



This Survey was performed at the request of David and Shaun Borth, on behalf of Douglas and Linda Borth, owners of the lands within. The Borth's wanted the corners monumented and lines posted following a survey of the tract along the West side of their property which identified a potential timber harvest encroachment. Deeds in this area are all metes and bounds descriptions, and are based on a nominal dimension of a quarter-quarter section of 80 rods per side. To add confusion, the commencement point is not consistent between deeds, with some deeds utilizing the Northwest corner, some utilizing the Southwest corner, and some utilizing the Southeast corner as commencement points. As the SE1/4 of the NE1/4 is larger than a nominal quarter-quarter section, this leaves several gaps in title. In order to resolve these, I feel it prudent to determine junior/senior rights.

HISTORY OF DEED CONVEYANCES

The Southeast quarter of the Northeast quarter was originally owned entirely by James Brassfield. He divides this quarter-quarter sections into four tracts. The first two tracts, both filed February 22, 1898 were the Tracts identified hereon as Tract A (Book 230, Page 498) and a Tract that comprises Tracts B, C, D, I, and North Portions of Tracts E, F, G and H. (Book 230, Page 498) Tract A commences at the Southwest corner of this quarter-quarter section, describing a tract 10 rods wide and running the North/South length. Book 230, Page 498 commences at a point 10 rods East of the Northwest corner of the quarter-quarter section. Finally, Brassfield conveys the remainder to Grant and Singer in October of 1899 (Book 280, Page 569).

Eventually the Tract described in Book 230, Page 498 as well as the Tract described in Book 280, Page 569 are consolidated into a single ownership (Tracts B - K), the last deed of relevance being a deed from Yager to Mills and Hunter, filed in Book 113, Page 113. From this, Hunter and Mills convey to Stewart Tract K, quarter-quarter section.

Eventually, this tract that comprises Tracts B-J is owned by Raymond Cox (Book 293, Page 217) who subdivides it into the configuration that we see today. The commencement point is the Northwest corner of the quarter-quarter section, and there are no gaps between these particular legal descriptions. The order of the deeds is 1) Tract B (B296-P135), 2) Tract E (B296-P136), 3) Tract G (B296-P181), 4) Tract C (B296-P182), 5) Tract H (B297-P161), 6) Tract J (B297-P296), 7) Tract F (B299-P449), 8) Tract D (B305-P641), with Tract I being the most junior parcel.

HISTORY OF SURVEYS

The section was subdivided by Douglas Ferguson in Survey P-113-B in 1978. In this survey, he sets the East and South quarter corners of Section 33 by proportionate measure. The Southeast quarter of Section 33 was subdivided by Paul Tomkins in 2003 in Survey 03-335-B. I subdivided the section in 2013 in Survey 13-213-C where I set the Center-East 1/16th corner. Kristina Powell subdivided the section to place the Southeast quarter of the Northeast quarter in Surveys 25-098-B and 25-097-B. The measurements of surveyors who have subdivided the section have been relatively consistent. The section subdivision has left the

METHODOLOGY

The effect of all the deeds in this area assuming a nominal dimension, while using different points of commencement, undoubtedly leaves several title gaps between properties. This was noted by Powell in Surveys 25-098-B and 25-097-B. Due to the fact that the deeds would leave no gaps or overlaps given a quarter-quarter section of nominal size, I believe there was no intent by the landowners to leave gaps between properties. In order to try to distribute these gaps in an equitable manner, I do an analysis of junior and senior rights.

The North line of the Borth (East) tract (Tract L) is junior to that tract described in Book 230, Page 498. The Borth tract commencing at the Southeast corner of the quarter-quarter section, and the tract described in Book 230, Page 498 commencing at the Northwest corner of the quarter-quarter section, I therefore hold the South line of Book 230, Page 498, holding the 2 6/7 rod call South of the North line of the quarter-quarter section and running the line parallel with said North line. Tract L (Borth East) is senior to the Tract described in Book 280, Page 569. To place this line, I hold the record deed distance (28 rods) West of the quarter-quarter section and run this line parallel with said South line.

Amongst the parcels that were subdivided by Raymond Cox (Tracts B-J), there are no gaps or overlaps. However, a strict interpretation of the deeds would leave a gap between the Borth East and the Borth West tracts. As all of these deeds commence at the Northwest corner of the quarter-quarter section, the remnant gaps all fall along the East side. In the deed that comprises the Borth West tract (Tract H), the apparent nominal dimensions would be coincident with the West line of the Borth East tract. For this reason, I hold all record deed dimensions along these tracts, assigning all remnant gaps that fall along the East side of these tracts to their respective parcels. Along the South line of the Borth West tract, Tract K is senior to tracts E-H. I hold the senior line and assign the gap to the tracts to the North. The West 20 feet of Highland Road was dedicated by Deed Book 325, Page 67, and the East 30 feet created by the plat of LINCTON MOUNTAIN HIGHLANDS NO. 2. The constructed road falls outside of the right-of-way as shown. I find no other unusual conditions with this survey.

REGISTERED PROFESSIONAL LAND SURVEYOR	JEFFREY S. HSU B3571
OREGON JUNE 2, 2010	RENEWAL DATE: JUNE 30, 2027
SURVEYED FOR David and Shaun Borth	
SURVEYED BY J. S. H.	
Scale: 1" = 100' Drawn by: K. A. T. Dec. 2025	