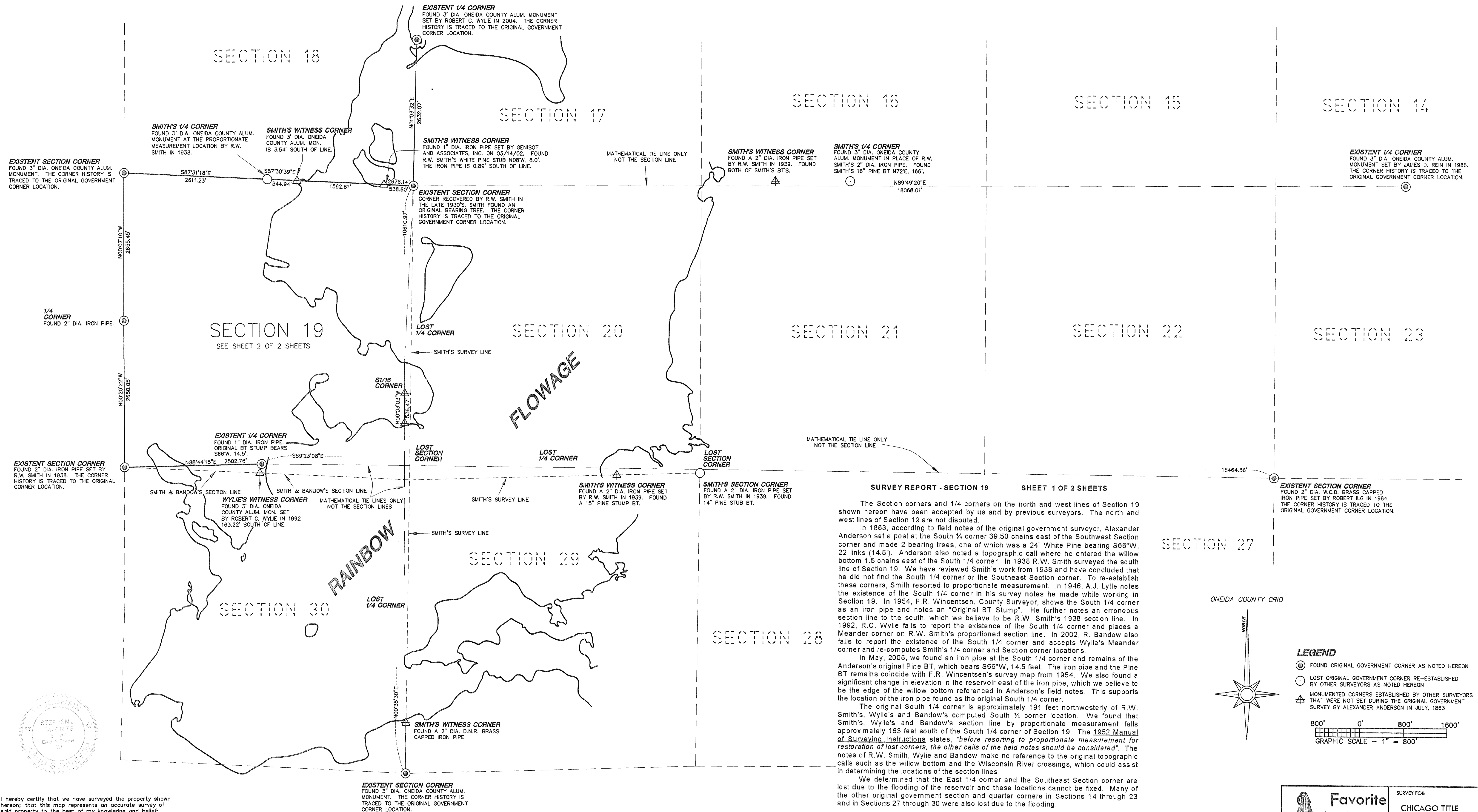


**SURVEY OF PART OF
SECTIONS 14 - 23
AND PART OF
SECTIONS 27 - 30
T 39 N, R 8 E
TOWN OF NEWBOLD
ONEIDA COUNTY, WISCONSIN**

MAP # _____
DATE FILED FEB 23 2006
BY *[Signature]*
RECORDED *[Signature]*
ONEIDA CO. SURVEYOR'S OFFICE



SURVEY REPORT - SECTION 19

SHEET 1 OF 2 SHEETS

The Section corners and 1/4 corners on the north and west lines of Section 19 shown hereon have been accepted by us and by previous surveyors. The north and west lines of Section 19 are not disputed.

In 1863, according to field notes of the original government surveyor, Alexander Anderson set a post at the South 1/4 corner 39.50 chains east of the Southwest Section corner and made 2 bearing trees, one of which was a 24" White Pine bearing S66°W, 22 links (14.5'). Anderson also noted a topographic call where he entered the willow bottom 1.5 chains east of the South 1/4 corner. In 1938 R.W. Smith surveyed the south line of Section 19. We have reviewed Smith's work from 1938 and have concluded that he did not find the South 1/4 corner or the Southeast Section corner. To re-establish these corners, Smith resorted to proportionate measurement. In 1946, A.J. Lytle notes the existence of the South 1/4 corner in his survey notes he made while working in Section 19. In 1954, F.R. Vincentsen, County Surveyor, shows the South 1/4 corner as an iron pipe and notes an "Original BT Stump". He further notes an erroneous section line to the south, which we believe to be R.W. Smith's 1938 section line. In 1992, R.C. Wylie fails to report the existence of the South 1/4 corner and places a Meander corner on R.W. Smith's proportioned section line. In 2002, R. Bandow also fails to report the existence of the South 1/4 corner and accepts Wylie's Meander corner and re-computes Smith's 1/4 corner and Section corner locations.

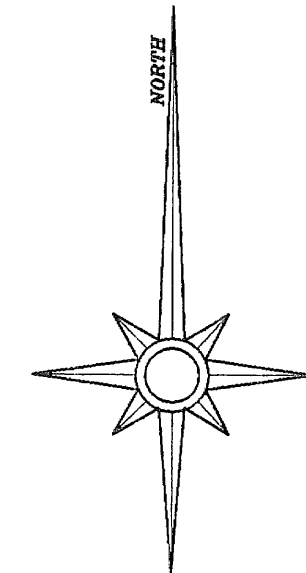
In May, 2005, we found an iron pipe at the South 1/4 corner and remains of the Anderson's original Pine BT, which bears S66°W, 14.5 feet. The iron pipe and the Pine BT remains coincide with F.R. Vincentsen's survey map from 1954. We also found a significant change in elevation in the reservoir east of the iron pipe, which we believe to be the edge of the willow bottom referenced in Anderson's field notes. This supports the location of the iron pipe found as the original South 1/4 corner.

The original South 1/4 corner is approximately 191 feet northwesterly of R.W. Smith's, Wylie's and Bandow's computed South 1/4 corner location. We found that Smith's, Wylie's and Bandow's section line by proportionate measurement falls approximately 163 feet south of the South 1/4 corner of Section 19. The 1952 Manual of Surveying Instructions states, "before resorting to proportionate measurement for restoration of lost corners, the other calls of the field notes should be considered". The notes of R.W. Smith, Wylie and Bandow make no reference to the original topographic calls such as the willow bottom and the Wisconsin River crossings, which could assist in determining the locations of the section lines.

We determined that the East 1/4 corner and the Southeast Section corner are lost due to the flooding of the reservoir and these locations cannot be fixed. Many of the other original government section and quarter corners in Sections 14 through 23 and in Sections 27 through 30 were also lost due to the flooding.

SECTION 27

ONEIDA COUNTY GRID



LEGEND

- ⊙ FOUND ORIGINAL GOVERNMENT CORNER AS NOTED HEREON
- LOST ORIGINAL GOVERNMENT CORNER RE-ESTABLISHED BY OTHER SURVEYORS AS NOTED HEREON
- △ MONUMENTED CORNERS ESTABLISHED BY OTHER SURVEYORS THAT WERE NOT SET DURING THE ORIGINAL GOVERNMENT SURVEY BY ALEXANDER ANDERSON IN JULY, 1863

800' 0' 800' 1600'
GRAPHIC SCALE - 1" = 800'

I hereby certify that we have surveyed the property shown hereon; that this map represents an accurate survey of said property to the best of my knowledge and belief; and that we have complied with the applicable requirements of the Wisconsin Administrative Code Section A-E 7.

Stephen J. Favorite 02/21/06
Stephen J. Favorite Date
Registered Land Surveyor #S-1616

**Favorite
Anderson
&
Maines
SURVEYING, S.C.**
5230 HWY 70 WEST - EAGLE RIVER, WI 54521
PHONE: (715) 479-2570 - FAX: (715) 479-7274

SURVEY FOR:
**CHICAGO TITLE
INSURANCE CO.**

MAP NO. 2002071B
DATE: 02/21/06
DWN BY: JDA

FEB 23 2006

By 206206

RESURVEY OF SECTION 19

Township 39 North, Range 8 East

Town Of Newbold

Oneida County, Wisconsin

SURVEY REPORT - SECTION 19

SHEET 2 OF 2 SHEETS

In the 1950's, Kirby, Poskie and Rowinski performed surveys in the interior of Section 19. In 1958, Kirby recognized that the Original Government Corners on the east line of Section 19 were lost and the locations could not be fixed. The procedure used in resurveying Section 19 was by the Fractional Section Subdivision Method described in the 1952 *Manual of Surveying Instructions*. It states: "where opposite corresponding section or quarter-section corners have not been or cannot be fixed, the subdivision of section lines shall be ascertained by running from the established corners north, south, east or west, as the case may be to the water course..." It appears that Poskie and Rowinski accepted Kirby's work.

Bandow's 2002 survey does not use the original South 1/4 corner, but instead relies on proportionate measurements from the work of R.W. Smith. This substantially distorts the exterior & interior lines of Section 19. The 1973 *Manual of Surveying Instructions*, ch.6-12, states: "that no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement." The 1973 *Manual of Surveying Instructions* also states in ch.6-25: "some flexibility is allowable in applying the rules of proportionate measurement in order to protect the bona fide rights of claimants."

In summary of ch.6-16 of the 1973 *Manual of Surveying Instructions*, proportionate measurements from an excessive distance should not be used if the results interfere with the bona fide rights of landowners. Using proportionate measurement from excessive distance in Section 19 does interfere with the bona fide rights of landowners and should not be used. The lands in Section 19 were subdivided as a fractional section in the 1950's and were located in good faith by the work of the earlier surveyors. Measurements to the iron pipes in the interior of Section 19 were found to be within acceptable tolerances for when the surveys were performed.

The property rights of those on the interior of the section must also be considered before settling on a specific method to subdivide a section. The 1973 *Manual of Surveying Instructions*, Restoration of Lost or Obliterated Corners states, "What has been written on the subject of subdivision of sections relates to the procedure contemplated by law, and refers to the methods to be followed in the initial subdivision of the areas, prior to development and improvement. It must be borne in mind that care should be exercised to avoid disturbing satisfactory conditions as to roads, fences, or other improvements marking subdivision-of-section lines and which may define the extent of property rights."

REFERENCE MATERIAL:

WISCONSIN STATUTES CH. 59.73(2)

RESTORATION OF LOST OR OBLITERATED CORNERS & SUBDIVISION OF SECTIONS 1883-1974.

U.S. DEPT. OF INTERIOR, BUREAU OF LAND MANAGEMENT MANUAL OF SURVEYING INSTRUCTIONS.

ATTORNEY GENERALS OPINION - OAG 74-77

THUNDER LAKE L.CO. V. CARPENTER, 184 WIS. 580, 583, 200 N.W. 302 (1924)

U.S. GOVERNMENT VS. CITKO (1981)

Legend

- △ COMPUTED POSITION
- 1-1/4" DIA. IRON PIPE FOUND (BELIEVED TO BE SET BY J.C. KIRBY IN 1958.)
- ⊙ 1" DIA. IRON PIPE FOUND
- ⊙ 2" DIA. IRON PIPE FOUND
- ⊙ ONEIDA COUNTY ALUMINUM MON. FOUND
- ⊙ RECORD IRON PIPE

Record Measurements

W F.R. VINCENTSEN JANUARY 12, 1954

K J.C. KIRBY JANUARY 13, 1958

R N.M. ROWINSKI MAY 18, 1959

O ORIGINAL GOVERNMENT SURVEY BY ALEXANDER ANDERSON, JULY, 1863

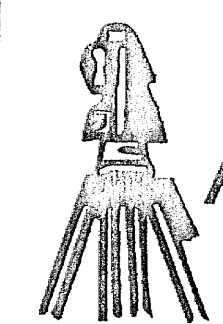
—W— SIGNIFICANT CHANGE IN ELEVATION BELIEVED TO BE THE EDGE OF THE WILLOW BOTTOM.

(O - 1293.78') PROPORTIONATE RATIO MEASUREMENT TO THE SOUTH LINE OF SECTION 19 AS 79.5 RECORD DISTANCE IN CHAINS VS. MEASURED DISTANCE OF 2502.76'

() BEARING OR DISTANCE OF RECORD

I hereby certify that we have surveyed the property shown herein; that this map represents an accurate survey of said property to the best of my knowledge and belief; and that we have complied with the applicable requirements of the Wisconsin Administrative Code Section A-E 7.

Stephen J. Favorite 02/21/06
Registered Land Surveyor #S-1616 Date



**Favorite
Anderson
&
Maines**
SURVEYING, S.C.
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SURVEY FOR:
**CHICAGO TITLE
INSURANCE CO.**

MAP NO. 2002071E
DATE: 02/21/06
DWN BY: JDA

