

Plat of Survey

Lot 20 of Roger Pazez's Unrecorded Plat; being a part of Government Lot 2 of Section 15, T.34N., R.8E., Town of Harrison, Lincoln County, Wisconsin

ASSESSORS PLAT OF O.R. SMITH'S SUBDIVISION BY CARL M. MOE 5/26/1952 L.C.L.L.O. MAP NO. M4378

All bearings are referenced to the East line of Government Lot 1 of Section 15 recorded as bearing S00°39'48"E on the Lincoln County Coordinate System.



E 1/4 Cor. Section 15 T.34N., R.8E.

C.T.H. "B"

County Highway

Highway

"B"

Seven

Island

Lake

Drive

White

Island

Seven

Drive

Island

Lake

Island

Seven

Island

Seven

Island

Seven

Island

P.O.S. BY TODD LOFTUS 9/17/1990 L.C.L.L.O. MAP NO. M350B

CSM MAP NO. 1770 BY LAVERNE MOSHER 5/28/2004

CSM MAP NO. 736 BY LAVERNE MOSHER 2/21/1994

DOC. NO. 450654 {VOL. 214 PG. 497} 11/26/1990

A.W. KORDICK 8/30/1958 SURVEY

A.W. KORDICK 8/30/1958 SURVEY

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For Surveyor's Report, Notes and Legal Description see Sheet 2 hereof.

Volume 209, Page 279 calls "to the roadway"

SEE NOTE #2

SEE NOTE #1

SEE NOTE #3

SEE NOTE #4

SEE NOTE #5

SEE NOTE #6

SEE NOTE #7

SEE NOTE #8

SEE NOTE #9

SEE NOTE #10

SURVEYOR'S CERTIFICATE

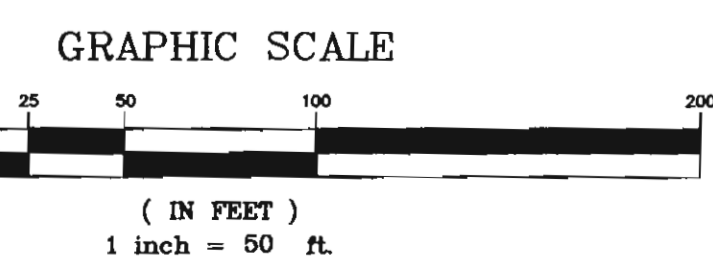
I hereby certify, to the best of my knowledge and belief, that I have surveyed the property shown hereon; that this map represents an accurate survey of said property and that I have complied with the applicable requirements of Wisconsin Administrative Code Chapter A-E 7.

Dated this: 6th day of March, 2008

Nicolet Surveyors, Inc.
By: Matthew E. Hoglund
R.L.S. S-1910



RECEIVED BY LINCOLN COUNTY SURVEYOR THIS 19th DAY OF September 20 08
Tom Dallen
COUNTY SURVEYOR



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NICOLET SURVEYORS, INC.

56 S. BROWN STREET, RHINELANDER, WI 54501
715-362-2808 715-362-4114 (FAX)

Drawn By: JMD Date: March 6, 2008 Client: Mark Golinski
Checked By: MEH Scale: As shown Project # 801 Rhinelander, WI 54501
FB. 41, PG. 21-27

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Lot 20 of Roger Pazek's Unrecorded Plat; being a part of Government Lot 2 of Section 15, T.34N., R.8E., Town of Harrison, Lincoln County, Wisconsin

Surveyor's Report

History:

Here is a chronological list of the surveys that effect the property in question that we have evidence of at the time of this survey:

1. Unknown 1950's date - the "Roger Pazek Unrecorded Plat" shows lots were surveyed by person(s) unknown. A drawing of this unsigned and undated map, matching the deed calls, is filed as Lincoln County Land Information Office map number L31A. The date of this work is evidenced by the original deeds for said lots abutting the survey area of this map as follows: Lot 4 - September 4, 1956, Lot 1 - January 3, 1957, Lot 5 - June 11, 1957, Lot 3 - July 23, 1958, Lot 6 - November 24, 1958.
2. August 30, 1958 - A.W. Kordick surveyed the West line of Government Lot 1 and a 100' parcel, two 90' parcels, a 50' parcel and a triangle shaped parcel on Seven Island Lake. Evidence shows that Kordick's location of the West line of Government Lot 1 agrees with the line accepted for the "Roger Pazek Unrecorded Plat".
3. September 12, 1959 - A.W. Kordick surveyed two parcels in Government Lots 1 and 2 on Seven Island Lake. One of them being a 100' wide parcel in Government Lot 1 and the other being a 25' wide parcel in Government Lot 2. Evidence shows that Kordick's location of the West line of Government Lot 1 agrees with the line accepted for the "Roger Pazek Unrecorded Plat". This is further supported by the fact that this 25' wide parcel in Government Lot 2 was purchased from Roger Pazek on August 14, 1959 in Volume 209 of Lincoln County Records on Page 279 and was sold with the adjoining 100' wide parcel in Government Lot 1 on the same day by the very next deed in Volume 209 of Lincoln County Records on Page 280.
4. September 17, 1990 - Todd Loftus did a survey in part of Government Lot 2 on County Highway "B". He found monuments on the West line of Government Lot 2 which he accepted and he stated that he reestablished the East line of Government Lot 2 solely from calculations based on the Cameron Section Subdivision dated 1969. He doesn't show the Kordick line or monuments, which differ from his by more than 40 feet East to West.
5. February 21, 1994 - Laverne Mosher created Certified Survey Map No. 736 in part of Government Lot 1. He showed that he set all new monuments and came up with a new line for the West line of Government Lot 2, but he doesn't show how he came up with it. He differs from both Loftus, Cameron and Kordick, but doesn't show any reference to their lines or monuments. Note that no deeds have been executed in accordance with this Certified Survey Map.
6. December 6, 1999 - Certified Survey Map No. 1338 prepared by William Nutter was recorded. This map was purported to be Lot 2 of the "Roger Pazek Unrecorded Plat". The controlling document (as this is not a recorded plat) is the original deed for this property, which is Volume 213 of Lincoln County Records, Page 120. Using the deed and the "Plat" dimensions, this property terminates on the Southerly edge of White Pine Circle (formerly Roger's Road), as shown on the map on Sheet 1 hereof. It is my opinion that the boundary of Certified Survey Map No. 1338 is in error as it extends beyond the deed dimensions Northerly past the Northerly edge of White Pine Circle and encroaches into the property surveyed hereon. Note that as of the date of this survey this Certified Survey Map has not been used for any conveyances.
7. December 22, 2000 - Kevin Bixby did a survey of a 100' wide parcel in Government Lot 1, a 25' wide by 500' long parcel in Government Lot 2 and an arbitrary proposed line by agreement for a building and yard "encroachment" that was not agreed to by our client. He utilized a mixture of the 1994 Mosher Certified Survey Map No. 736, his own deed interpretation and other found monuments.
8. October 4, 2001 - Certified Survey Map No. 1533 prepared by Lester Schmit was recorded, the Westerly boundary of which was a line by agreement per Document No. 398664. In talking with Lester during the course of this survey, he informed me that his preliminary findings on the Westerly boundary based on the deeds from the Section monumentation were rejected by his client and the adjoining landowner as it did not match the boundary monuments that they had relied on for decades. They then recorded the above-referenced line by agreement to this line, which we now know is the Easterly line of the August 30, 1958 Kordick survey.
9. May 28, 2004 - Laverne Mosher created Certified Survey Map No. 1770 in part of Government Lot 2 within the Todd Loftus survey from 1990. He accepted the line between Government Lots 1 and 2 from the 1990 survey by Loftus, which created a gap of between 13 to 19 feet, more or less, between this Certified Survey Map and his own previous Certified Survey Map No. 736.

Analysis and Opinion:

The results of the evaluation of the record survey, record deed, physical evidence and parcel evidence obtained during the course of this survey indicate the following:

That the original survey work in this area was done in the 1950's as stated above. We found an overwhelming number of existing monuments from the 1950's survey of the Roger Pazek's Unrecorded Plat and the 1958-1959 surveys by A.W. Kordick that were not shown or referenced on any of the more recent subsequent surveys. In discussions with the more recent surveyors, it appears that none of them discovered the Kordick surveys in their research at the Lincoln County Surveyor's Office. In addition, I believe that there may have been other, even older surveys done in this area that are not of record, as the Wisconsin Statutes did not require mandatory filing of land surveys until 1972.

Also, in analyzing the deeds in this area, it appears that these older surveys were used for the original deed conveyances (recorded between 1956 and 1960) in this area. The more recent surveys from between 1990 and 2004 conflict, not only with one another, but don't even disclose the historically important monument and record evidence that exists of the original surveys and deeds. Additional evidence includes the boundary line by agreement along the West line of Lot 2 of Certified Survey Map No. 1533 per Document Number 398664 to the Kordick monuments by landowners in the neighborhood as shown hereon. Said landowners testified that the longstanding irons (that we have now determined were set by Kordick) were known and accepted as the boundary corners for decades. Also, the use of calculated Government lot lines using modern measurements by conventional or GPS means based on exterior section corners only was rejected as it ignores all of the historical evidence noted above and would upset the bonafide rights of the property owners in the area.

In conclusion, it is my professional opinion, based on the preponderance of evidence, that the boundary of this property is as depicted on the map on Sheet 1 hereof and as described in the Legal Description hereon.

**For Surveyor's Certificate,
Map and Legend see
Sheet 1 hereof.**

Legal Description

A part of Government Lot 2 of Section 15, Town 34 North, Range 8 East, Town of Harrison, Lincoln County, Wisconsin, originally described in Volume 213 of Lincoln County Records on Page 122, also known as Lot 20 of Roger Pazek's Unrecorded Plat, more particularly described as follows:

COMMENCING at a found 6" by 6" granite stone monument at the East one-quarter corner of said Section 15; thence, along the East line of Government Lot 1 of said Section 15, South 00°39'48" East, 706.05 feet to a point; thence South 89°20'12" West, 1302.72 feet to a found 2" iron pipe lying on the East line of said Government Lot 2 as surveyed by A.W. Kordick in 1958; thence, along last said East line, South 00°00'29" West, 1333.63 feet to a found 1-1/4" iron pipe on said East line marking the beginning of a meander line of Seven Island Lake, said point lying North 00°00'29" East, 5 feet, more or less, from the shore of Seven Island Lake; thence, along said meander line, South 80°56'36" West, 24.85 feet to a found 1-1/4" iron pipe lying on the Easterly line of the parcel originally described in Volume 197 of Lincoln County Records on Page 537 and the end of said meander line, said point lying North 00°00'29" East, 10.27 feet, more or less, from the shore of Seven Island Lake; thence, along said Easterly line, North 00°00'29" East, 118.73 feet to a set 3/4" by 24" iron rebar at the Northeast corner of last said parcel and the **POINT OF BEGINNING**; thence, along the Northerly line of last said parcel, South 74°17'49" West, 88.00 feet to a set 3/4" by 24" iron rebar at the Northwest corner of last said parcel; thence, along the Westerly line of last said parcel, South 04°24'14" East, 20.00 feet to a set 3/4" by 24" iron rebar at the Northeast corner of Lot 2 of Roger Pazek's Unrecorded Plat as originally described in Volume 213 of Lincoln County Records on Page 120; thence, along the Northerly line of said Lot 2, North 62°16'37" West, 57.78 feet to a set 3/4" by 24" iron rebar at the most Easterly corner of Lot 3 of said Roger Pazek's Unrecorded Plat as originally described in Volume 205 of Lincoln County Records on Page 162; thence, along the Northeasterly line of said Lot 3, North 29°36'40" West, 65.70 feet to a set 3/4" by 24" iron rebar at the most Easterly corner of Lot 4 of said Roger Pazek's Unrecorded Plat as originally described in Volume 197 of Lincoln County Records on Page 15; thence, along the Easterly line of said Lot 4, North 15°35'34" West, 60.06 feet to a set 3/4" by 24" iron rebar at the Southeasterly corner of Lot 5 of said Roger Pazek's Unrecorded Plat as originally described in Volume 199 of Lincoln County Records on Page 9; thence, along the Easterly line of said Lot 5, North 04°48'22" East, 100.04 feet to a set 3/4" by 24" iron rebar at the Southeasterly corner of Lot 6 of said Roger Pazek's Unrecorded Plat as originally described in Volume 207 of Lincoln County Records on Page 173; thence, along the Easterly line of said Lot 6, North 04°00'00" West, 112.00 feet to a set P.K. Nail; thence, continuing along said Easterly line, North 39°03'46" East, 40.94 feet to a set P.K. Nail lying on the Southerly edge of West Seven Island Lake Drive; thence, along said Southerly edge of West Seven Island Lake Drive, the following courses:

1. South 82°00'00" East, 64.00 feet to a set 3/4" by 24" iron rebar;
2. North 87°00'00" East, 50.00 feet to a set 3/4" by 24" iron rebar;
3. North 60°00'00" East, 50.00 feet to a set 3/4" by 24" iron rebar lying on the Westerly line of the Parcel originally described in Volume 209 of Lincoln County Record on Page 279;

thence, along last said Westerly line, South 00°00'29" West, 360.00 feet to the **POINT OF BEGINNING**, containing 61,714 square feet or 1.42 acres, more or less.

BEING SUBJECT to all easements and agreements, if any, of record and/or fact.

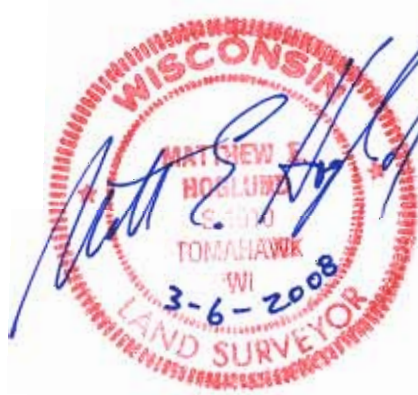
TOGETHER WITH AND SUBJECT TO private easement roads, the width and location of which are not defined of record, over the traveled ways of White Pine Circle (previously known as Roger's Roadway) and West Seven Island Lake Road.

The above-described Parcel is shown on the Plat of Survey map on Sheet 1 hereof and by this reference is made a part hereof.

Notes:

1. "This Parcel" shown hereon includes the use of, and is subject to the use by others, of the private roadway known as "White Pine Circle" (formerly known as "Roger's Road") for ingress and egress purposes. This easement's width and location is not defined of record, therefore it is our understanding based on common law that this easement would include the physical roadway as now used, which is presently cleared of vegetation and has a gravel surface. Maintenance rights and responsibilities for this roadway are not known to be defined of record.
2. "This Parcel" shown hereon includes the use of, and is subject to the use by others, of the private roadway known as "Seven Island Lake Drive" (possibly being formerly known as "Roger's Road") for ingress and egress purposes. This easement's width and location is not defined of record, therefore it is our understanding based on common law that this easement would include the physical roadway as now used, which is presently cleared of vegetation and has a gravel surface. Maintenance rights and responsibilities for this roadway are not known to be defined of record.
3. The "Old Cabin" shown along the East boundary of this parcel was in place at the time of the initial field work of this survey, but has since been removed. In addition there is a yard area Easterly and Northeasterly of the "Old Cabin" that has been in long-time use by the owners of "This Parcel". These items are being shown hereon to document and preserve the evidence of these longstanding uses of these areas by our clients and their predecessors in title.
4. There are existing overhead utility lines that serve this parcel and other parcels as shown hereon. Easements of record were not found for these facilities, but appear to be easements in fact.
5. The original record legal description of "This Parcel", per Volume 213 of Lincoln County Records on Page 122, is vague and somewhat ambiguous along the boundary of the parcels known as Lots 1 through 6 of "Roger Pazek's Unrecorded Plat". As Roger Pazek sold these six Lots prior to selling "This Parcel" (then known as "Lot 20 of Roger Pazek's Unrecorded Plat"), these six lots were given their full measure per the recorded deeds back from the lakeside irons, using the found, longstanding irons on the opposite side of the road for direction in determining these side lot lines. These locations fell within the traveled way of "White Pine Circle" (formerly known as Roger's Road) and visually matched the apparent back lot lines between the lot's angle points shown on the map of Roger Pazek's Unrecorded Plat. Note that these back lot lines of Lots 1 through 6 did not have a dimension shown on the map of Roger Pazek's Unrecorded Plat. By connecting these angle points of senior title, these back lot lines were used as the boundary of "Lot 20" in this area.
6. The client is advised to seek the advise of legal counsel regarding the impact and resolution of the survey and title issues disclosed on the map hereon and the issues listed in Notes 1 through 5 listed above.

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715-362-2808 715-362-4114 (FAX)		
Drawn By: JMO	Date: March 6, 2008	Client:
Checked By: MBI	Scale: As shown	Mark Golomski
Plat. 41, Pg. 21-27	Project # 801	Rhinelanders, WI 54501

Sheet 2 of 2

L461B

ATC 11