

PROPERTY BOUNDARY ADJUSTMENT SURVEY FOR CAROL CALLICRATE.

TAX LOTS 1700 & 1701 1N-10E-15
 LOCATED IN GOVERNMENT LOT 14 IN THE SW 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 10 EAST W.M.,
 HOOD RIVER COUNTY, OREGON.

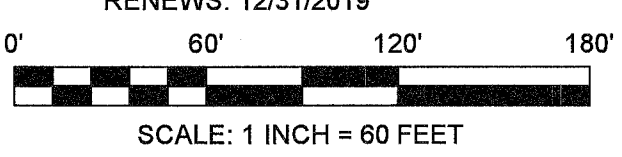
HOOD RIVER COUNTY
 SURVEYOR'S OFFICE
 Survey No: 2019 035
 Filed Date: 7/25/2019
 By: MB

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 JANUARY 15, 2002
 BRADLEY J. CROSS
 60051

LINE TABLE:

LINE	BEARING	DISTANCE
L1	S 47°32'33" W	24.88'
L2	S 47°32'33" W	39.68' (39.69')
L3	S 47°32'33" W	16.19'
L4	S 89°10'09" E	27.78' (24.64' TO CREEK)
L5	N 03°51'38" E	19.71'
L6	N 22°28'53" W	64.49'
L7	N 30°18'57" W	39.10'
L8	N 07°02'42" E	34.22'
L9	N 09°06'07" W	84.80'
L10	N 89°10'09" W	31.32' (31.32' HELD)



RENEWS: 12/31/2019
 LOCATION OF OLD 30' ROW, ASSUMING CURRENT CENTERLINE IS COINCIDENT WITH THE PREVIOUS CENTERLINE LOCATION.

POINT OF BEGINNING OF DEED DOCUMENT No. 2008-02595.

POINT OF BEGINNING OF DEED MICROFILM No. 963181.

CURRENT HIGHWAY RIGHT OF WAY AS PER C.S.# 2000071.

EAST BOUNDARY OF TAX LOT 1900 IS THE CENTER OF AN UNNAMED CREEK, VERY OVERGROWN IN PLACES AND DIFFICULT TO LOCATE EXACT CENTER.

ADJUSTED TRACT LEGAL DESCRIPTION:

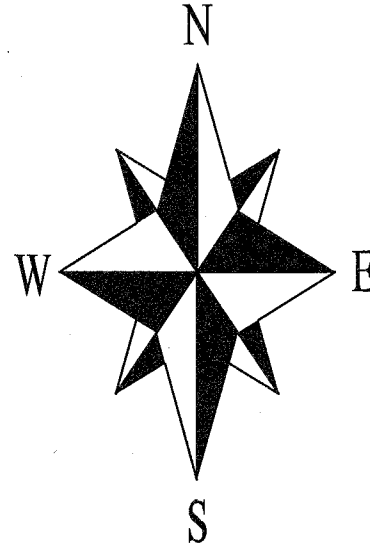
A tract of land situated in Government Lot 14 of Section 15, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon being particularly described as follows:

Commencing at the point of intersection of the Easterly right of way line of the Mt. Hood Loop Highway with the South line of the Northeast quarter of said Government Lot 14, said point being the point of beginning of the tract of land conveyed to Carol E. Callicrate as Trustee of the Carol Callicrate Trust dated June 7, 2007, by Hood River County Warranty Deed Document No. 2008-02565, recorded June 27, 2008; thence South 89°10'09" East along the South line of the Northeast quarter of said Government Lot 14 distance of 225 feet to the Southwest corner of the tract of land conveyed to Jason Kahler and Greta M. Root Kahler by Hood River County Warranty Deed Document No. 20051123, recorded March 9, 2005, said point being the point of beginning of this adjusted tract; thence North 00°49'51" East along the Westerly line of the said Kahler tract a distance of 125 feet to the Northwest corner thereof; thence South 89°10'09" East along the Northerly line of the said Kahler tract a distance of 29.45 feet to an existing fence line; thence South 04°52'36" West along the said existing fence line and its extension southerly a distance of 125.31 feet to the Southerly line of the said Kahler tract; thence North 89°10'09" West along the Southerly line of the said Kahler tract a distance of 20.61 feet to the point of beginning of this adjusted tract.

FOUND BRASS CAP IN MONUMENT BOX AT THE SOUTH QUARTER CORNER OF SECTION 15, ALSO BEING THE SOUTHEAST CORNER OF GOVERNMENT LOT 14.

BASIS OF BEARINGS:
 THE EAST LINE OF GOVERNMENT LOT 14 AS PER C.S.#2005060.

- SYMBOL LEGEND:**
- SET 5/8" IRON ROD WITH BLUE PLASTIC CAP STAMPED "CROSS P.L.S.60051" APRIL 17, 2015
 - FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP STAMPED "CROSS P.L.S.60051" FROM C.S.#2007041
 - FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "P.L.S.2393" FROM C.S.#2005060
 - FOUND 5/8" IRON ROD WITH YELLOW OR GREEN PLASTIC CAP STAMPED "ODOT RW" FROM C.S.#2000071
 - FOUND MONUMENT AS NOTED.
 - CALCULATED CORNER OR MONUMENT, NOT FOUND OR SET
 - (50.00') DEED OR PLAT DISTANCE
 - FENCE



NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO PERFORM A PROPERTY BOUNDARY LINE ADJUSTMENT AS ORDERED BY HOOD RIVER COUNTY CIRCUIT COURT STIPULATED LIMITED JUDGMENT, CASE No. 100166CC. THE COURT ACTION IS RESOLVING THE CONFLICT BETWEEN POSSESSION LINES AND DEED LINES BETWEEN THE CALLICRATE AND KAHLER PROPERTIES. THE ADJUSTED TRACT HAS BEEN CONVEYED BY QUITCLAIM DEED 2015-02996. THE CALLICRATES ONCE OWNED THE LAND SOUTH OF THE KAHLER PROPERTY AND BY THE SAME COURT ACTION ARE SURRENDERING ANY CLAIM TO POSSIBLE TITLE ACQUIRED TO THE TRIANGULAR PORTION BETWEEN THE NORTH LINE OF PARTITION PLAT 2007010 AND THE EXISTING FENCE BY QUITCLAIM DEED 2015-03128 AS PART OF THE COURT JUDGMENT. THIS SURVEY ALSO SHOWS THE PORTION OF LAURITSEN'S TAX LOT 1601 AWARDED TO CALLICRATE BY CIRCUIT COURT GENERAL JUDGMENT OF DEFAULT, CASE No. 100166CC, FILED JULY 8, 2011.

I ACCEPTED THE LOCATION OF THE BOUNDARIES AS SURVEYED BY PARTITION PLAT 2007010, C.S.#2005060 AND C.S.#200071 AS THEY CORRELATE WELL WITH THE SUBJECT DEEDS.

I SURVEYED PARTITION PLAT 2007010 TO THE SOUTH AND EAST OF THE SUBJECT TRACTS. FOR THIS SURVEY I ACCEPTED THE LOCATION OF GOVERNMENT LOT 14 AS PER C.S.#2005060. C.S.#2005060 ACCEPTED THE LOCATION OF GOVERNMENT LOT 14 AS PER PARTITION PLAT 9117. PARTITION PLAT 9117 DERIVED THE LOCATION OF GOVERNMENT LOT 14 BASED ON A LOCATION FOR THE CENTER OF THE SECTION DERIVED FROM OLD SURVEYS BY C.S.#91018. SURVEY C.S.#85057 BY HOOD RIVER COUNTY ESTABLISHED A DIFFERENT LOCATION FOR THE CENTER OF THE SECTION BASED ON THE CENTER BEING AT THE INTERSECTION OF THE LINES DRAWN THROUGH THE QUARTER CORNERS AS PER G.L.O. INSTRUCTIONS. THE TWO DIFFERING LOCATIONS FOR THE CENTER OF THE SECTION HAVE BEEN USED BY VARIOUS SURVEYS SINCE, WITH THE MAJORITY HOLDING THE COUNTY LOCATION AS PER C.S.#85057. THERE ARE EXAMPLES IN STATE CASE LAW WHICH HAVE HELD THE MONUMENTED CENTER OF A SECTION, EVEN THOUGH IT MAY NOT BE AT THE LOCATION AS DIRECTED BY THE G.L.O. INSTRUCTIONS. THE TWO LOCATIONS FOR THE CENTER OF THE SECTION WILL HOWEVER CONTINUE TO BE AN ISSUE FOR PROPERTY OWNERS IN SECTION 15. IT IS MY OPINION THAT DETERMINING WHICH LOCATION TO ACCEPT FOR THE CENTER OF THE SECTION AND THE PROPERTY LINES THAT IT CONTROLS SHOULD BE BASED ON THE EXISTING AND HISTORICAL IMPROVEMENTS LOCATED ON THE PROPERTIES BEING SURVEYED. I HELD THE LOCATION OF GOVERNMENT LOT 14 BASED ON C.S.#2005060 AND PARTITION PLAT 9117 TO MAINTAIN HARMONY WITH THE PROPERTY TO THE EAST OF MILLER ROAD AND THE LOCATION OF MILLER ROAD. THIS METHOD ALSO CONFORMS MORE CLOSELY TO THE LOCATION OF THE IMPROVEMENTS ON THE PROPERTIES BEING SURVEYED, ALTHOUGH THERE STILL EXISTS SIGNIFICANT ENCROACHMENTS AND MISPLACED FENCES. THE MOST SIGNIFICANT ENCROACHMENTS OCCUR WHERE THE HOUSE INTENDED TO BELONG TO TAX LOT 1701 ENCROACHES ONTO TAX LOT 1700, AND THE SHEDS INTENDED TO BELONG TO TAX LOT 1701 ENCROACH ONTO TAX LOT 1601. THE EXISTING FENCE LINES DO NOT CORRELATE VERY WELL WITH THE DEEDED PROPERTY LINES EITHER. THE HOUSE CROSSING THE LINE BETWEEN TAX LOTS 1700 & 1701 APPEARS TO HAVE BEEN LOCATED IN A POSITION INTENDED TO BE PARALLEL WITH THE HIGHWAY RIGHT OF WAY. ONE EXPLANATION FOR ITS LOCATION IS THAT IT WAS LOCATED PARALLEL WITH THE HIGHWAY RIGHT OF WAY WITH A SETBACK THAT WOULD PUT IT NORTHWESTERLY OF A LINE 225 FEET FROM THE FORMER 30 FOOT WIDE RIGHT OF WAY LINE. THIS WOULD BE A MISINTERPRETATION OF THE RESPECTIVE DEED AS THE DEED STATES THAT THE 225 FOOT DISTANCE IS MEASURED EAST ALONG THE SOUTH LINE ONLY. THE DEED THEN CALLS NORTH TO THE NORTH LINE OF THE SOUTH 125 FEET OF NORTHEAST QUARTER OF GOVERNMENT LOT 14, SUGGESTING A 90 DEGREE ANGLE AS HELD BY C.S.#2005060 AND THEN TURNING WEST TO THE HIGHWAY RIGHT OF WAY, WITHOUT CALLING A DISTANCE. I WOULD EXPECT IF THE DISTANCE ALONG THE NORTH LINE WAS TO BE 225 FEET ALSO IT WOULD HAVE STATED SO AND ALSO REFLECT THIS IN THE ADJOINING DEED. ONE ASSUMPTION THAT IS MADE IS THAT THE LOCATION OF THE CENTERLINE OF THE HIGHWAY HAS NOT CHANGED. IF IT HAD CHANGED SIGNIFICANTLY THAT COULD EXPLAIN THE LOCATION OF THE HOUSE, BUT NOT THE FENCE BEHIND IT. THE EVIDENCE AS SHOWN ON THE HISTORICAL SURVEYS FOR THE HIGHWAY IS THAT ITS LOCATION IN THE AREA OF THE HOUSE HAS NOT CHANGED SIGNIFICANTLY SINCE 1925. HIGHWAY DRAWING 9B-30-5, DATED 1988 & REVISED IN 1999, SHOWS THE HOUSE CROSSING THE PROPERTY LINE AND THE FENCE LINE TO THE NORTH OF THE SHEDS, WHICH APPEARS TO CONTROL THE RIGHT OF WAY WIDENING LOCATION.

REFERENCES:

- HOOD RIVER COUNTY DEED RECORDS:
 WARRANTY DEED 90-2726, RECORDED OCTOBER 29, 1990. (TAX LOT 1600)
 WARRANTY DEED 99-1156, RECORDED MARCH 10, 1999. (TAX LOT 1601)
 WARRANTY DEED 2005-1123, RECORDED MARCH 9, 2005. (TAX LOT 1700)
 WARRANTY DEED 2008-02565, RECORDED JUNE 27, 2008. (TAX LOT 1701)
 WARRANTY DEED 93-0797, RECORDED MARCH 17, 1993. (RIGHT OF WAY EXCEPTED FROM TAX LOT 1701)
 WARRANTY DEED 96-3181, RECORDED OCTOBER 2, 1996. (TAX LOT 1900)
 STATUTORY WARRANTY DEED 2014-02423, RECORDED AUGUST 28, 2014. (TAX LOT 1800)
 QUITCLAIM DEED 2015-02996, RECORDED AUGUST 25, 2015. (KAHLER TO CALLICRATE)
 QUITCLAIM DEED 2015-03128, RECORDED SEPTEMBER 4, 2015. (CALLICRATE TO KAHLER)
 WARRANTY DEED 2015-03287, RECORDED SEPTEMBER 21, 2015. (TRANSFER OF ADJUSTED PORTION TO TRUST)
 WARRANTY DEED 2015-03288, RECORDED SEPTEMBER 21, 2015. (LAURITSEN PORTION AWARDED TO CALLICRATE BY COURT)

- SURVEYS FILED WITH THE HOOD RIVER COUNTY SURVEYORS OFFICE:
 UNDATED SURVEY FILED AS C.S.#0085.
 SURVEY DATED JUNE 23, 1949, FILED AS C.S.#0090.
 SURVEY FILED APRIL 29, 1983, AS C.S.#3003.
 SURVEY FILED SEPTEMBER, 1985, AS C.S.#85057.
 SURVEY FILED FEBRUARY 23, 1988, AS C.S.#88002.
 SURVEY FILED APRIL 8, 1991, AS C.S.#91018.
 PARTITION PLAT 9117 RECORDED JULY 17, 1991, & FILED JULY 26, 1991, AS C.S.#91051.
 PARTITION PLAT 9213 RECORDED AUGUST 17, 1992, & FILED AUGUST 28, 1992, AS C.S.#92064.
 PARTITION PLAT 9339 RECORDED DECEMBER 30, 1993, & FILED DECEMBER 30, 1993, AS C.S.#93113.
 SURVEY FILED DECEMBER 26, 1995, AS C.S.#95125.
 PARTITION PLAT 9723 RECORDED OCTOBER 16, 1997, & FILED NOVEMBER 24, 1997, AS C.S.#97059.
 PARTITION PLAT 9809 RECORDED APRIL 3, 1998, & FILED MAY 12, 1998, AS C.S.#98035.
 PARTITION PLAT 200411 RECORDED OCTOBER 4, 2004, & FILED OCTOBER 8, 2004, AS C.S.#2004065.
 BOUNDARY LINE ADJUSTMENT, FILED AUGUST 3, 2005, AS C.S.#2005060.
 PARTITION PLAT 200632 RECORDED DECEMBER 28, 2006, & FILED JANUARY 3, 2007, AS C.S.#2007001.
 PARTITION PLAT 2007010 RECORDED APRIL 12, 2007, & FILED APRIL 18, 2007, AS C.S.#2007041.

- OREGON DEPARTMENT OF TRANSPORTATION HIGHWAY SURVEYS FILED WITH THE HOOD RIVER COUNTY SURVEYORS OFFICE:
 DRAWING No.2B-17-13, DATED AUGUST 1925.
 DRAWING No.9B-2-11, DATED MAY 1967.
 DRAWING No.9B-30-5, DATED APRIL 1988, REVISED NOVEMBER 1999.
 MONUMENTATION SURVEY, FILED SEPTEMBER 1, 2000, AS C.S.#2000071.

HOOD RIVER COUNTY ASSESSORS MAP:
 1N-10E-15 REVISED MAY 10, 2010.

PROJECT NUMBER: 2014033.
 DATE OF MAP: OCTOBER 23, 2016.
 HOOD RIVER COUNTY ASSESSORS MAP: 01N-10E-15.

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CS# 2019 035