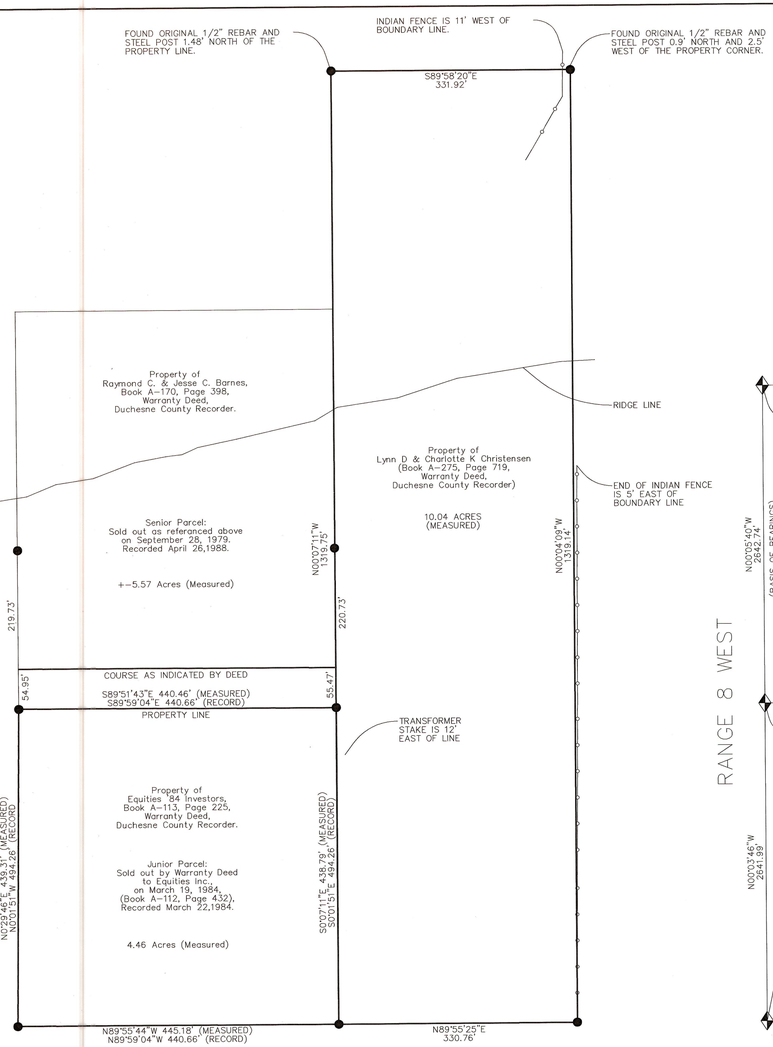
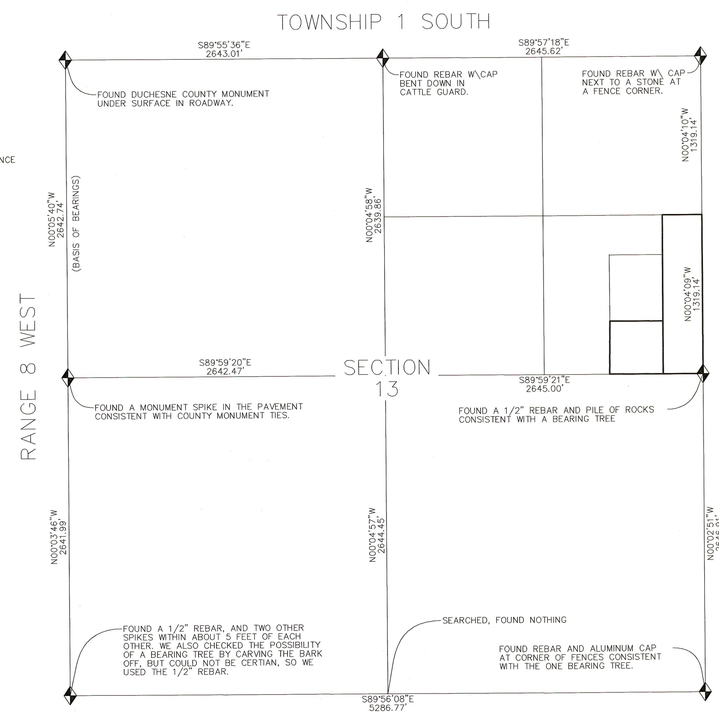


SCALE 1"=100'

0 100

● = FOUND 1/2" REBAR

◆ = SECTION CORNERS FOUND



SCALE 1"=600'

0 600

SECTION BREAKDOWN

PROPERTY SURVEY

FOR
LYNN & CHARLOTTE CHRISTENSEN
AND
EQUITIES '84 INVESTORS

LOCATED IN THE NE 1/4 OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 8 WEST, UINTAH SPECIAL MERIDIAN

PROPERTY DISCRIPTION

Lynn D. & Charlotte K. Christensen Property Description:
Township 1 South, Range 8 West, Uintah Special Base and Meridian, Section 13: East one-half, East one-half, Southeast Quarter, Northeast Quarter. (Also known as Plot 8 of an unrecorded subdivision).
Book A-275, Page 719, Duchesne County Recorder.

Equities '84 Investors Property Description:
Township 1 South, Range 8 West, Uintah Special Base and Meridian, Section 13: Beginning at a point which is North 89°59'04" West 330.50 feet from the East Quarter Corner of Section 13, Township 1 South, Range 8 West, USBM; thence North 89°59'04" West 440.66 feet; thence North 00°01'51" West 494.26 feet; thence South 89°59'04" East 440.66 feet; thence South 00°01'51" East 494.26 feet to the Point of Beginning. Containing 5.02 acres more or less.
Book A-113, Page 225, Duchesne County Recorder.

Raymond C. & Jesse C. Barnes Property Description:
Township 1 South, Range 8 West, Uintah Special Base and Meridian, Section 13: Beginning at a point which is North 89°59'04" West 330.50 feet, and North 00°01'51" West 494.26 feet from the East Quarter Corner; thence North 89°59'04" West 440.66 feet; thence North 00°01'51" West 496.19 feet; thence South 89°59'04" East 440.66 feet; thence South 00°01'51" East 496.19 feet to the Point of Beginning. Containing 5.02 acres more or less.
Book A-170, Page 398, Duchesne County Recorder.

SURVEYORS NARRATIVE

We were contacted by Christensens in September of 1999 to perform a property survey of their land. It was found that the property was Plot 8 of an unrecorded subdivision. In 1977 Lawrence Maxwell the original owner and subdivider had a survey conducted that divided 293.35 acres into 29 lots. An associate of ours was able to procure a copy of that survey plat from Mr. Maxwell earlier in the summer of 1999. That survey had been conducted by a company named Olympus Land Surveying of Farmington Utah. Though the subdivision is deemed an "illegal subdivision" because it had never completed the process with the county and recorded, the intent of the original parties are clear, that lots were to be created and sold.

In the field we were able to recover ½" rebar with steel posts alongside, and remnants of old stakes and lath placed at intervals consistent with the data on the plat of that survey. We noticed many of the earlier deeds to parcels sold out did have lot numbers assigned to them.

With the Christensen property we held to the location of the ½" rebar placed on the ground as original lot corner locations. On their North line the ½" rebar found were slightly over the 40 acre line as indicated on this plat, however they still serve as line points guiding the direction of the North-South property lines.

In June of 2000 we were contacted by Bruce Woodruff of Equities, Inc. to perform a property survey of the adjacent parcel to the west of Christensens. This parcel had a meets and bounds type description as well as the adjacent parcel to the North, both of which harmonized mathematically together. The bearings were consistent with the data on the Olympus survey plat, however, the parcel length and width had been modified by Mr. Maxwell. Land owners who new Mr. Maxwell indicated that he was an educated man who often did his own layout work for marking property lines and corners, as well as preparing land descriptions for sale. The plat copy we obtained from Mr. Maxwell shows hand drawn lines where he apparently altered lines in some cases from that of the survey he had ordered previously.

In performing the survey for Equities Inc. we found rebar at the south corners as well as at the North corners and beyond, towards the toe of the hill on the sides of the Barnes property adjoining to the North. However, the two North corners of this property were about 55' too far south making the parcel almost square rather than rectangular.

We contacted Mr. Raymond Barnes on June 19, 2000, owner of the parcel to the North, and asked him before disclosing to him our findings in the field, if he knew where his south boundary was, or if he knew if there were any monuments marking the line. He said that when Mr. Maxwell had walked the property with him before the sale, that a rebar at each of his south corners were shown to him as being the corners of the property being sold. He also said that there were two rebar marking line, one on each side of the property, at the foot of the hill to the North. Mr. Barnes clearly identified the rebar we found. Mr. Barnes purchased that parcel in September, 1979. We have not as yet been able to determine the date of original purchase for the Equities parcel from Mr. Maxwell.

We believe that Lawrence Maxwell performed the layout of the both properties and prepared the descriptions of both pieces for sale. However, he apparently made an error in measurement, or description for the latitudinal position of the common East-West line between the two parcels. We hold to the common law principle of the control of original monuments for boundary line location. We acknowledge that Mr. Maxwell is not a Licensed Professional Land Surveyor, nor were the monuments called for in the description, there are no ambiguities on the face of the instruments of conveyance (deeds). However latent ambiguities arise when applying the writings to locate boundaries on the ground, and finding conflict with extrinsic evidence (evidence outside of the writings), in this case the original boundary markers (rebar), found and identified as original by a first hand witness. When ambiguities arise one must look to the intentions of the original parties to the first transaction. The highest and best proof of intention lies, not in the words of expression, but in the work performed upon the ground itself. Lines actually run and corners actually established upon the ground prior to the conveyance are the most certain evidence of intention.

SURVEYOR'S CERTIFICATE

Registered Land Surveyor # 259966 DANIEL W. PEATROSS 12-7-00 STATE OF UTAH

I, DANIEL W. PEATROSS DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 259966 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. AND THAT I HAVE CONDUCTED A SURVEY OF THE ABOVE DESCRIBED PROPERTY, AND THAT THE SAME IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

County Surveyor's File # 1019

THE ENGINEERING GROUP
P.O. BOX 1758 VERNAL, UTAH 84078
(435) 789-0541 (435) 789-4485 (FAX)

DATE RESEARCHED: 09/07/1999 06/14/2000	RESEARCHED BY: D PEATROSS	PROJECT NO. 2000.20.02
DATE SURVEYED: 09/22,24/1999 06/16,21/2000	SURVEYED BY: D PEATROSS, D FAUST	REVISIONS: DATE:
DATE DRAFTED: 10/16/1999 11/01/2000	DRAFTED BY: D PEATROSS, R MALIN	SHEET: 1 OF 1