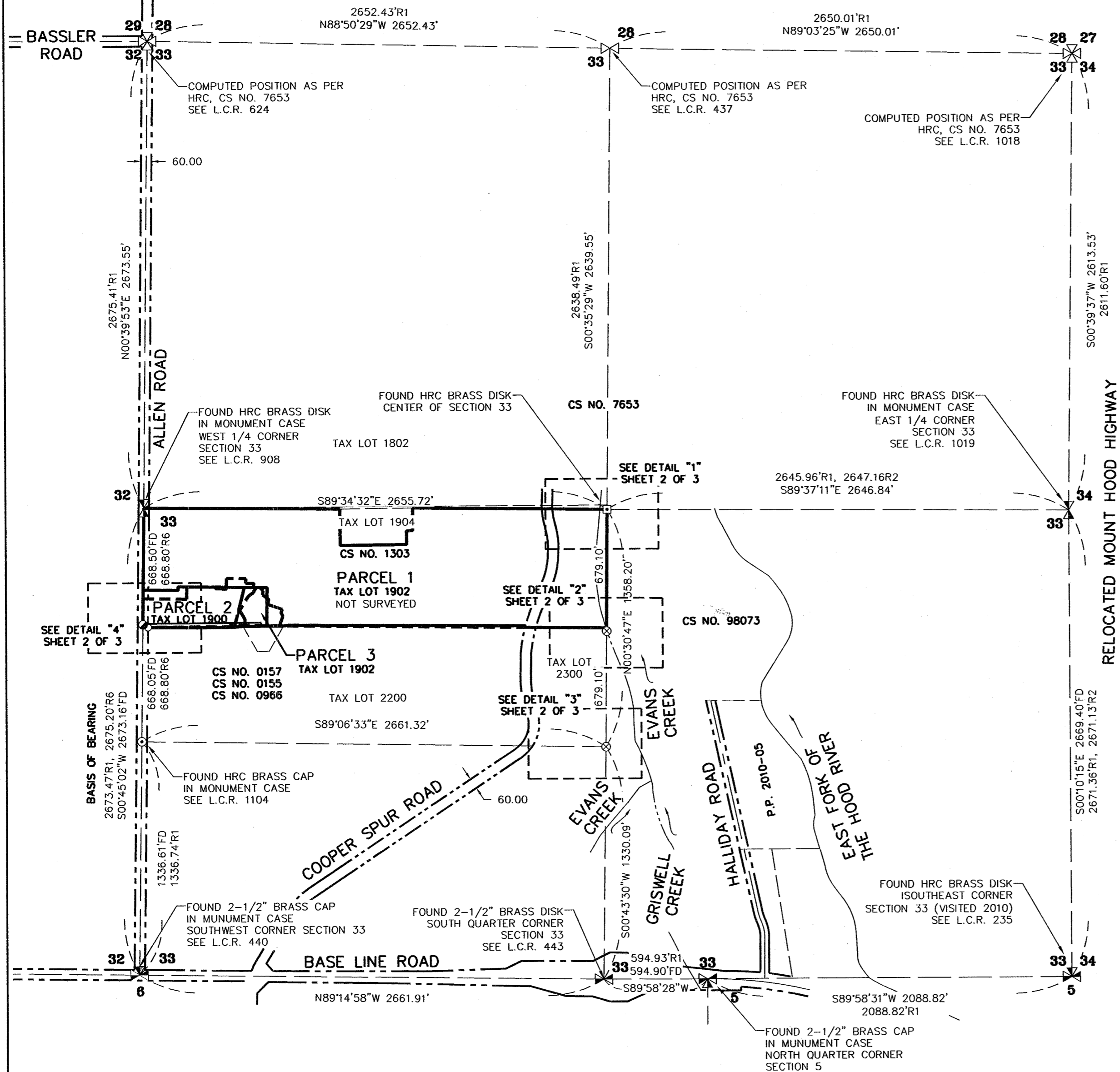


RECORD OF SURVEY

LOCATED IN SW 1/4 OF SECTION 33 T. 1N., R. 10E., W.M.
HOOD RIVER COUNTY, STATE OF OREGON
1N 10E 33 TAX LOT 1900, 1901 & 1902

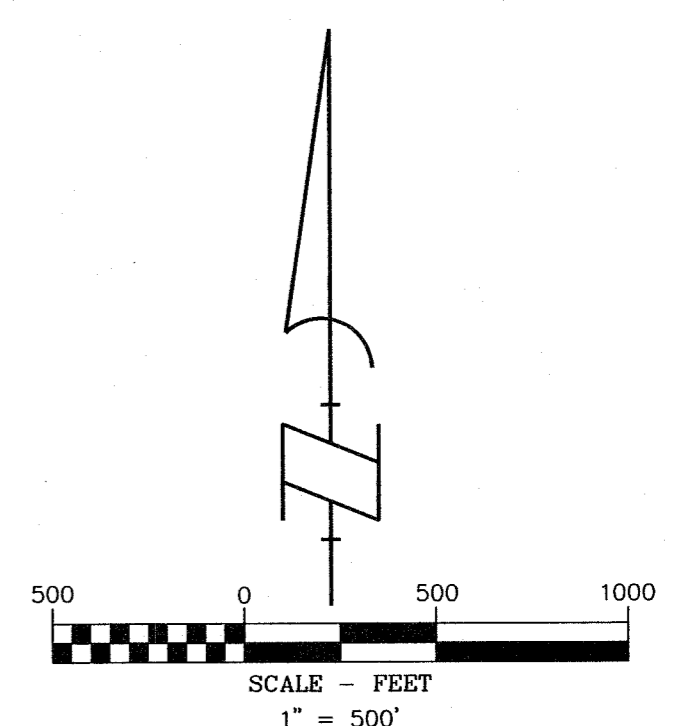
**HOOD RIVER COUNTY
SURVEYOR'S OFFICE**

SURVEY NO. 2019 029
FILED 7/8/2019
BY BA



LEGEND

- SET 5/8" X 30" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KLEIN & ASSOC. 59002LS)
- ⊙ FOUND 2-1/2" BRASS CAP IN MONUMENT CASE
- ⊗ FOUND STONE WITH "X" INSCRIBED
- FOUND RAILROAD SPIKE
- ⊠ FOUND 3" BRASS DISK HOOD RIVER COUNTY
- ⊞ FOUND 2" Ø IRON AXLE
- ANGLE POINT, NOT MONUMENTED
- RM REFERENCE MONUMENT
- CS. NO. COUNTY SURVEY NUMBER
- R1 RECORD DATA PER REFERENCE SURVEY NO.
- FD FOUND DATA
- B.G. BELOW GRADE
- HRC HOOD RIVER COUNTY
- PROPOSED NEW PROPERTY LINE
- ORIGINAL PROPERTY LINE



BASIS OF BEARINGS

OREGON NORTH ZONE, STATE PLANE COORDINATE SYSTEM NAD 83 (2011)(EPOCH 2010.0), UTILIZING THE NATIONAL GEODETIC SURVEY (NGS) ONLINE POSITIONING USER SERVICES (OPUS) SOFTWARE PROGRAM.

REFERENCED SURVEYS

- R1 SURVEY PERFORMED BY HOOD RIVER COUNTY, COUNTY SURVEY NO. 7653
- R2 PARTITION PLAT PERFORMED BY KLEIN & ASSOCIATES, INC, COUNTY SURVEY NO. 2010-040
- R3 PROPERTY LINE ADJUSTMENT PERFORMED BY WYEAST SURVEYS, COUNTY SURVEY NO. 2002-055
- R4 PARTITION PLAT 9821, PERFORMED BY WYEAST SURVEYS, COUNTY SURVEY NO. 98073
- R5 SURVEY PERFORMED BY GEORGE A. FREY, COUNTY SURVEY NO. 0155
- R6 SURVEY PERFORMED BY GEORGE A. FREY, COUNTY SURVEY NO. 0157
- R7 SURVEY PERFORMED BY GEORGE A. FREY, COUNTY SURVEY NO. 0966
- R8 SURVEY PERFORMED BY GEORGE A. FREY, COUNTY SURVEY NO. 1303
- R9 SURVEY PERFORMED BY TENNESON ENGINEERING, CORP. COUNTY SURVEY NO. 0156

REFERENCED DEEDS

BARGAIN & SALE DEED, INSTRUMENT NO. 2016-01994
BARGAIN & SALE DEED, INSTRUMENT NO. 2016-01995
BARGAIN & SALE DEED, INSTRUMENT NO. 2016-01996
ASSIGNMENT OF LAND SALE CONTRACT & PERSONAL REPRESENTATIVE, INSTRUMENT NO. 2014-01922
BARGAIN & SALE DEED, INSTRUMENT NO. 2011-03559
BARGAIN & SALE DEED, INSTRUMENT NO. 2011-03558
BARGAIN & SALE DEED, INSTRUMENT NO. 2011-03557
BARGAIN & SALE DEED, INSTRUMENT NO. 2010-02463
BARGAIN & SALE DEED, INSTRUMENT NO. 2003-2279

NARRATIVE

THE INTENT OF THIS SURVEY WAS TO PERFORM A PARTITION PLAT BETWEEN TAX LOTS 1900, 1901 AND 1902 OF HOOD RIVER COUNTY ASSESSOR MAP 1N 10E 33. THE CLIENT DECIDED NOT TO PROCEED WITH SAID PARTITION, SO THIS SURVEY IS INTENDED TO PERPETUATE THE SET MONUMENTS ON THE GROUND.

SEE NOTES ON SHEET 3 FOR ADDITIONAL INFORMATION RELATING TO THIS SURVEY.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James M. Klein
OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2019

OWNER

BARBARA ANN MILLER,
RANDY M. KIYOKAWA
AND
OREGON DEPT. OF HUMAN SERVICES

SURVEY PERFORMED FOR:
BARBARA ANN MILLER
DATE OF MONUMENTATION: JULY 27, 2015
PROJECT: 15-01-10 DRAFT: GD
FILE: 150110.DWG LAYOUT TAB: OR SURVEY

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

SHEET INDEX

- SHEET 1-SECTION 33 DIAGRAM
- SHEET 2-ORIGINAL PARCEL LAYOUT
- SHEET 3-PROPOSED NEW PARCEL LAYOUT

KA
Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

SHEET 1 OF 3
WILLAMETTE MERIDIAN
HOOD RIVER COUNTY, OREGON

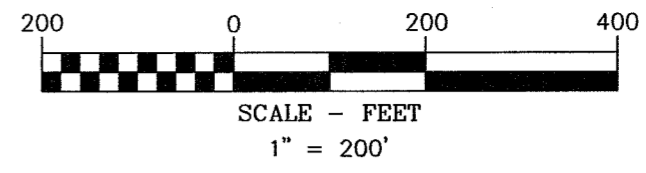
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33	1N.	10E.

CS# 2019 029

SURVEY NO. 2019 029
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RECORD OF SURVEY

LOCATED IN SW 1/4 OF SECTION 33 T. 1N.,
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HOOD RIVER COUNTY, STATE OF OREGON
1N 10E 33 TAX LOT 1900, 1901 & 1902



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NAD 83 (2011)(EPOCH 2010.0), UTILIZING THE NATIONAL
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EASEMENTS OF RECORD

- EASEMENT**
GRANTED TO ROBERT E. HARBISON
RECORDED: JANUARY 19, 1905
BOOK G, PAGE 148
- ROAD RIGHT-OF-WAY EASEMENT**
DATED: AUGUST 31, 1911
RECORDED: JANUARY 25, 1912
BOOK 6, PAGE 582
AFFECTS: NORTH 20 FEET OF 1N-10E-33-1902
- ELECTRICAL TRANSMISSION AND DISTRIBUTION LINE EASEMENT**
GRANTED TO PACIFIC POWER & LIGHT COMPANY
DATED: JULY 20, 1955
RECORDED: JULY 29, 1957
BOOK 60, PAGE 358
AFFECTS: 1N-10E-33-1900, 1902
- EASEMENT**
GRANTED TO UNITED CHURCH OF UPPER HOOD RIVER VALLEY
MACH 19, 1965
RECORDED: JULY 29, 1957
BOOK 80, PAGE 512
AFFECTS: 1N-10E-33-1900
- IRRIGATION PIPE LINE EASEMENT**
GRANTED TO MIDDLE FORK IRRIGATION DISTRICT
RECORDED: JUNE 23, 1966
INSTRUMENT NO. 661241
AFFECTS: 1N-10E-33-1900, 1902 AND OTHERS (NOT SHOWN)
- ROAD, JOINT USE AND MAINTENANCE AGREEMENT**
RECORDED: JANUARY 2, 1980
INSTRUMENT NO. 800007
- ROAD RIGHT-OF-WAY EASEMENT**
GRANTED TO DONALD C. MILLER
RECORDED: FEBRUARY 6, 1980
INSTRUMENT NO. 800231
AFFECTS: 1N-10E-33-1902 AND OTHERS

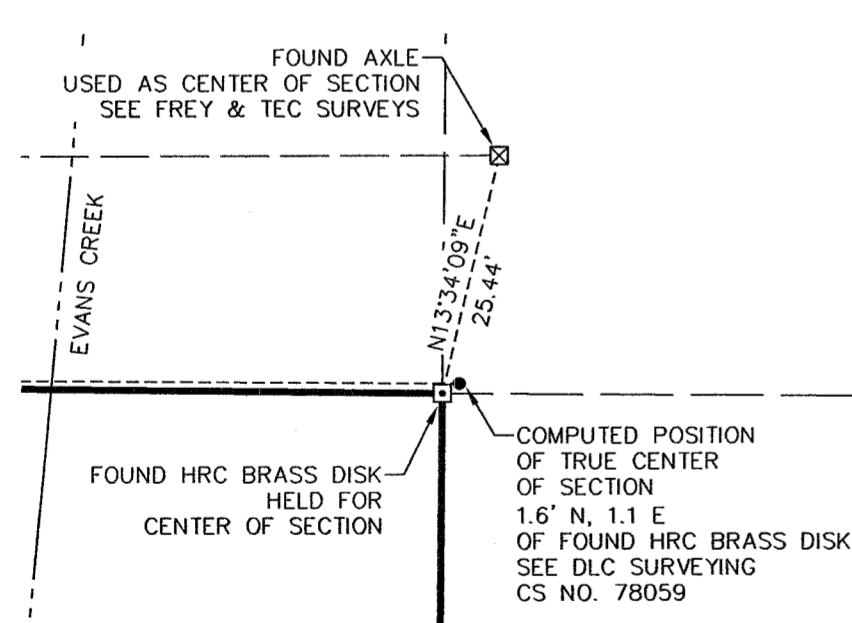
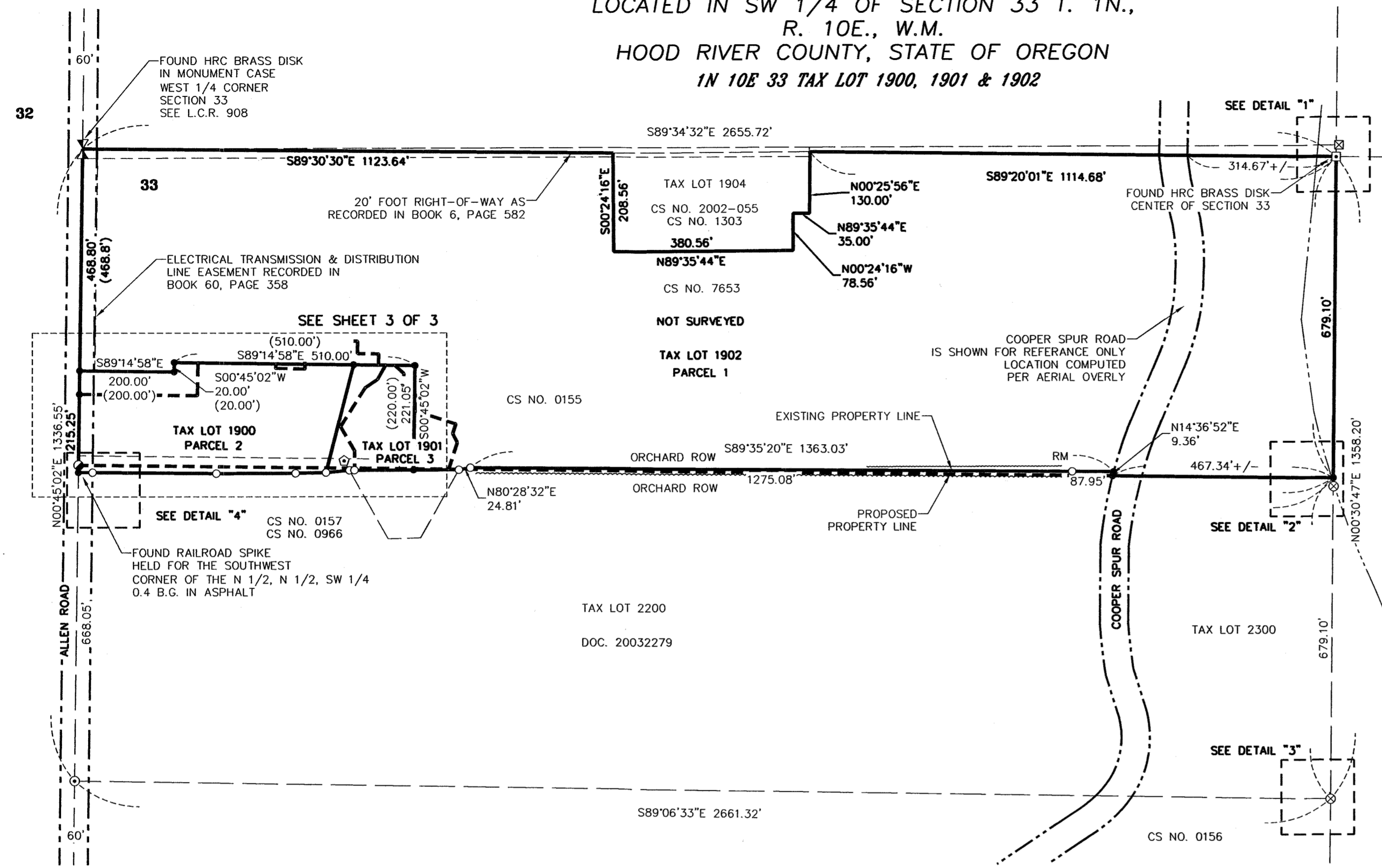
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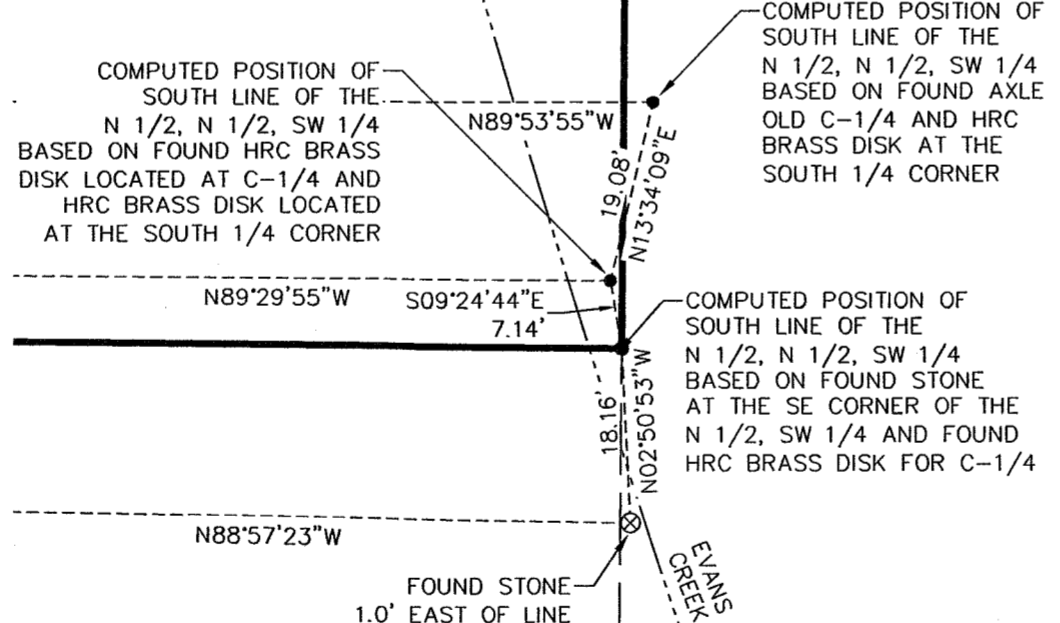
SHEET 2 OF 3
WILLAMETTE MERIDIAN
HOOD RIVER COUNTY, OREGON

1/4	SEC	T.	R.
33	1N.	10E.	

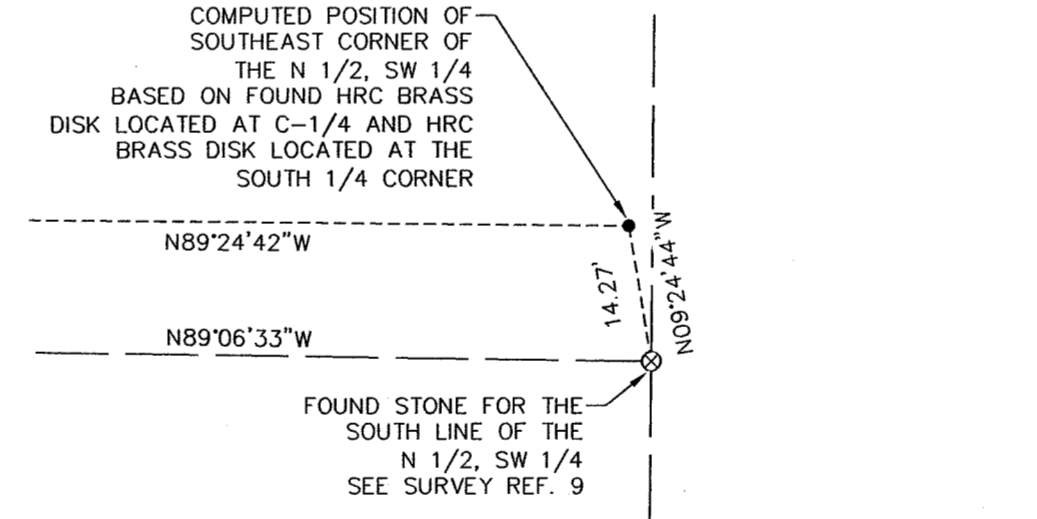
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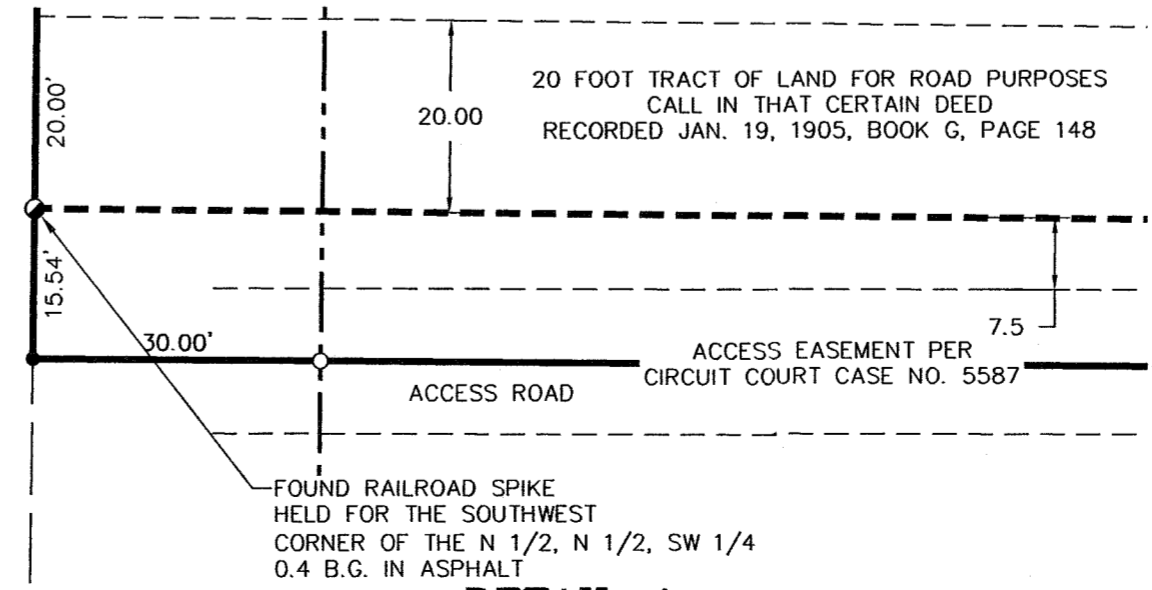
DETAIL 1
SCALE 1" = 20'



DETAIL 2
SCALE 1" = 20'



DETAIL 3
SCALE 1" = 20'



DETAIL 4
SCALE 1" = 20'

OWNER
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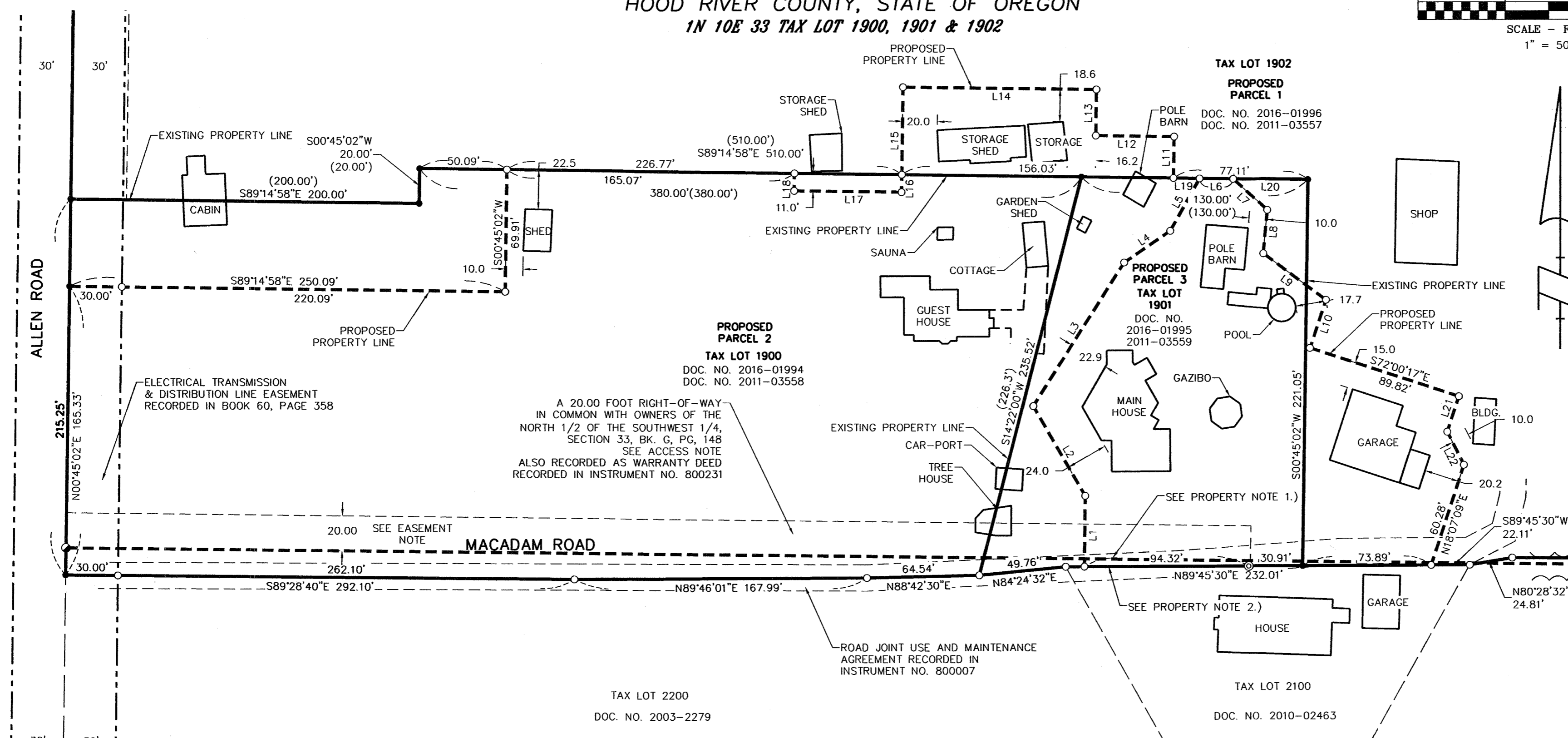
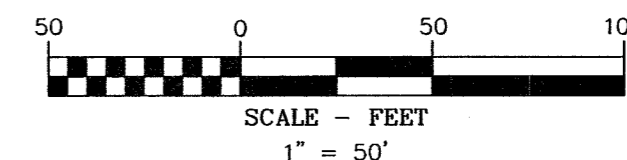
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RECORD OF SURVEY

LOCATED IN SW 1/4 OF SECTION 33 T. 1N.,
R. 10E., W.M.
HOOD RIVER COUNTY, STATE OF OREGON
1N 10E 33 TAX LOT 1900, 1901 & 1902

HOOD RIVER COUNTY
SURVEYOR'S OFFICE

SURVEY NO. 2019 029
FILED 7/8/2019
BY *BC*



LINE TABLE

Line #	Direction	Length
L1	S0°36'46"W	40.67
L2	S30°12'18"E	59.39
L3	N32°22'48"E	97.29
L4	N55°44'16"E	32.08
L5	N29°11'40"E	34.54
L6	S89°14'58"E	19.27
L7	N47°23'12"W	26.49
L8	S5°12'38"W	25.00
L9	N53°28'52"W	44.77
L10	N18°07'09"E	29.00
L11	S0°45'02"W	23.65
L12	S89°14'58"E	44.93
L13	S0°45'02"W	26.35
L14	S89°14'58"E	111.10
L15	S0°45'02"W	50.00
L16	S0°45'02"W	10.00
L17	S89°14'58"E	61.70
L18	S0°45'02"W	10.00
L19	S89°14'58"E	15.00
L20	N89°14'58"W	42.84
L21	N18°07'09"E	21.36
L22	N26°56'34"W	21.19

LEGEND

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ACCESS NOTE

A 20.00 FOOT WIDE STRIP OF LAND TO BE USED TOGETHER WITH THE RIGHT OF USERS IN COMMON WITH THE OWNERS OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33 FOR RIGHT-OF-WAY PURPOSES, OVER AND ACROSS, AS DESCRIBED IN BOOK G, PAGE 148. SAID TRACT LIES 20.00 FEET NORTH OF THE COMMON LINE BETWEEN THE NORTH AND THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER.

TAX LOT 1900, BEING DESCRIBED IN THAT CERTAIN BARGAIN AND SALE DEED, RECORDED IN INSTRUMENT NO. 2011-03558 CALL FOR SAID COMMON LINE BETWEEN SAID NORTH AND SOUTH HALF AND MAKE AN EXCEPTION TO THAT CERTAIN TRACT, DESCRIBED IN BOOK G, PAGE 148.

TAX LOT 1901, BEING DESCRIBED IN THAT CERTAIN BARGAIN AND SALE DEED, RECORDED IN INSTRUMENT NO. 2011-03559 ALSO CALLS FOR SAID COMMON LINE BETWEEN THE NORTH AND SOUTH HALF, BUT MAKE NO MENTION OF EXCEPTING THEREFROM THAT CERTAIN TRACT DESCRIBED IN BOOK G, PAGE 148.

IT IS UNCLEAR IF THE INTENT OF SAID 20.00 FOOT STRIP WAS TO BE INCLUDED OR EXCLUDED FROM AFORESAID TAX LOTS. IT IS ALSO BEING NOTED THAT ALL ADJOINING DEEDS DESCRIBE SAID STRIP WITH THE RIGHT OF USERS IN COMMON TO SAID TRACT. IT IS MY OPINION THAT THE OWNERS SHOULD SEEK LEGAL ADVICE INTO THIS MATTER.

IT WAS DISCOVERED THAT SAID 20.00 FOOT STRIP IS NORTH OF THE EXISTING GRAVELED ACCESS ROAD KNOWN AS MACADAM ROAD, WHICH IS USED TO ACCESS ADJACENT TRACT BY ALL ADJACENT LAND OWNERS. A SURVEY PERFORMED BY GEORGE FREY, RECORDED AS COUNTY SURVEY NO. 0157 SHOWS THE CENTERLINE OF SAID ACCESS ROAD APPROXIMATELY ON THE COMMON LINE BETWEEN SAID NORTH AND SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER, WHICH SAID EXHIBIT WAS USED IN A STIPULATED JUDGEMENT IN THE CIRCUIT COURT CASE NO. 5387 BETWEEN ALLEN ORCHARDS, INC. AND GLENN E. MILLER. THIS SURVEY FOUND THAT SAID FREY SURVEY DOES NOT AGREE WITH THE LOCATION OF THE EXISTING CENTERLINE OF THE ACCESS ROAD BEING ON THE COMMON LINE BETWEEN THE NORTH AND SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER. IT WAS ALSO DISCOVERED DURING THIS SURVEY THAT A RAILROAD SPIKE FOUND 0.4 FEET BELOW ASPHALT IN ALLEN ROAD CLOSELY FIT THE POSITION OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER. IN SAID FREY SURVEY, HE SHOWS A SET RAILROAD SPIKE BEING AT THE NORTHWEST CORNER OF THAT CERTAIN 20.00 FOOT STRIP USED FOR ACCESS, BEING 20.00 FOOT NORTH OF SAID SOUTHWEST CORNER. NO OTHER MONUMENTS WERE RECOVERED FROM PAST SURVEYS PERFORMED BY GEORGE FREY. SEE REFERENCE SURVEY FOR LIST OF FREY SURVEYS USED.

MONUMENT LINE NOTE

FOR THE PURPOSE OF THIS SURVEY, MONUMENTS ARE SET ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER, WHICH IS BASED ON THE AFOREMENTIONED PROPERTY LINE NOTE. IT IS ALSO BEING NOTED THAT THE AREA OF THAT CERTAIN 20.00 FOOT STRIP AS DESCRIBED IN BOOK G, PAGE 148 BEING AN EXCEPTION TO TAX LOT 1900 WAS USED FOR LAND AREA CALCULATION AS DESCRIBED IN THE AREA NOTE, BUT SAID AREA IS USED ONLY FOR AREA COMPUTATION PURPOSES ONLY TO SATISFY AREA COMPUTATION BY HOOD RIVER COUNTY PLANNING DEPARTMENT, DUE TO THE UNCERTAINTY OF OWNERSHIP OF SAID 20.00 FOOT STRIP.

PROPERTY LINE NOTE

ONE OF THE OTHER MAIN PURPOSES OF THIS SURVEY IS TO FACILITATE A DISCUSSION REGARDING A PROPOSED PROPERTY LINE AGREEMENT AND OR ADJUSTMENT BETWEEN TAX LOT 2200 AND TAX LOTS 1900, 1901, 1902 OF HOOD RIVER COUNTY ASSESSOR MAP IN 10E 33. ONE OF THE PRINCIPLE REASONS FOR THIS IS DUE TO THE UNCERTAINTIES IN THE COMMON LINE BETWEEN THE NORTH AND SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER, DUE TO MULTIPLE MONUMENTS FOUND AT THE CENTER OF SECTION AND STONES FOUND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER. I HAVE ARBITRARILY DEPICTED THE EXISTING LINE ON THIS PLAT BASED ON THE BRASS DISK FOUND AT THE CENTER QUARTER CORNER AND A STONE FOUND ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF TAX LOT 2200, SAID STONE WAS HELD BY TENNESON ENGINEERING IN COUNTY SURVEY NO. 0156. IT WAS FELT THAT BY USING SAID MONUMENTS TO ESTABLISH SAID COMMON LINE BETWEEN THE NORTH AND SOUTH HALF RESULTED IN AN AMICABLE SOLUTION, BY PLACING THE SAID LINE CLOSELY TO THE MIDDLE BETWEEN TWO ORCHARD LINES. OTHER POSSIBLE LOCATIONS FOR SAID LINE EXIST BASED ON OTHER MONUMENTS RECOVERED ALONG WITH COMPUTED POSITIONS OF THE SECTION BREAKDOWN. OTHER POSSIBLE LOCATIONS HAVE BEEN SHOWN FOR REFERENCE ONLY TO FACILITATE A DISCUSSION BETWEEN ADJACENT LAND OWNERS.

IT IS MY OPINION THAT THE OWNERS OF TAX LOT 2200, TAX LOT 2100 AND TAX LOTS 1900, 1901, 1902 SHOULD AGREE TO A PROPERTY LINE AGREEMENT ON THE COMMON PROPERTY LINE BETWEEN PARTIES TO RESOLVE SAID DISCREPANCIES AFOREMENTIONED. IT IS ALSO MY RECOMMENDATION TO SEEK LEGAL ADVICE ON THIS MATTER.

EASEMENT NOTE

A FURTHER INVESTIGATION INTO THAT CERTAIN 20.00 FOOT STRIP OF LAND AS DESCRIBED IN BOOK G, PAGE 148, BEING AN EXCEPTION TO TAX LOT 1900 AND 1901 WAS, IN MY OPINION, TO BE AN EASEMENT. A SECOND OPINION WAS OBTAINED FROM MARGOT LUTZENHISER SEITZ, ATTORNEY WITH THE FIRM OF FARLEIGH, WADE, WITT, WHICH ALSO CONCLUDED SAID 20.00 FOOT STRIP TO BE AN EASEMENT. A FURTHER INVESTIGATION INTO THAT CERTAIN DEED RECORDED IN BOOK G, PAGE 199, WHICH STATES "TOGETHER WITH A PIECE OF LAND FOR ROAD, TO BE USED BY SAID GRANTEE" ALSO NO MENTION OF SAID 20.00 FOOT STRIP OF LAND BEING AN EXCEPTION IN THAT CERTAIN DEED RECORDED IN BOOK 25, PAGE 131, WHICH MAKES ME BELIEVE SAID 20.00 FOOT STRIP TO BE AN EASEMENT.

PROPERTY NOTE

1.) THE MAIN PURPOSES OF THIS SURVEY WAS TO FACILITATE A PROPERTY LINE AGREEMENT BETWEEN BARBARA ANN MILLER AND RANDY KIYOKAWA BETWEEN TAX LOTS 1900, 1901, AND 1902, BEING THE MILLER PROPERTY AND TAX LOT 2200, BEING KIYOKAWA PROPERTY. THE PRINCIPLE REASONS FOR THIS IS DUE TO THE UNCERTAINTIES IN THE COMMON LINE BETWEEN THE NORTH AND SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER, DUE TO MULTIPLE MONUMENTS FOUND AT THE CENTER OF SECTION AND STONES FOUND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER. I HAVE ARBITRARILY DEPICTED THE EXISTING LINE ON THIS PLAT BASED ON THE BRASS DISK FOUND AT THE CENTER QUARTER CORNER AND A STONE FOUND ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF TAX LOT 2200, SAID STONE WAS HELD BY TENNESON ENGINEERING IN COUNTY SURVEY NO. 0156. IT WAS FELT THAT BY USING SAID MONUMENTS TO ESTABLISH SAID COMMON LINE BETWEEN THE NORTH AND SOUTH HALF RESULTED IN AN AMICABLE SOLUTION, BY PLACING THE SAID LINE CLOSELY TO THE MIDDLE BETWEEN TWO ORCHARD LINES. OTHER POSSIBLE LOCATIONS FOR SAID LINE EXIST BASED ON OTHER MONUMENTS RECOVERED ALONG WITH COMPUTED POSITIONS OF THE SECTION BREAKDOWN. OTHER POSSIBLE LOCATIONS HAVE BEEN SHOWN FOR REFERENCE ONLY.

2.) TWO IRON PIPES WERE RECOVERED, ONE BEING A 1/2" IRON PIPE AND THE SECOND BEING A 2" IRON PIPE, WHICH WERE ASSUMED TO BE SET BY GEORGE FREY, IN COUNTY SURVEY NO. 0966. THE BOUNDARY OF TAX LOT 2100 WAS ESTABLISHED BY HOLDING DEED DISTANCES, AND APPLYING THE THEORETICAL POSITION OF SAID BOUNDARY TO THE RECOVERED IRON PIPES, WHICH AGREED WITH SAID FREY SURVEY. IT IS ALSO BEING NOTED THAT THE THEORETICAL BOUNDARY ALSO AGREED WITH THE LOCATION OF A PRIVATE ROAD, KNOWN AS MACADAM ROAD, AS SHOWN IN A SURVEY PERFORMED BY GEORGE FREY, FILED AS COUNTY SURVEY NO. 0157. SAID SURVEY WAS ALSO USED IN A 1960'S COURT CASE, FOR ACCESS BETWEEN LAND OWNERS. ALTHOUGH THE NORTH BOUNDARY OF TAX LOT 2100 IS DESCRIBED AS BEING ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33, IT WAS CONCLUDED THAT BASED ON THE RECOVERED IRON PIPES THEY DID NOT AGREE WITH THE PROPERTY LINE SCENARIO AS DESCRIBED IN PROPERTY NOTE 1. FOR THE PURPOSE OF THIS SURVEY WE ARE HOLDING THE NORTH LINE OF TAX LOT 2100 BASED ON THE THEORETICAL POSITION BASED ON GEORGE FREY.

BASIS OF BEARINGS

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