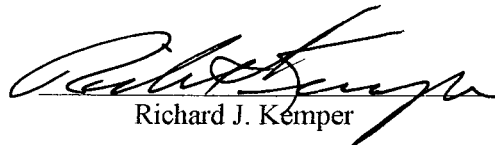
STATE OF INDIANA       )  
                                       )  
 COUNTY OF KOSCIUSKO )

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

Section *NE 28* Town *33* North of Range *7* East *(SW) 4*

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

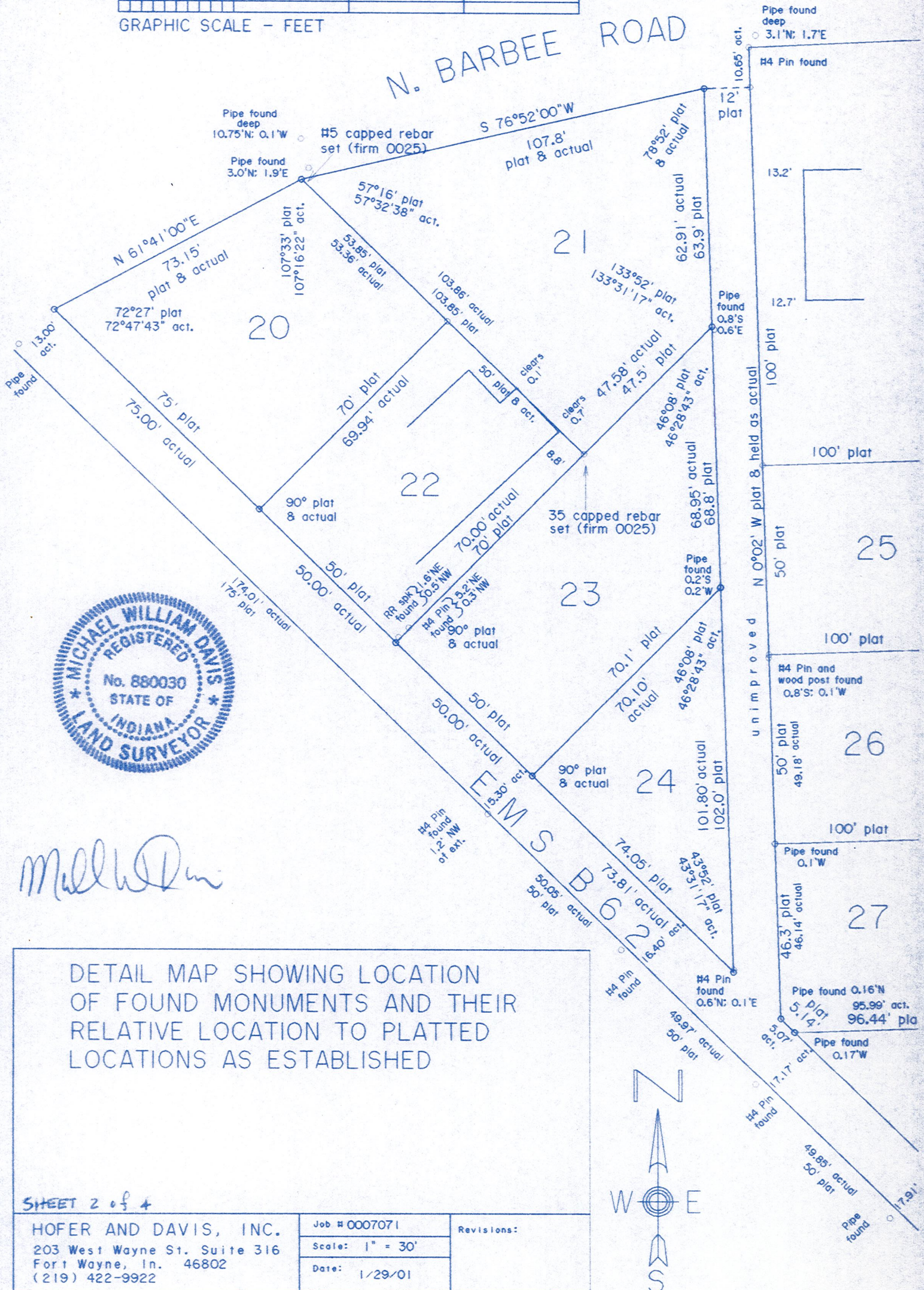
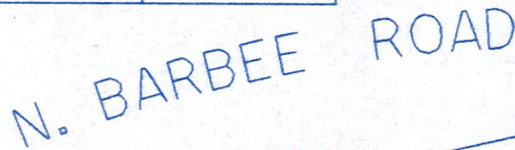
*ENTERED 2/1/01*

*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*







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

SHEET 2 of 4

HOFFER 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.

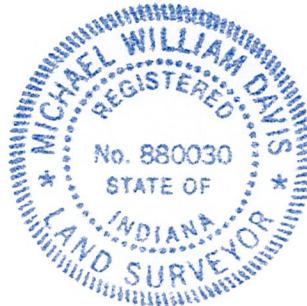
A series of corner monuments has also been found along the Southwesterly lines of Lots 1-9 as indicated on the survey map. While an argument could be made to accept these corners as the platted location of the Northeasterly line of the lane, it would not be consistent with the remainder of the found 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.

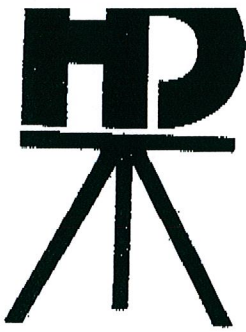
Michael William Davis



**RECEIVED**  
11/31/01

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

**RECEIVED**  
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): JOAN BAKER B. Date of 2/3/01

C. Signature [Signature] ☐ 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)

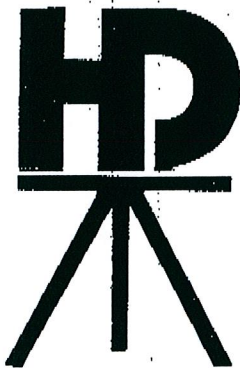
7000 1670 0012 1258 5568

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

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) MICHAEL GULLEY B. Date of Delivery 2/2/01  
C. Signature [Signature] ☐ 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

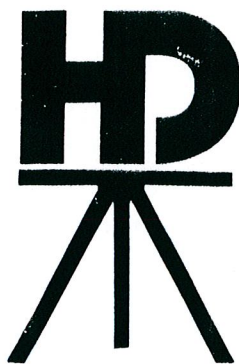
2. Article Number (Copy from service label)

700011670 0012 11258 5575

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  
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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

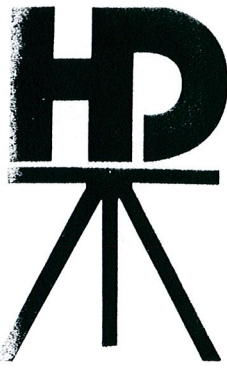
ENTERED IN LEGAL BOOK 4 PAGES  
76+77, CO. SURVEYOR'S OFFICE, 21/1/01

Is your RETURN ADDRESS completed on the reverse side?	<b>SENDER:</b> • 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 <del>3-100-198-182-7251 7485</del>	
	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		7. Date of Delivery 8-31-00	
	5. Signature (Addressee) Charles Baker		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent) Michael W. Davis				

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.

77

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

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  
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)

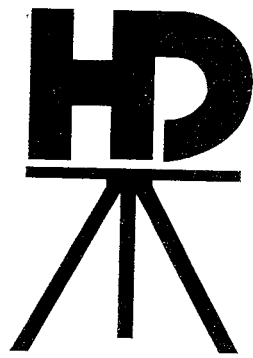


Section 4 (W $\frac{1}{2}$ ) Town 34 North of Range 7 East

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)

1 of 6  
79

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:

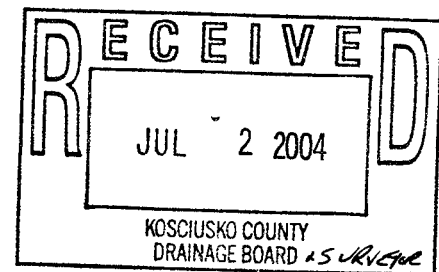
We have completed a legal survey to determine the common boundary between Lots 51 and 52 in Maxwelton Manor.

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.

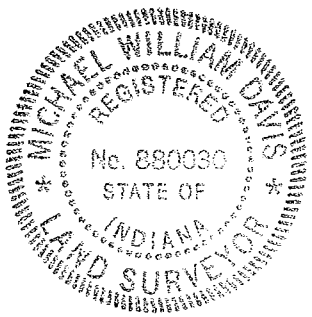
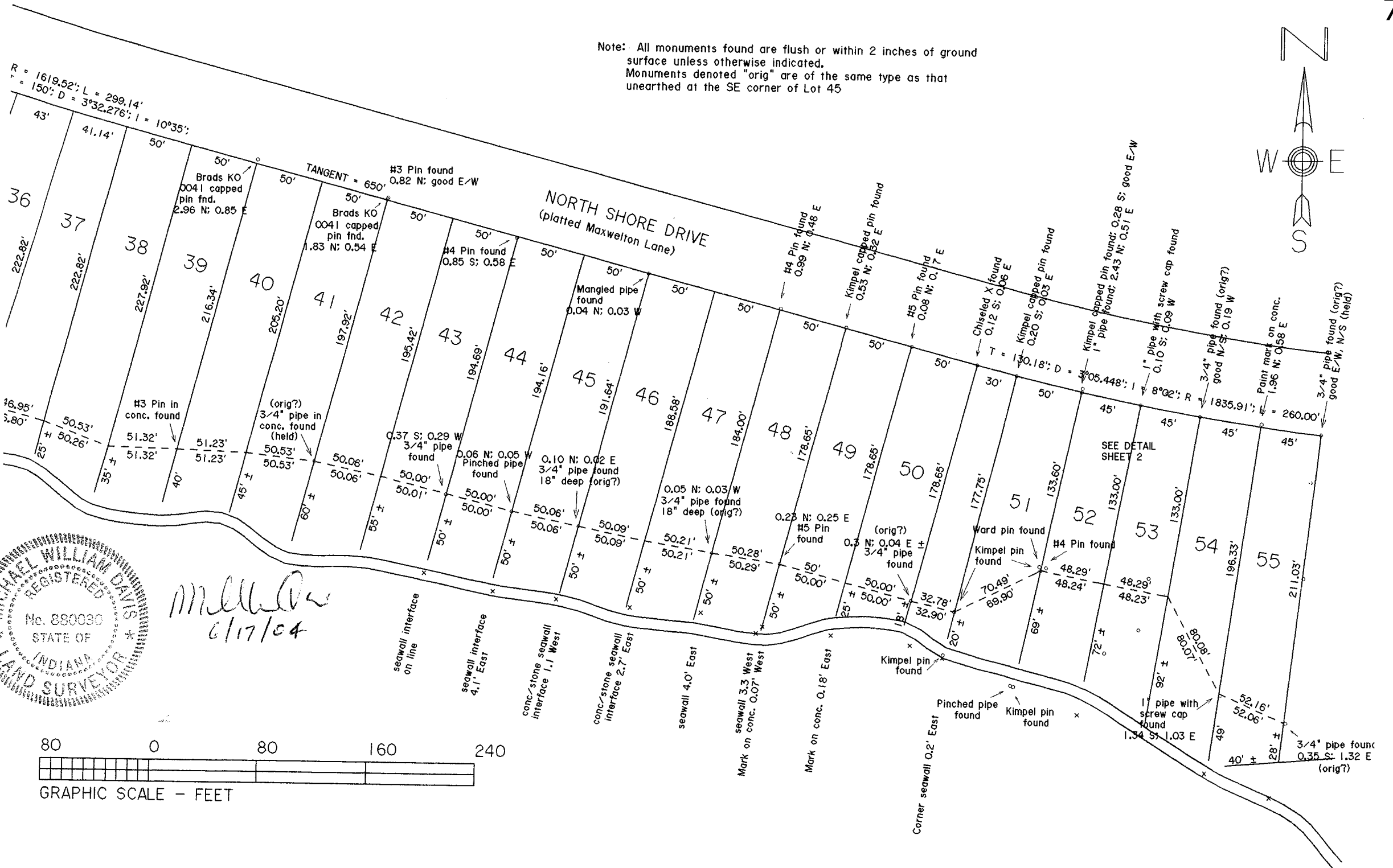
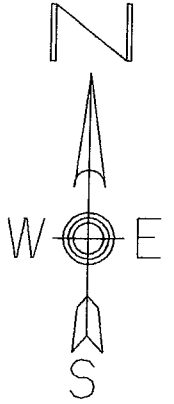
Thank you for your attention to this matter.

Sincerely,  
Hofer and Davis, Inc.

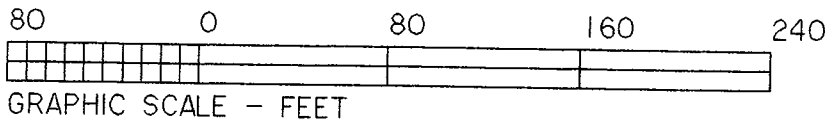
Michael W. Davis, L.S.

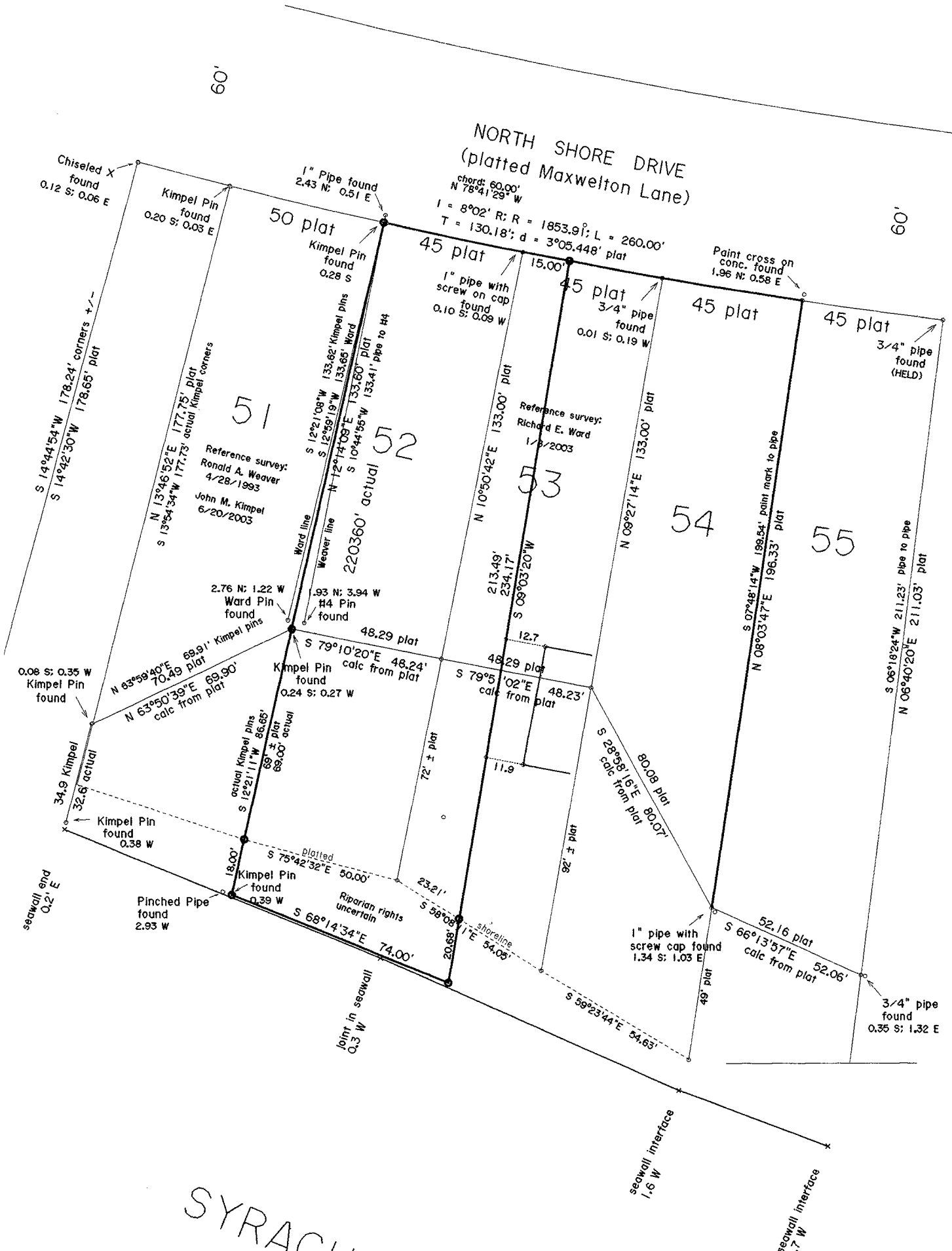


Note: All monuments found are flush or within 2 inches of ground surface unless otherwise indicated.  
Monuments denoted "orig" are of the same type as that unearthed at the SE corner of Lot 45

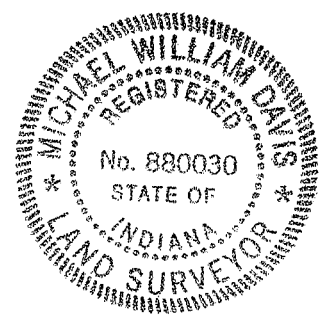


*MLL*  
6/17/04

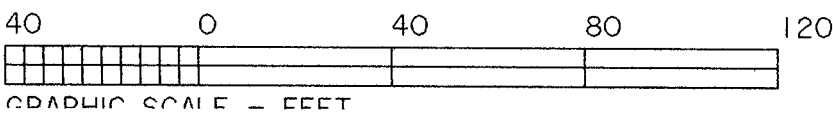




SYRACUSE LAKE



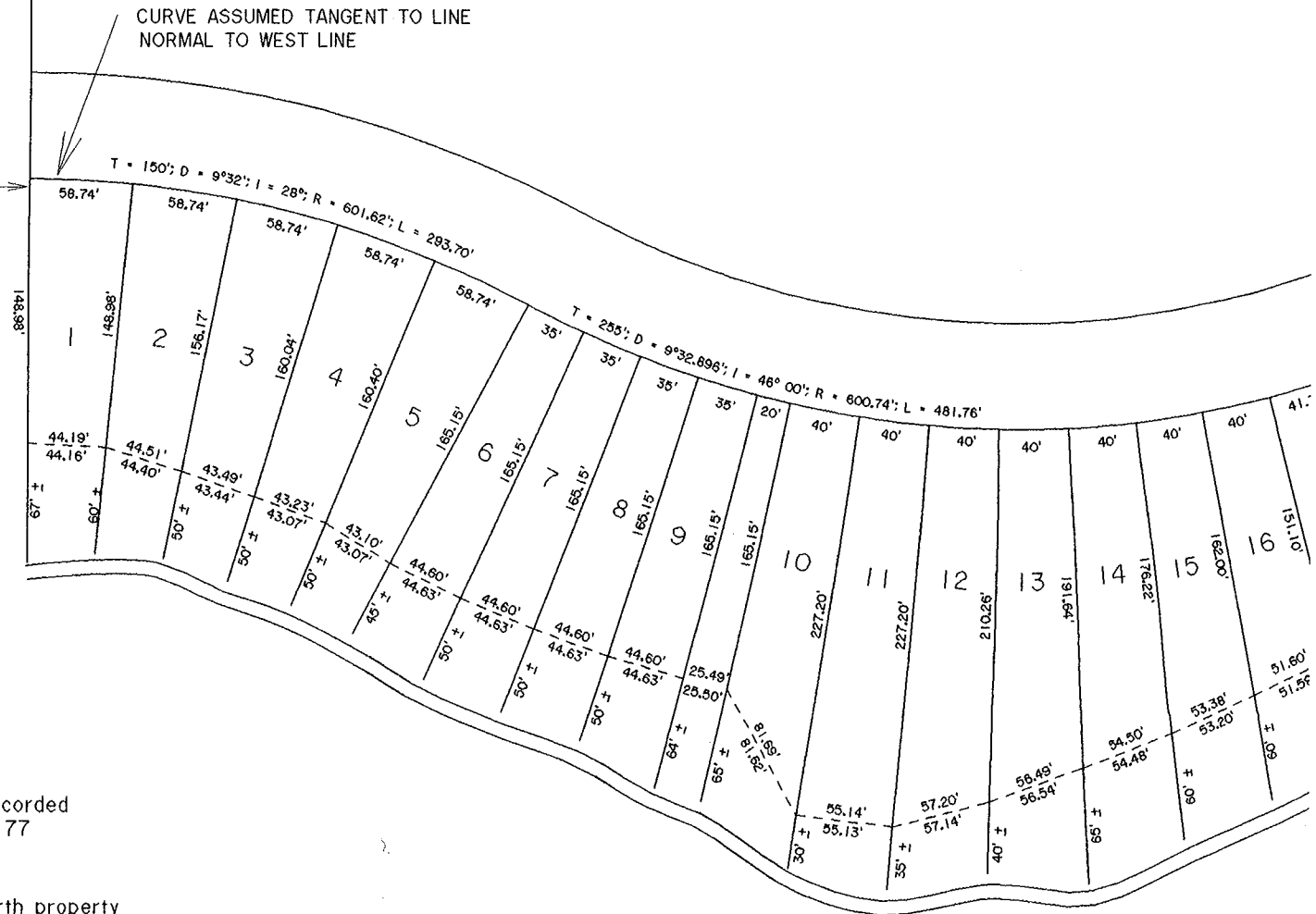
BASIS OF BEARINGS: West line of plat assumed North/South (see report)  
Ties North/South and East/West are computed based on the original plat as established.



Indicates H5 x 24" rebar set with yellow plastic Hofer & Davis, Inc. firm 0025 cap affixed.

*Michael Davis*  
6/17/04

ASSUMED NORTH / SOUTH FOR PLAT RECREATION.



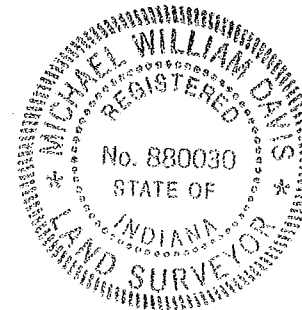
Plat by Harmon J. Weaver, P.E. recorded  
12/1/1924 in Plat Book 4, page 77

Notes on Plat:

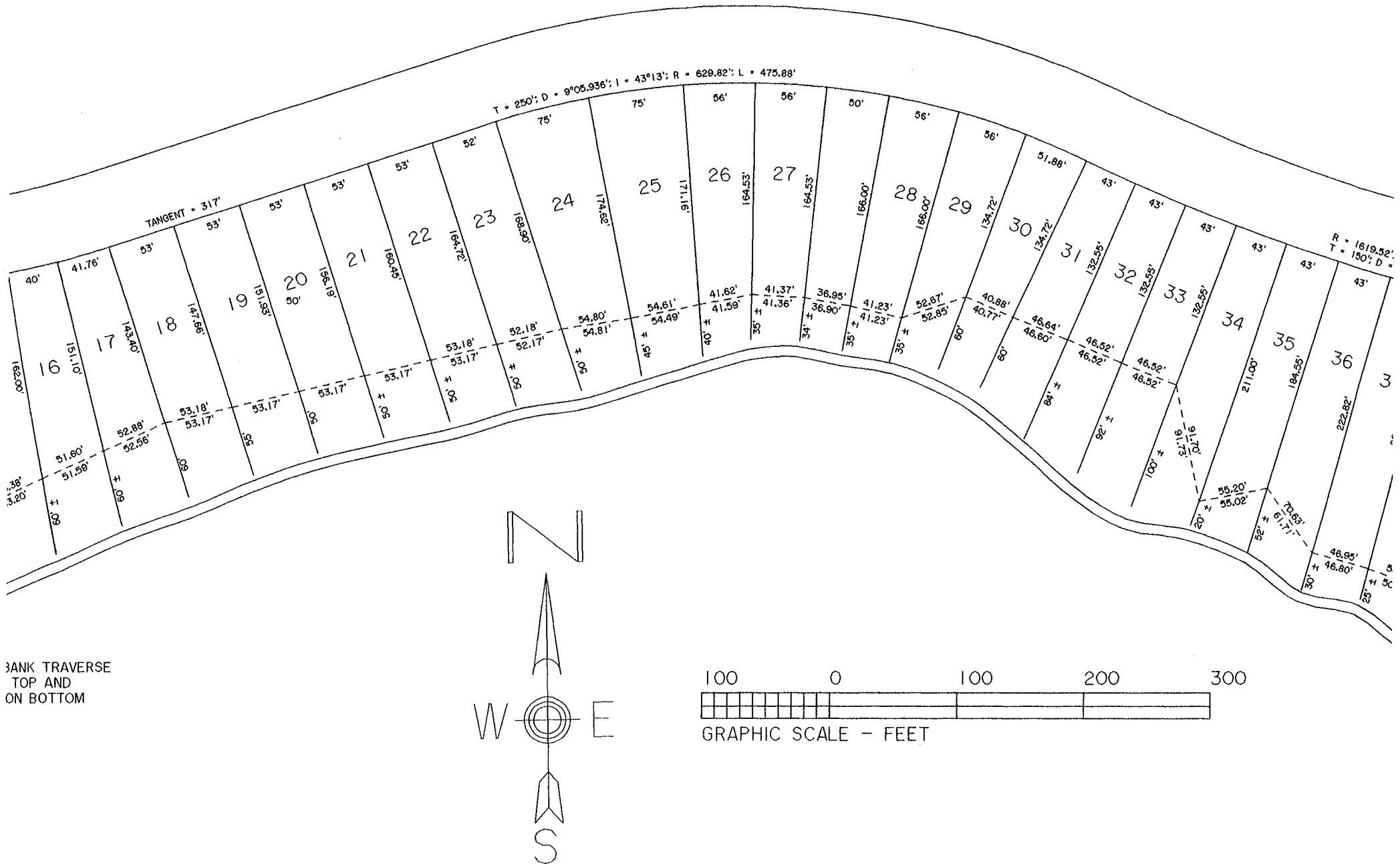
All Lot lines at right angles to North property  
line. Iron stakes about 1" in diameter set  
at all corners.

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

*Michael William Davis*  
6/17/04



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



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.

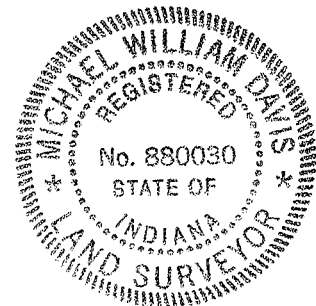
The physical location of the corner monuments found were then retrofitted onto a map of the original plat, with several different scenarios analyzed, and a "best fit" determined. It should be noted that the original plat is excellent in its detail, particularly considering the age. Some slight variances 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

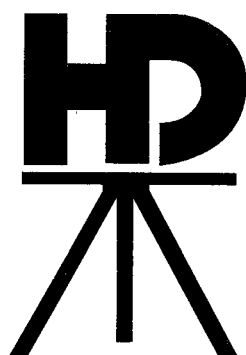
found was translated and rotated to be consistent with the Southwest corner of Lot 42 and the Northeast corner of Lot 55 having the same bearing as the platted calculated bearing. The calculated distance from the plat and the actual distance between the monuments was found to be exactly the same. Other 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 17<sup>th</sup> 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

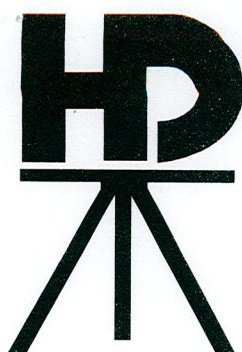
Dear Ms. Reecer:

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.



## 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, IN 46567

## 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?

If YES, enter delivery address below: ☐ Yes ☐ No

## 3. Service Type

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

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

OFFICIAL USE

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

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

Postage

\$

0.37

UNIT 10: 0900

Certified Fee

\$

0.30

UNIT 11: 0900

Return Receipt Fee

\$

1.75

UNIT 12: 0900

Restricted Delivery Fee

\$

1.75

UNIT 13: 0900

Total Postage &amp; Fees

\$

4.42

UNIT 14: 0900

Postmark

Here

Postmark

Here

## 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-154

## 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?

If YES, enter delivery address below: ☐ Yes ☐ No

## 3. Service Type

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

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

OFFICIAL USE

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

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

Postage

\$

0.37

UNIT 10: 0900

Certified Fee

\$

0.30

UNIT 11: 0900

Return Receipt Fee

\$

1.75

UNIT 12: 0900

Restricted Delivery Fee

\$

1.75

UNIT 13: 0900

Total Postage &amp; Fees

\$

4.42

UNIT 14: 0900

Postmark

Here

Postmark

Here



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

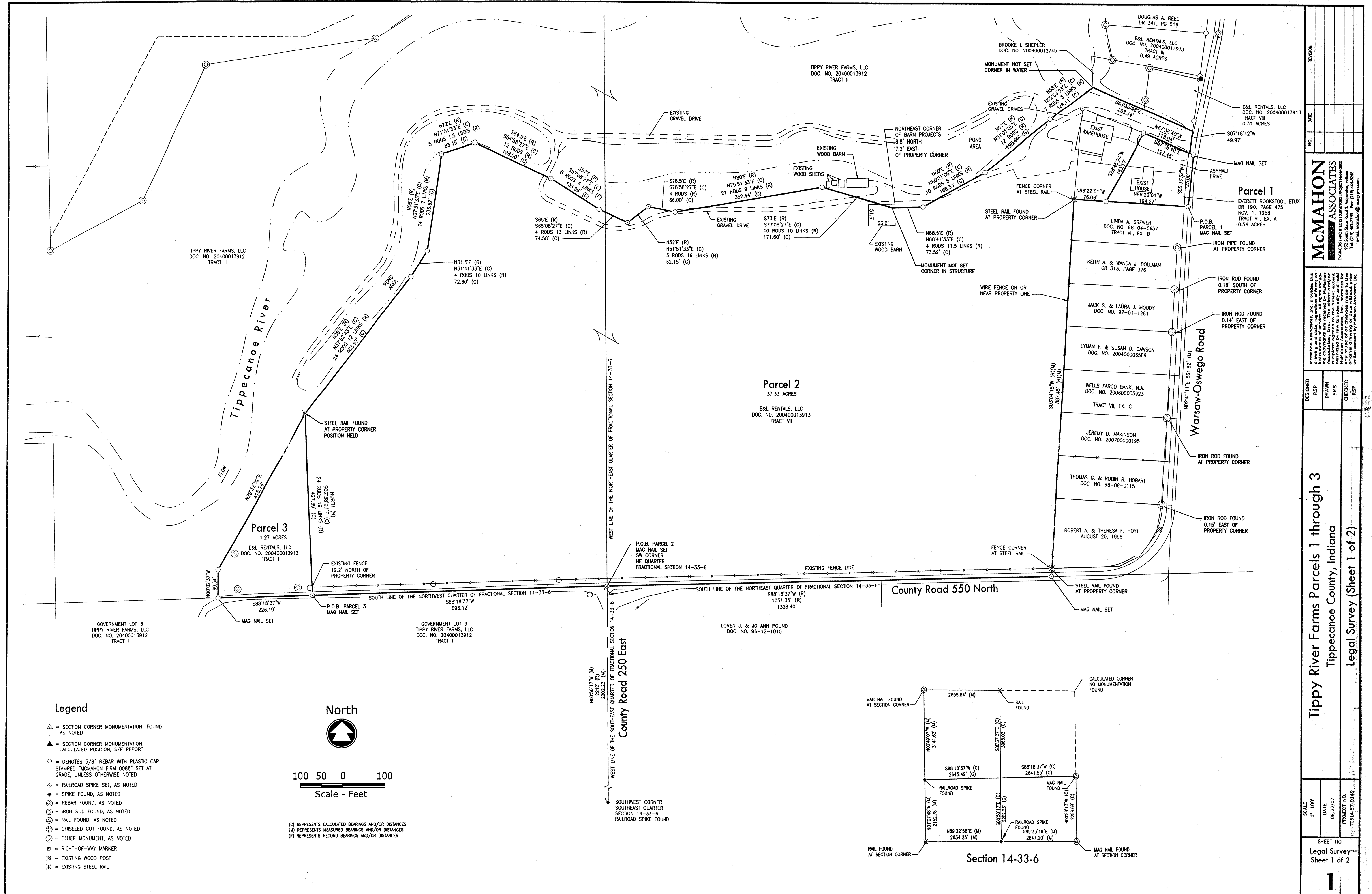
- 6 PAGES OF SURVEY (6 TRACTS) 24"x36" EACH PAGE

FILED 10/23/2007

FILED 11/29/07  
NOTIFICATION OF SURVEY FILING

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

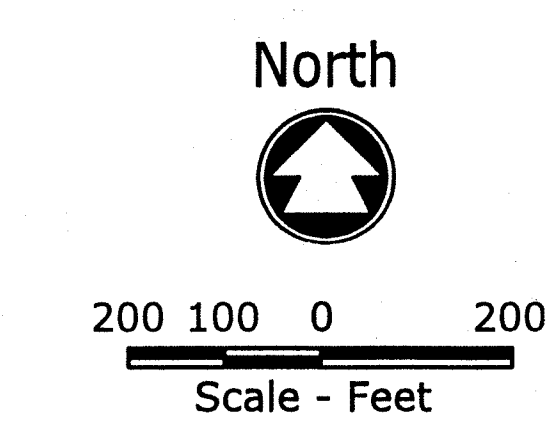
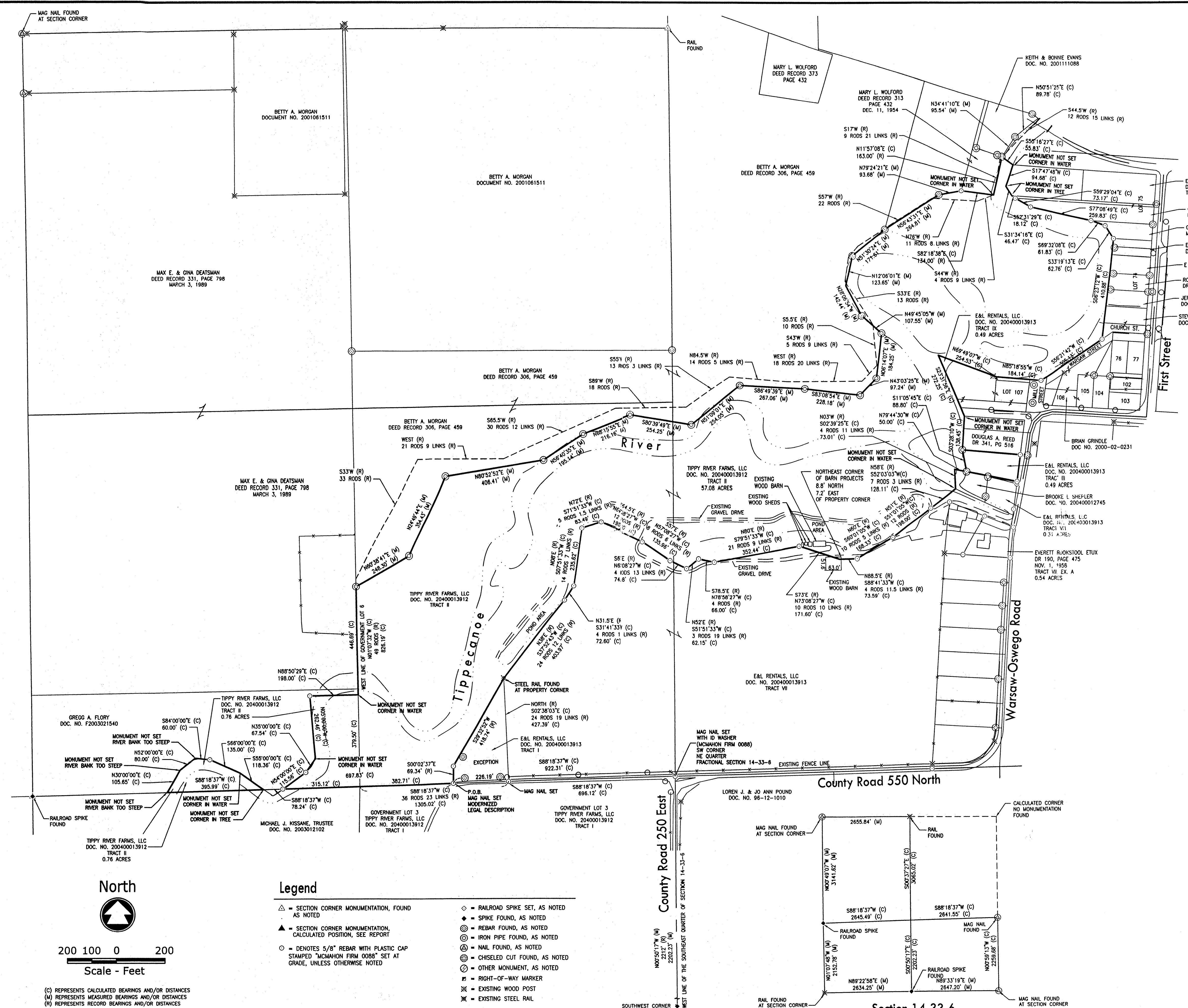












- Legend**
- △ = SECTION CORNER MONUMENTATION, FOUND AS NOTED
  - ▲ = SECTION CORNER MONUMENTATION, CALCULATED POSITION, SEE REPORT
  - = DENOTES 5/8" REBAR WITH PLASTIC CAP STAMPED "McMAHON FIRM 0088" SET AT GRADE, UNLESS OTHERWISE NOTED
  - ◇ = RAILROAD SPIKE SET, AS NOTED
  - ◆ = SPIKE FOUND, AS NOTED
  - ⊙ = 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

(C) REPRESENTS CALCULATED BEARINGS AND/OR DISTANCES  
(M) REPRESENTS MEASURED BEARINGS AND/OR DISTANCES  
(R) REPRESENTS RECORD BEARINGS AND/OR DISTANCES

REVISION	
NO.	DATE

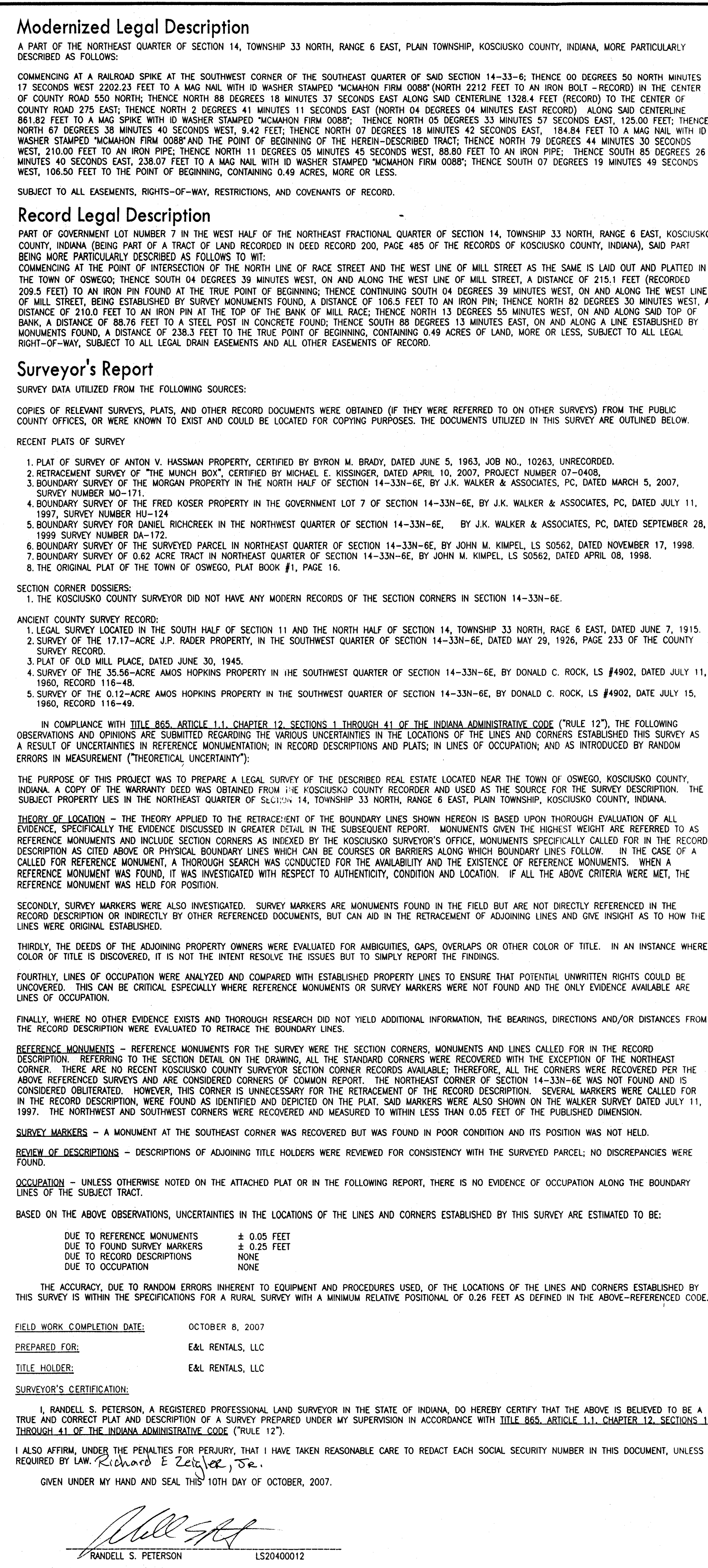
**McMAHON ASSOCIATES**  
ENGINEERS, ARCHITECTS, LAND SURVEYORS, PROJECT MANAGERS  
10101 INDIANAPOLIS AVENUE, SUITE 100  
INDIANAPOLIS, INDIANA 46240  
TEL: (317) 462-7743 FAX: (317) 462-7744  
E-MAIL: mcmahon@mcma-hon.com

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

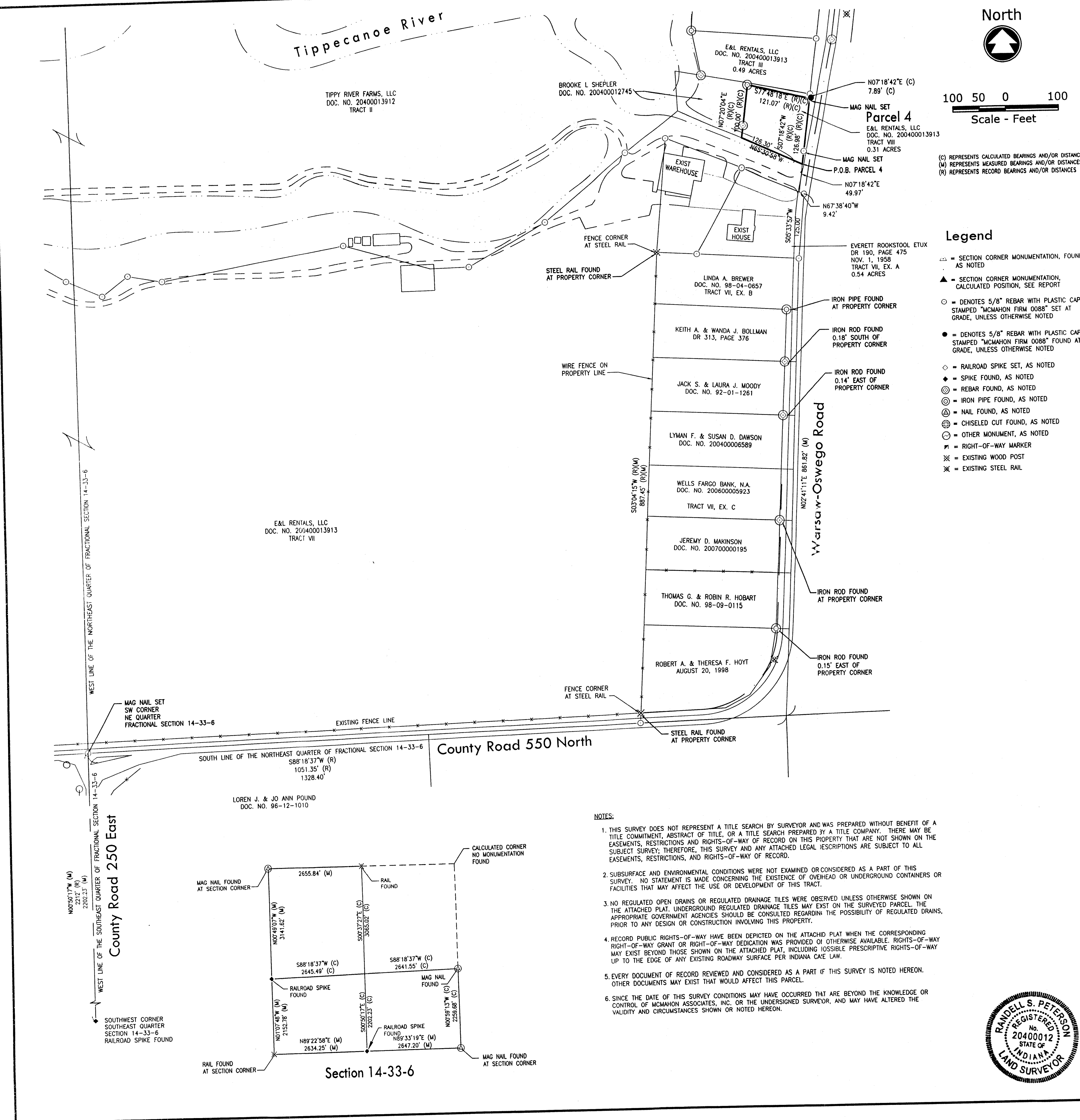
**Tippy River Farms - Riverbottom Parcel**  
**Tippecanoe County, Indiana**  
**Legal Survey (Sheet 1 of 2)**

SHEET NO.  
Legal Survey  
Sheet 1 of 2  
**1**



[illegible]





**McMAHON ASSOCIATES**  
BUSINESS ARCHITECTS SURVEYORS PROJECT MANAGERS  
10101 E. 10TH AVE. SUITE 100  
TOLSON, IN 46270  
TEL (317) 462-7743 FAX (317) 444-8248  
e-mail: mcmahon@mcgrrp.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**  
**Tippecanoe County, Indiana**

DATE: 10/10/07  
SCALE: 1"=100'  
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 03 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, ALONG 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. *Randall S. Peterson*

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

*Randall S. Peterson*  
RANDELL S. PETERSON LS20400012



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*Randall S. Peterson*







# WALKER & ASSOCIATES

112 WEST VAN BUREN STREET  
COLUMBIA CITY, IN 46725  
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E-mail: mail@walkersurveying.net

LAND SURVEYING,  
CIVIL ENGINEERING,  
& LAND PLANNING

PART OF LOTS NUMBERED 16 AND 17 IN CROW'S ADDITION TO OGDEN ISLAND ON LAKE WAWASEE, KOSCIUSKO COUNTY, INDIANA		
FOR: SCHLOSS, MESHELL L. (QUALIFIED PERSONAL RESIDENCE TRUST)		
SCALE: 1"=10'	DRAWN BY: CAG	DRAWING NUMBER
DATE: 10-21-2019	PAGE: 1 OF 1	JX-135 "B"

## HISTORICAL DESCRIPTION OF SURVEYED TRACT

(Per Tract #1 and Tract #2 in Document Number 2012050851)

### Tract #1

Lot Number 16 in Crow's Addition to Ogden Island, less the following described tract:

Commencing at a point at the low water mark of Lake Wawasee, 3 feet East of the West line of Lot Number 16 in Crow's Addition to Ogden Island of Lake Wawasee, thence proceeding in a Northerly direction 50 feet, thence in a Westerly direction 3 feet to the West line of said Lot 16; thence South along the said West line of Lot 16 to the low water mark of Lake Wawasee, 50 feet; thence East 3 feet to the place of beginning;

EXCEPTING THEREFROM land conveyed pursuant to Quit-Claim Deed recorded March 26, 2007 in the Kosciusko County, Indiana Recorder's Office as Document Number 200700003597:

Part of Lot Number 16 in Crow's Addition to Ogden Island, on Wawasee Lake, Kosciusko County, Indiana, being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northeast corner of said Lot Number 16; thence S78°-35'-30"W (basis of bearings for this description is a platted bearing of N13°-00'W for the Easterly line of said Lot Number 16), on and along the Northerly line of said Lot Number 16, a distance of 111.4 feet to an iron pin at the true point of beginning; thence continuing S78°-35'-30"W, on and along said Northerly line, a distance of 47.95 feet to the Northwest corner of said Lot Number 16, said corner being a point on the Westerly face of a concrete seawall; thence S12°-20'E, on and along said Westerly face, a distance of 3.0 feet to the Southwesterly corner of said concrete seawall; thence N77°-41'-40"E, on and along the Southerly face of an existing block shed, and on and along the Southerly face of an existing concrete retaining wall, a distance of 47.91 feet to an iron pin at the Southeast corner of said retaining wall; thence N11°-24'-30"W, a distance of 2.25 feet to the true point of beginning, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record.

ALSO INCLUDING land conveyed pursuant to Quit-Claim Deed recorded on January 17, 2007 in the Kosciusko County, Indiana Recorder's Office as Document Number 200700000717:

Part of Lot Number 16 in Crow's Addition to Ogden Island, on Wawasee Lake, Kosciusko County, Indiana, being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northeast corner of said Lot Number 16; thence S78°-35'-30"W (basis of bearings for this description is a platted bearing of N13°-00'W for the Easterly line of said Lot Number 16), on and along the Northerly line of said Lot Number 16, a distance of 108.1 feet to an iron pin found at the true point of beginning; thence continuing S78°-35'-30"W, on and along said Northerly line, a distance of 3.3 feet to an iron pin; thence S11°-24'-30"E, a distance of 2.25 feet to an iron pin at the Southeast corner of an existing concrete retaining wall; thence S77°-41'-40"W, on and along the Southerly face of said concrete retaining wall and on and along the Southerly face of an existing block shed, a distance of 47.91 feet to the Southwesterly corner of a concrete seawall; thence N78°-35'-30"E, parallel to said Northerly line, a distance of 51.2 feet to an iron pin found; thence N11°-24'-30"W, a distance of 3.0 feet to the true point of beginning, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record.

SUBJECT TO an Easement Agreement recorded March 26, 2007 in the Kosciusko County, Indiana Recorder's Office at Document Number 200700003598.

### Tract #2

The North Half of Lot Number 17 in Crow's Addition to Ogden Island;

## FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. Land lying adjacent to Wawasee Lake appear to be situated in Zone "AE", which is in a flood plain. The remainder of the surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18085C0090D of the Flood Insurance Rate Maps for Kosciusko County, Indiana, dated September 30, 2015.

## THEORY OF LOCATION

This is a retracement boundary survey of part of Lots Numbered 16 and 17 in Crow's Addition to Ogden Island on Wawasee Lake, Kosciusko County, Indiana, located at 11505 N Ogden Point Road, Syracuse, Indiana. The surveyed tract is Tract #1 and Tract #2 in Document Number 2012050851 in the records of Kosciusko County, Indiana.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

An iron pin was found at the Northeast corner of Lot Number 16 and was held this survey.

An iron pin was found at the Southeast corner of the surveyed tract and was held this survey.

A 5/8-inch iron pin capped "Walker" and an iron pipe was found on the South line of the surveyed tract. Said iron pin and iron pipe were held for line this survey.

A Northwest corner of the surveyed tract was established on the North line of Lot Number 16 at a distance of 111.40 feet West of the Northeast corner of said Lot Number 16.

An iron pin was found 0.3 feet South of said Northwest corner.

The Southwest corner of a concrete seawall was found at a Northwest corner of the surveyed tract and was held this survey.

A Mag nail was found 0.15 feet South of the other corner of the surveyed tract.

See survey for other monuments found near the surveyed tract.

See survey for monuments found that are referenced.

## SURVEYOR'S REPORT

In accordance with the Title 865 IAC 1-12 "Rule 12" of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties of the location of the lines and corners established on this survey as a result of:

(A) Availability and condition of referenced monuments.

See comments above concerning monuments set or found and held this survey. The monuments found are in good condition unless otherwise noted. Certain monuments are referenced as shown.

(B) Occupation or possession lines.

Existing concrete seawalls are as shown on this survey.

Existing fences are as shown on this survey.

Existing concrete pillar and timber retaining walls are as shown on this survey.

Existing pavement for Ogden Point Road is as shown on this survey.

Existing adjainer's pump house and retaining wall extend over the Northerly line of the surveyed tract as shown on this survey.

Existing stone bench extends into the easement as shown on this survey. Said easement is recorded in Document Number 200700003598 in the records of Kosciusko County, Indiana.

Piers are as shown on this survey.

(C) Clarity or ambiguity of the record description used and of adjoiners' descriptions and the relationship of the lines of the subject tract with adjoiners' lines.

The calculated lengths and calculated bearings of certain lines of the surveyed tract vary from the recorded distances and recorded bearings as shown on this survey.

(D) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

## NOTES

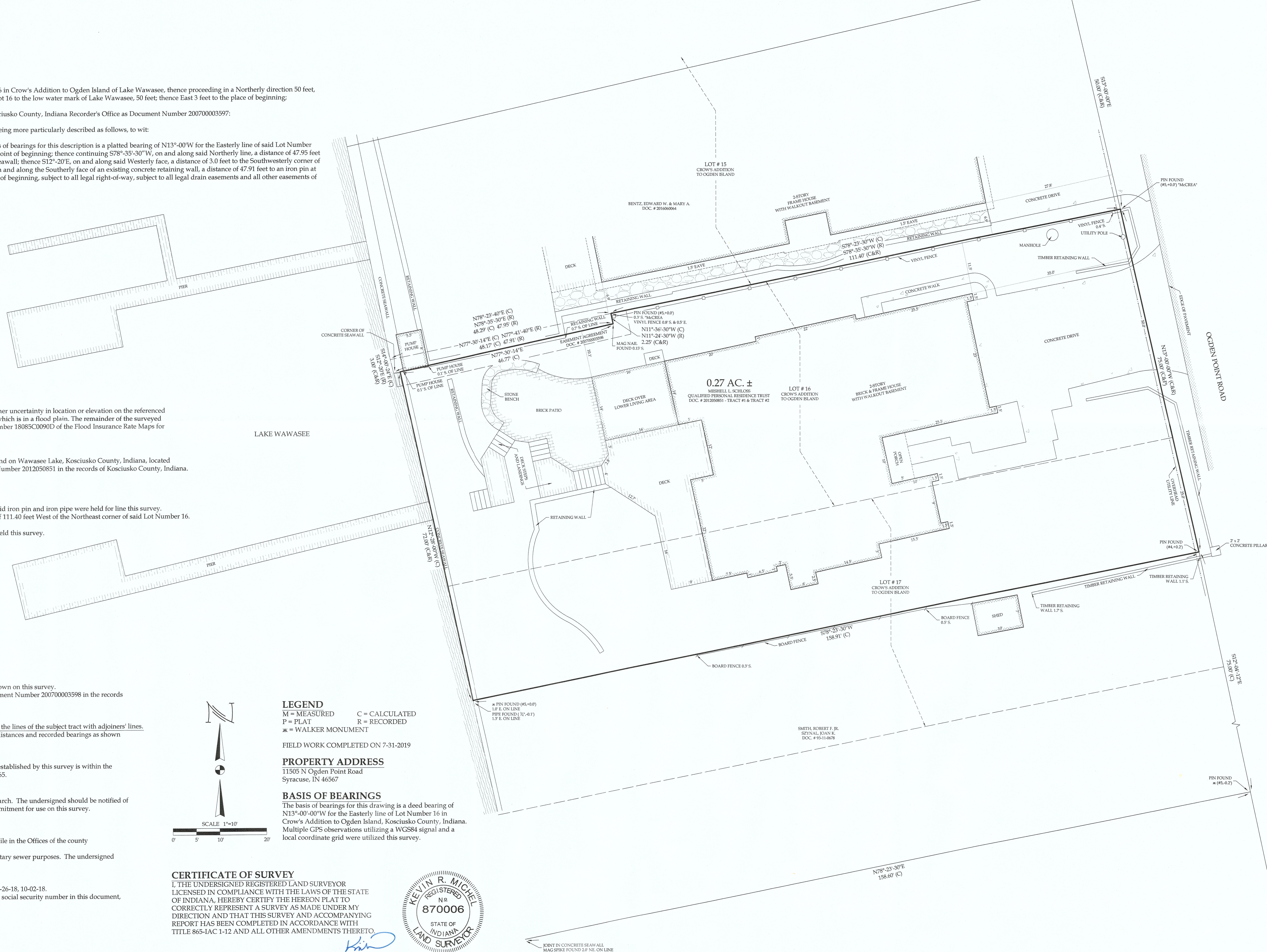
1. This survey is subject to any facts and / or easement that may be disclosed by a full and accurate title search. The undersigned should be notified of
2. any additions or revision that are required. The undersigned was not provided with a current title commitment for use on this survey.
3. For monuments found and set, see survey. All pins set are #5 Rebars with caps marked "Walker".
4. Origin of monuments unknown unless noted on survey.
5. Measurements of this survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements.
6. Ownership research of the subject tract, and adjoining tracts, was obtained from current tax records on file in the Offices of the county Auditor and Recorder.
7. Existing manhole is as shown on this survey. The surveyed tract may be subject to an easement for sanitary sewer purposes. The undersigned was not provided with any such easements.
8. A utility pole and overhead utility lines exist as shown on this survey.
9. Reference surveys by McCre, dated 06-30-15, 07-15-15.
10. Reference survey(s) by J.K. Walker & Associates, P.C., dated 07-17-00, 08-07-06, 05-17-07 (2), 12-06-12, 05-26-18, 10-02-18.
11. I, Kevin Michel, 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.

# LEGAL SURVEY

PREPARED FOR

## MESHELL L. SCHLOSS QUALIFIED PERSONAL RESIDENCE TRUST

THE PURPOSE OF THIS DOCUMENT WAS TO PERFORM A LEGAL SURVEY OF PART OF LOTS NUMBERED 16 AND 17 IN CROW'S ADDITION TO OGDEN ISLAND, ON WAWASEE LAKE, KOSCIUSKO COUNTY, INDIANA.



## LEGEND

M = MEASURED C = CALCULATED  
P = PLAT R = RECORDED  
✱ = WALKER MONUMENT

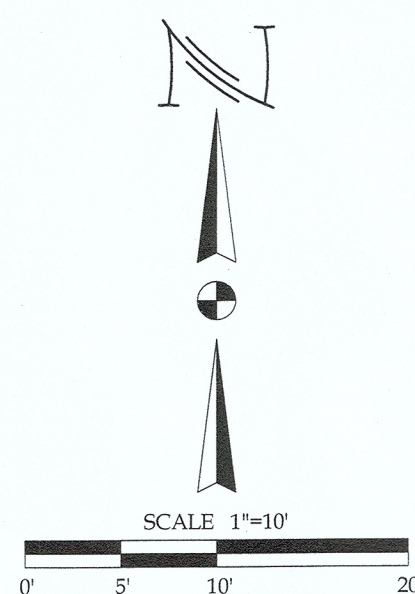
FIELD WORK COMPLETED ON 7-31-2019

## PROPERTY ADDRESS

11505 N Ogden Point Road  
Syracuse, IN 46567

## BASIS OF BEARINGS

The basis of bearings for this drawing is a deed bearing of N13°-00'-00"W for the Easterly line of Lot Number 16 in Crow's Addition to Ogden Island, Kosciusko County, Indiana. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.



## CERTIFICATE OF SURVEY

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12 AND ALL OTHER AMENDMENTS THERETO.

