

REFERENCE MATERIAL

Union County Monumentation Records
 Survey Number 181
 Survey Number 016-1991
 Survey Number 033-1991
 Partition Plat 1993-12
 Partition Plat 2000-014
 Partition Plat 2003-0007

DEED REFERENCES

(a) Book 91, Page 637
 (b) Book 92, Page 74
 Book 99, Page 410
 Book 100, Page 73
 (c) Book 100, Page 121
 Book 100, Page 122
 Book 104, Page 410
 (d) Book 106, Page 202
 Book 109, Page 97
 (e) Book 109, Page 98
 Book 117, Page 8
 (f) Book 118, Page 22
 (g) Book 119, Page 129
 Book 122, Page 536

DEED REFERENCES

(h) Book 122, Page 538
 Book 124, Page 68
 Book 135, Page 415
 Book 140, Page 647
 Book 142, Page 547
 Book 134, Page 376
 Book 135, Page 93
 Book 135, Page 415
 Book 137, Page 118
 Book 137, Page 228
 Book 137, Page 500
 Book 141, Page 581
 Book 142, Page 544
 Microfilm Document Number 70148
 Microfilm Document Number 121666
 Microfilm Document Number 20053289
 Microfilm Document Number 20083707
 Microfilm Document Number 20141198
 Microfilm Document Number 20140878
 Microfilm Document Number 20164390
 Microfilm Document Number 20173016

NARRATIVE

This survey was done at the request of Susan Arnason, owner of the land within. The purpose of this survey is to mark the corners of her property. In trying to place the town of Lower Perry, there are a number of notable issues that make it difficult to place title lines in this area. First, there are very few surveys, and those of record are quite old. Remaining monumentation from these surveys is sparse. Second, none of the roads were created by petition, dedication or any other form of legalization granting rights to the public. Based on the number of third party maps of the area, there appear to be differing opinions concerning the widths of the rights of way, and no where are right of way widths definitively stated. Third, all of the legal descriptions are metes and bounds, of which very few of them mathematically close. An entire town where virtually every single deed has patent ambiguities makes it very difficult to ascertain intent. Furthermore, there is no standard width to the blocks, and trying to ascertain a nominal standard width by addition of the distances of adjoining deeds gives a multitude of differing numbers (from 212.5 to 220).

The first recorded survey was done by Roscoe Neal in 1929 (eventually filed as Survey 016-1991), and surveyed the property to the North of this tract prior to the 21.5 foot strip of land being accrued to this one. This survey predates the deeds from Stoddard Lumber to private individuals. It shows as being done for G.H. Baker, though deed records show no ownership in this area by a person of that name. I can find no definitive remaining evidence of this survey. The second survey was done for Stoddard Lumber, eventually filed as Survey Number 033-1991 which was also done by Roscoe Neal in December of 1930. Four monuments were called for, the quarter corner to Section 34/35, the Center East 1/16th, a point presumably 900 feet East of the quarter corner and a point South of the highway on the banks of the Grande Ronde River. The third survey was done in 1947 and was filed as Survey 181. This surveyed the line between Yarrington and Myrick/Smith, the relevance of which will be discussed below.

Deeds that created the town of Perry have their origins in the Stoddard Lumber Company, where they began selling off lots to individuals in the 1930s. Though early fire insurance maps show the existence of houses prior to these being sold to individuals, these were likely employee housing for the lumber company. The first deeds to be conveyed to individuals were those in the block to the South of the Arnason tract, being those sold to Joseph Smith by deed recorded in Book 91, page 637 (dated July 1930), that to L.D. Ferguson by deed recorded in Book 92, Page 74 (dated July 1930) and that to R.L. Myrick by deed recorded in Book 106, Page 202 (dated May 1930). The Myrick deed begins at a point 880 feet East of the quarter corner between Section 34 and 35, the Smith deed commences at a point 900 feet East of said quarter corner, and the Ferguson deed commences at the Center East 1/16th of Section 35. Despite the legal descriptions to these tracts having ill fitting lines when plotted, it appears as though the intent was that the North line of Ferguson and the South line of Smith to be in common, (sharing a corner at the SE corner of Smith) and the East line of Myrick and the West line of Smith to be in common (sharing a corner at the NW corner of Smith). The deed from Stoddard Lumber to Riggs has a gross scrivener error, however, the intent appears to have the point of beginning in common with the SW corner of the Myrick deed. The discrepancies between the Myrick deed and the Riggs deed was later resolved in a court case, dated August 1949 which revised deeds to follow courses of Survey Number 181. This was done after the Ferguson and the Riggs deed were transferred to Yarrington, plaintiff of the court case. For reasons unexplained, the bearings of the legal description cited in the court case match those of said survey, but the distances used are based on the original legal descriptions. This makes the Southwest corner of the Myrick tract and the NW corner of the Yarrington tract in common. The relevance of describing this history, despite being located on properties a block to the South, is that the only recoverable survey evidence from these original surveys in the town of Perry is the iron pipe located at the Southeast corner of the Smith property, and the iron pipe located at the Southwest corner of the Myrick property, presumably set by Survey 181.

The pertinence of these facts is that the commencement point for the deeds with the Arnason tract is a point in common with that of the Smith deed (900 feet East of the quarter corner). Based on the recovered monuments, as well as lines of possession, it does not appear as though an accurate retracement of the center of section line was used to establish this point. The record courses as per the stated court case match the iron pipes very well. Rotating the courses to my basis of bearing, I run the courses of the Smith deed back to the commencement point to place the point of local control that is stated as being 900 feet East of the quarter corner. Though this point appears to have been monumented in the Roscoe Neal survey for Stoddard Lumber, dated Dec. 1930 (filed as Survey 033-1991), the position currently falls underneath a building and any remaining monumentation is unrecoverable.

The creating deed for this parcel was a deed from Stoddard Lumber company to W.H. Fowler by deed recorded in Book 122, page 536. This deed was signed August 3, 1936, but was not filed until 1950. This deed originally omitted the North 21.5 feet of Arnason's current ownership and indicated a width of 103.2 feet.

The deed for the parcel comprising the North 21.5 feet of this lot as well as the parcel to the North was created by deed from Stoddard Lumber to W.H. Fowler recorded in Book 122, Page 538. This was signed May 27, 1937, but not recorded until 1950, as per the previous mentioned deed. The point of beginning departs from the commencement point being "a point 900 feet East of the quarter corner", however, mathematically, the intent appears to be clear that the Point of Beginning and the NW corner of Book 122, page 536 are the same. This deed indicates a North line 104.7 feet wide and a South line 103.2 feet wide.

Though I can find no monument at the Southwest corner of the Yarrington tract, I place the West line of both of these blocks as per the West line of the Yarrington tract shown on Survey 181 (the East right of way line of Lower Perry Loop), rotated to my basis of bearing. I extend this line Northward to place the West line of the Arnason Tract. I hold the 45.5 foot call from the previously established "900 foot East" point and intersect the East right of way line to determine the Point of Beginning. From there I hold the courses of the West line, the North line and the East line as per the legal description in Book 122 Page 536. Since the closure is not perfect, I establish the South line by holding the distance of the second to last call, and forcing closure to the point of beginning.

For the 21.5 foot strip of land on the North side of the Arnason tract, it appears as though the intent was to convey the South 21.5 feet of Deed Book 122, Page 538. Again, this legal description has a two foot misclosure, so I try to ascertain intent by examining lines of possession on the ground. Despite having parallel sides, the North side and South side differ by 1.5 feet and the East and West sides differ by 1.8 feet. I hold the South side as being 103.2, as it is harmonious with the North line of Book 122, page 536. I hold the 173 foot distance for both the East and West dimensions and the 104.7 foot distance along the North line. Doing so makes opposing lines nonparallel. Having established these bounds, I offset the South line 21.5 feet to place the North line of the Arnason tract. This makes the North line slightly shorter than the deed distance.

The nominal dimensions of the tract to the East (rotated to the East line of the Arnason tract) does seem to indicate a 14 foot alley in this area, as is shown on the Roscoe Neal map. Though due to the many inconsistencies of the deeds in this area, I would not necessarily rely on standard widths of any alleys or rights of way for placement of ownerships in the town of Perry. Since all the roads and alleys are created by omission, I would not expect any right of ways to have consistent width. And due to the lack of closure within all the legal descriptions, each lot would require it's own special consideration for future surveys. Courses shown for the Myrick and Smith tracts are intended to show justification for the point "900 feet East of the quarter corner" as well as the East right of way line of Lower Perry Road, and may or may not reflect true title lines if these tracts are surveyed in the future.

I find no other unusual conditions with this survey.

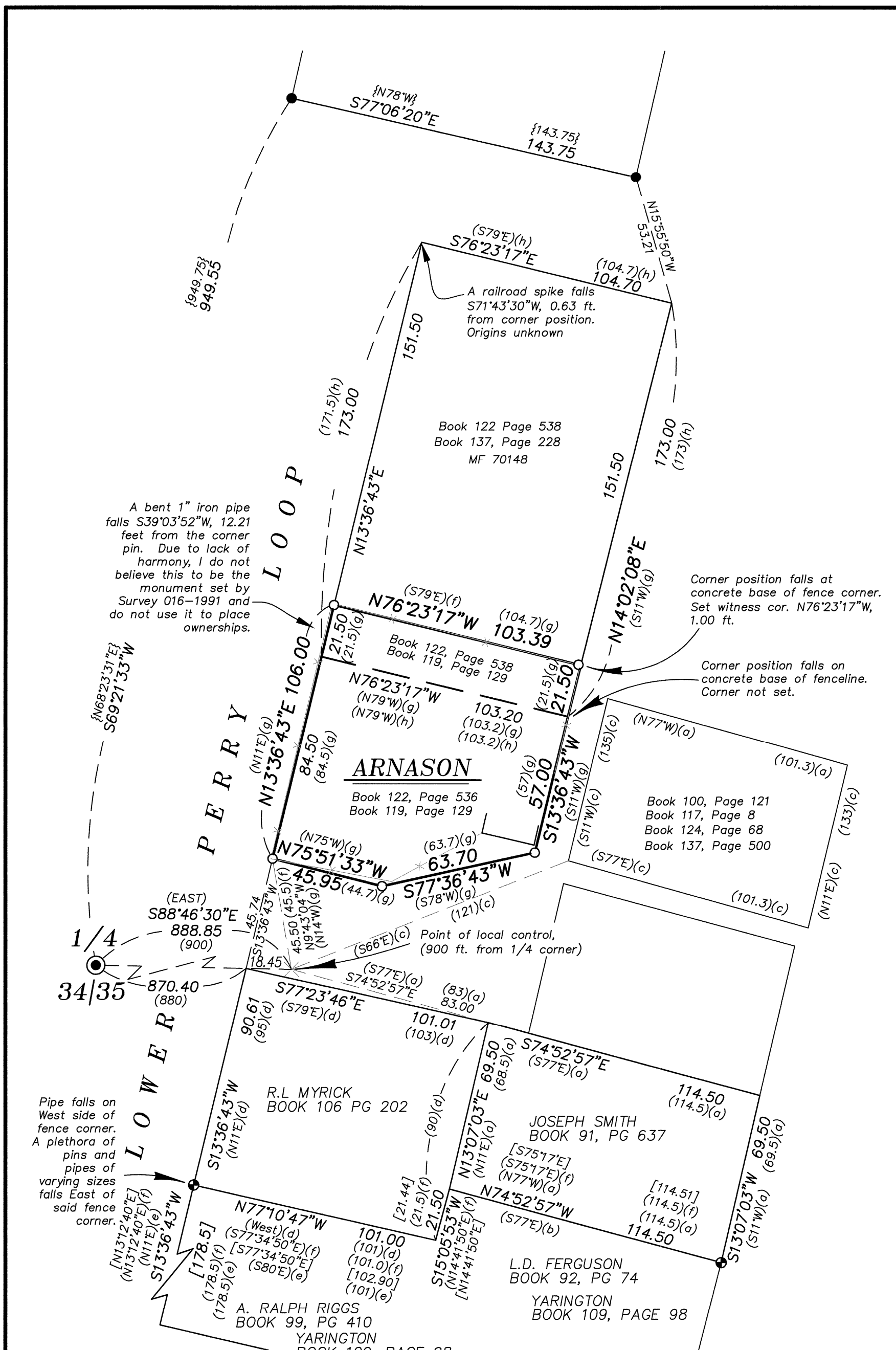
BASIS OF BEARING

Geodetic North at the quarter corner common to Section 34 and 35, Township 2 South, Range 37 East of the Willamette Meridian, as determined by GPS observation

SCALE: 1" = 40'

LEGEND

- Found 2" iron pipe with 2 1/2" brass cap, marked as per Union County Monumentation records
- Found 1" iron pipe set by Survey Number 181
- Found 5/8" iron pin with plastic cap marked LS 1952, set by Partition Plat Number 1993-12
- Set 5/8" x 30" iron pin with plastic cap marked BGB SURVEY MARKER
- () Record measurement as per deed
- [] Record measurement as per Survey Number 181
- { } Record measurement as per Partition 1993-012
- *— Fenceline



UNION COUNTY SURVEYOR

Date Received 9/3/19

Date Filed 9/3/19

By J.S.H.

File No. 025-2019

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JUNE 2, 2010
JEFFREY S. HSU
 83571

Renewal Date: June 30, 2021

BAGETT, GRIFFITH & BLACKMAN
 2006 Adams Avenue, LaGrande, Oregon

Map of Survey
 Situated in the West half of Section 35, Township 2 South, Range 37 East of the Willamette Meridian, Unincorporated Town of Perry UNION COUNTY, OREGON

SURVEYED FOR	Susan Arnason
SURVEYED BY	J. S. H.
Scale: 1" = 40'	Drawn by: J. S. H. Aug. 2019