

Northstar Surveying LLC

1615 SPRUCE AVENUE TOMAHAWK, WI 54487
715-891-1319 nicoletsurvey@yahoo.com

Drawn By: MEH Date: December 4, 2013 Client: Lorraine Boehm
Sheet 2 of 2 Project # 022-2011 Tomahawk, WI 54487

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Plat of Survey

Part of the Northwest 1/4 of the Southeast 1/4 of Section 11, T.34N., R.5E., Town of Tomahawk, Lincoln County, Wisconsin

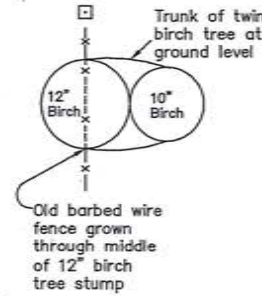
Note:

1. See Sheet 1 for Legend and Notes.
2. See attached sheets for Legal Description, Surveyor's Report, photographs and letter documenting the age of the fence on the East property line.

Bearings are referenced to the South line of the SE 1/4 of Section 11, which bears N88°31'46"W on the Lincoln County Coordinate System.

Detail "A"

Scale: 1" = 2'



Map Notes:

- (A) East boundary line was established by evidence of very old fence line (further evidenced by tree lines, yards, septic systems, improvements and other fence lines & found markers shown), believed to date to when this senior parcel was originally conveyed on 10/17/1950 per V. 168, P. 42. As there was no evidence that a survey was done at this time, and, as the Grantor owned the Easterly adjoining land at that time, the fence line appears to mark the true intent of the deed - "thence North to the waters edge". This line was used, by This Parcel and the Easterly adjoiner, as the property line by the current owners and predecessors in title. In October 2010 when survey L482B referenced hereon was done, stakes were set encroaching into my clients yard.
- (B) A 1" iron pipe was found 100 feet Northwest of intersection of the fence line and the waters edge, matching dimensions as called for in the deed, being further evidence supporting the boundary location shown.
- (C) A 1/2" iron pipe was found kinked over, very closely matching dimensions as called for in the deed, straightened pipe and reset at deed dimensions.
- (D) Evidenced by long-standing fence lines, tree lines, septic systems, drive locations, improvements, found property markers, buildings, it appears the centerline of West Bilby Road was assumed as the "40 line" for East-West location, and explains the discrepancies in the deed distances vs. the surveyed "40 line" location.
- (E) Most of the deeds in the area call out distances based on the theoretical subdivision of section into the aliquot parts (i.e. 660', 330', 165'), further evidence that a survey was not done when deeds were written.

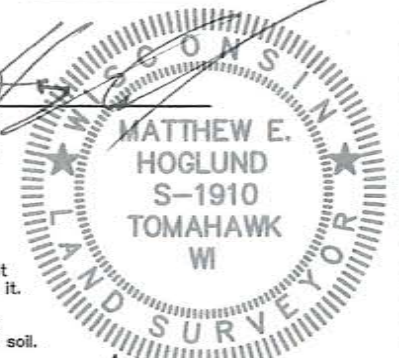
RECEIVED BY LINCOLN COUNTY SURVEYOR THIS 4TH DAY OF September 20, 14
Tom Dalk
COUNTY SURVEYOR

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.

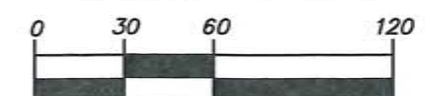
Dated this: 4th day of December, 2013.

Northstar Surveying LLC
By: Matthew E. Hoglund
R.L.S. S-1910



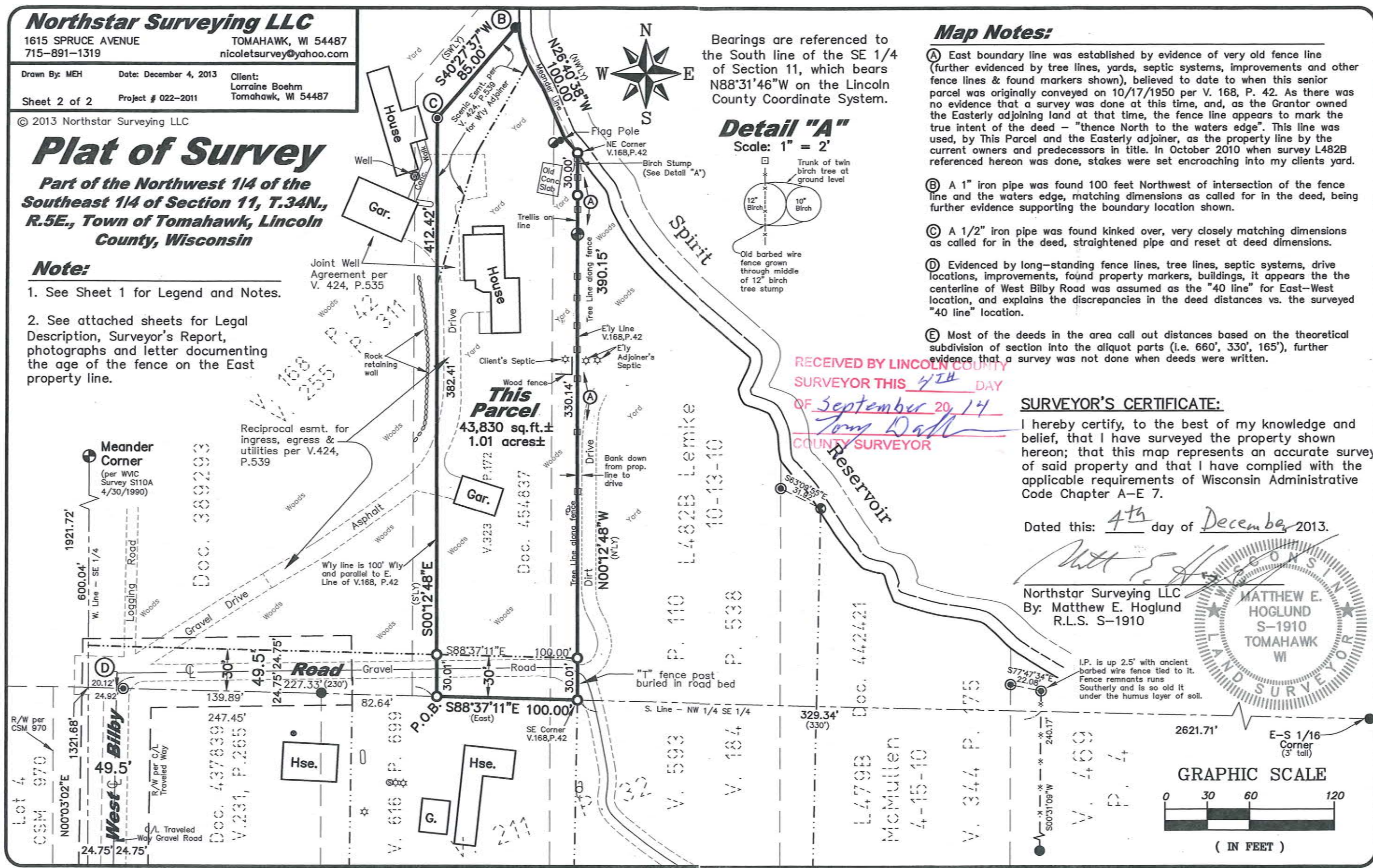
I.P. is up 2.5' with ancient barbed wire fence tied to it. Fence remnants runs Southerly and is so old it under the humus layer of soil.

GRAPHIC SCALE



(IN FEET)

5508A



Legal Description

for
Lorraine Boehm

A part of the Northwest one-quarter of the Southeast one-quarter of Section 11, Town 34 North, Range 5 East, Town of Tomahawk, Lincoln County, Wisconsin, being more particularly described as follows:

COMMENCING at a found Survey Marker Nail at the Southeast corner of said Section 11; thence, along the South line of said Southeast one-quarter, North 88°31'46" West, 2610.94 feet to a found Survey Marker Nail at the South one-quarter corner of said Section 11; thence, along the West line of said Southeast one-quarter, North 00°03'02" East, 1321.68 feet to the Southwest corner of said Northwest one-quarter of the Southeast one-quarter; thence, along the South line of said Northwest one-quarter of the Southeast one-quarter, South 88°37'11" East, 20.12 feet to the centerline of West Bilby Road; thence, continuing along said South line, South 88°37'11" East, 227.33 feet to a set 7/8" by 30" iron rebar lying 100 feet Westerly of the Southeast corner of Volume 168 of Records, Page 42 and the **POINT OF BEGINNING**; thence, continuing along said South line, South 88°37'11" East, 100.00 feet to a set 7/8" by 30" iron rebar at said Southeast corner of Volume 168 of Records, Page 42; thence, along the old fence line marking the East line of Volume 168 of Records, Page 42, North 00°12'48" West, 390.15 feet to a set 7/8" by 30" iron rebar at the Northeast corner of Volume 168 of Records, Page 42, lying on the shore of the Spirit Reservoir; thence, along said shore, North 26°40'38" West, 100.00 feet to a found 1" iron pipe; thence, South 40°27'37" West, 85.00 feet to a reset 1/2" iron pipe lying on a line lying 100.00 feet Westerly, as measured at right angles and parallel to, aforesaid East line of Volume 168 of Records, Page 42; thence, along said parallel line, South 00°12'48" East, 412.42 feet to the **POINT OF BEGINNING**, containing 43,830 square feet or 1.01 acres, more or less.

TOGETHER WITH AND SUBJECT TO a joint well agreement with the Westerly adjoiner per Volume 424, Page 535 and a reciprocal easement with the Westerly adjoiner per Volume 424, Page 539 for ingress, egress and utility purposes. **BEING SUBJECT TO** a non-exclusive easement for private road right-of-way purposes over the South 30.00 feet thereof for West Bilby Road and a scenic easement benefiting the westerly adjoiner per Volume 424, Page 539. **ALSO BEING SUBJECT TO** any and all easements or agreements, if any, of record and/or fact.

The above-described Parcel is shown on the Plat of Survey by Northstar Surveying LLC, Matthew E. Hoglund, RLS number S-1910 dated December 4, 2013 and by this reference is made a part hereof.

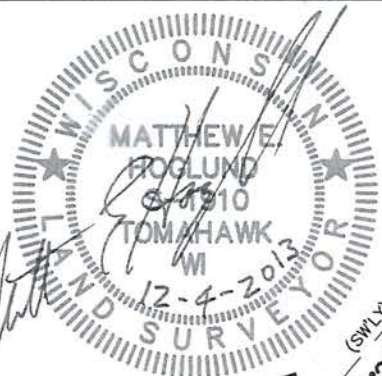
Client: Lorraine Boehm
Date: December 4, 2013

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Prepared by: Northstar Surveying LLC
1615 Spruce Avenue
Tomahawk, WI 54487

5508B

Meander Corner
(per WVIC
Survey S110A
4/30/1990)



Plat of Survey

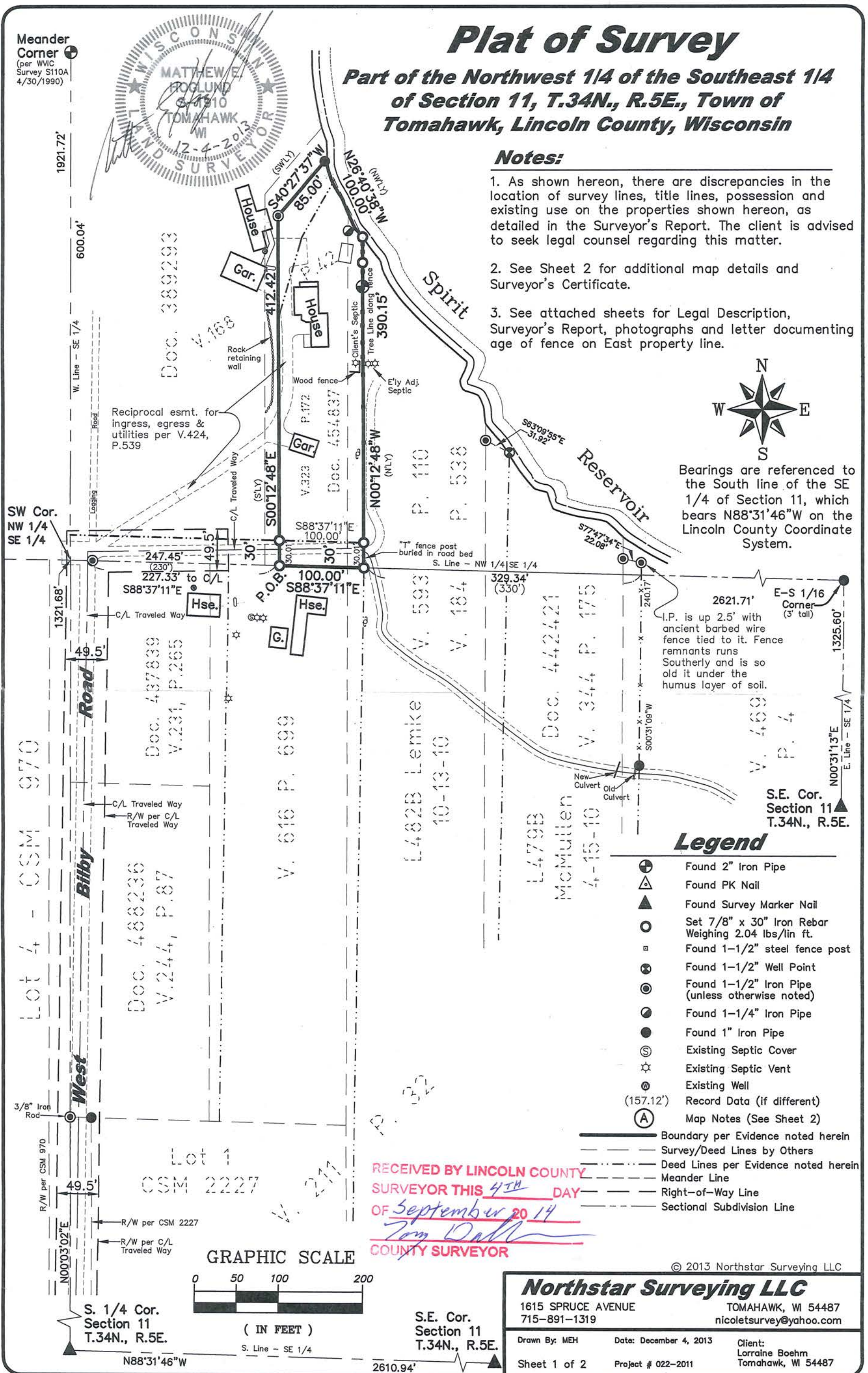
Part of the Northwest 1/4 of the Southeast 1/4 of Section 11, T.34N., R.5E., Town of Tomahawk, Lincoln County, Wisconsin

Notes:

1. As shown hereon, there are discrepancies in the location of survey lines, title lines, possession and existing use on the properties shown hereon, as detailed in the Surveyor's Report. The client is advised to seek legal counsel regarding this matter.
2. See Sheet 2 for additional map details and Surveyor's Certificate.
3. See attached sheets for Legal Description, Surveyor's Report, photographs and letter documenting age of fence on East property line.



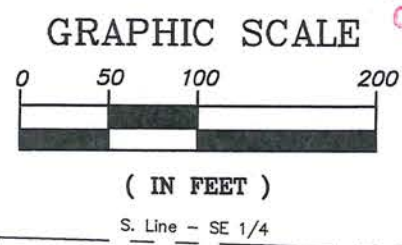
Bearings are referenced to the South line of the SE 1/4 of Section 11, which bears N88°31'46"W on the Lincoln County Coordinate System.



Legend

- ⊕ Found 2" Iron Pipe
- △ Found PK Nail
- ▲ Found Survey Marker Nail
- Set 7/8" x 30" Iron Rebar Weighing 2.04 lbs/lin ft.
- Found 1-1/2" steel fence post
- ⊗ Found 1-1/2" Well Point
- ⊙ Found 1-1/2" Iron Pipe (unless otherwise noted)
- Found 1-1/4" Iron Pipe
- Found 1" Iron Pipe
- ⊙ Existing Septic Cover
- ☆ Existing Septic Vent
- ⊙ Existing Well
- (157.12') Record Data (if different)
- (A) Map Notes (See Sheet 2)
- Boundary per Evidence noted herein
- - - Survey/Deed Lines by Others
- ⋯ Deed Lines per Evidence noted herein
- - - Meander Line
- Right-of-Way Line
- - - Sectional Subdivision Line

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Sheet 1 of 2 Project # 022-2011

5508C

Surveyor's Report
for
Lorraine Boehm

1. As a Registered Land Surveyor I am to weigh the evidence discovered in the performance of the survey and to base my professional opinion of the boundary location shown on my survey based on the preponderance of evidence.
2. As there are conflicting surveys and ongoing legal action with the Easterly adjoining property owner, the client is advised to seek legal counsel regarding this matter.
3. There are no indications that surveys, based on a section subdivision, were done when the deeds were originally written. Based on evidence of found monuments, fence lines and existing improvements there seems to be a fairly consistent discrepancy of 23'± Easterly, which in my opinion appears to show the true intent of the deeds.
4. Based on verbal comments to me by Mr. Kenneth Rosin, the owner of the parcel two lots to the East, the existing irons and fence line on his East line, were accepted as the property lines by him and the previous owners since the 1960's, and were used as the property boundary markers until survey L482B was done in April of 2010, when he utilized those survey lines for installation of his new septic system.
5. Most of the deeds in the area assumed the theoretical aliquot part dimensions (i.e. 660', 330', 165', etc.), further evidence that there was not a survey done at the time the deeds were prepared.
6. When the entire West 330' of the NW 1/4 of the SE 1/4 was sold from John & Diane Radcliffe to Clarence Miklas on 9/18/1986 in Vol. 420, P. 178 there were only calls for East 330', North to the water's edge, N'y & W'y along shore to the W. line of the SE 1/4 and S. to POB. (also previously in V. 391, P. 808 from Gillett/Tobin to Radcliffe on 9/2/1983 and in L.C. 9/14/1981 in V. 376, P. 184 & previously from Irene Smith to Gillett/Tobin on 8/2/1977 & previously termination of joint tenancy Theodore Smith deceased to Irene Smith on 10/21/1975 & previously from Levi & Lillian Smith to Theodore & Irene Smith on 8/28/1967 in Vol. 255, P. 311 and in the MOST SENIOR DEED from Bystrom to Levi & Lillian Smith 10/17/1950 V. 168, P. 42.) Language was added in later deeds that called out "parallel to the West line of the Southeast one-quarter". As we have documentation that the existing fence dates back at least 53 years, it appears to be evidence of the original deeds true intent and/or evidence of longstanding adverse possession.

7. Per testimony of my client, Lorraine Boehm, there was a barbed wire fence hanging from the metal fence posts and into some of the trees along the entire East property line shown since they have owned it and apparently for some time before. Upon request of Mr. Mooney, she and her husband consented to him taking barbed wire down so as not to have a hazard with his children/grandchildren injuring themselves on the wire. He then also started pulling out the fence posts and Mr. Boehm told him to cease taking out the posts, which he did at that time.
8. On August 12, 2012 it was discovered that the barbed wire was removed from the South side of the birch tree and some of the old metal fence posts were recently pulled out at along the East property line.
9. As documented, by Lee Steigerwaldt, a ISA Certified Arborist, of Steigerwaldt Land Services, the barbed wire fence in the 12" birch shown in Detail "A" is 68 years old and is clear evidence of longstanding possession and indication of the intent of the deeds in the chain of title to this property.
10. Deeds dimensions match the existing fence line and improvement locations very closely, showing further evidence of deed intent.
11. Found monuments and the location of improvements along the Westerly line of the Boehm parcel further support he location of the property boundaries as shown.

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SURVEYOR THIS 4TH DAY
OF September 2014
Tom Wall
COUNTY SURVEYOR

5508D