



RINKE NOONAN

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*attorneys at law*

Firmly Committed.



RINKE NOONAN

*attorneys at law*

Government Corners  
and  
What To Do When Your Survey  
Does Not Match Occupation  
December 6, 2013

Minnesota Society of Professional Surveyors

Firmly Committed.



RINKE NOONAN

*attorneys at law*

David Meyers  
Sherburne, Mille Lacs, Roseau, Marshall,  
and Kittson County Examiner of Titles

[www.RinkeNoonan.com](http://www.RinkeNoonan.com)

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## I. Minn. Stat. § 389.04 – Rules for Surveys.

“...in restoring lost or obliterated government corners, the county surveyor shall follow the rules established by or pursuant to acts of Congress, and all such surveys shall be made in strict conformity to the original survey made by the United States.”



## II. Minn. Stat. § 381.12, subd. 1 – Section Corners Relocated

“The county board...may employ a licensed surveyor...The monuments are **PRIMA FACIE** evidence of the original United States public land survey corners.”

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## Black's Law Dictionary:

Prima facie: a fact presumed to be true unless disproved by some evidence to the contrary.

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### III. Minn. Stat. § 381.19 – Violations; Penalty

“Any person who willfully removes, destroys, or defaces a monument lawfully erected is guilty of a misdemeanor.”

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## IV. Case Law – Government Corners

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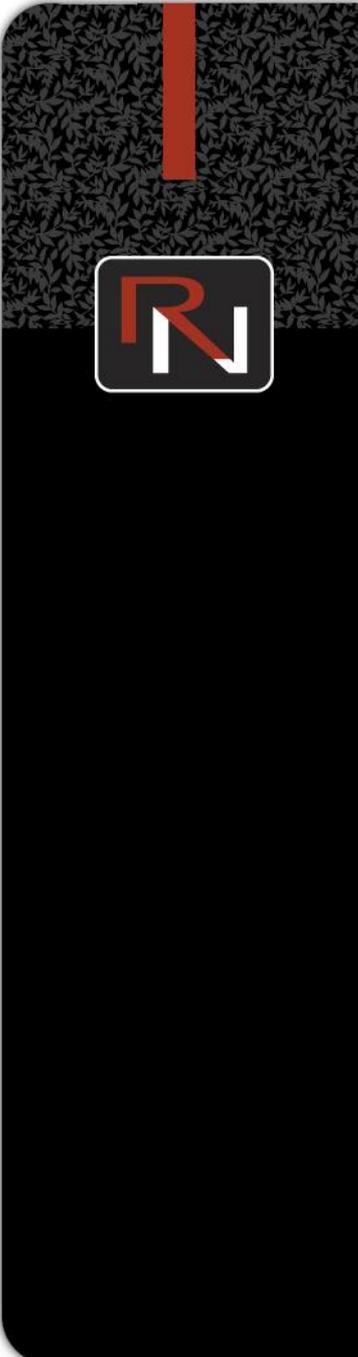
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1. *Stadin vs. Helin*, 76 Minn. 496, 79 N.W. 537 (1899).



Where the government corner is lost, and field notes are inconsistent, there is no rule that one set of notes is preferred to the other.

Court agreed with the County surveyor's work- an early use of proportionate measure.

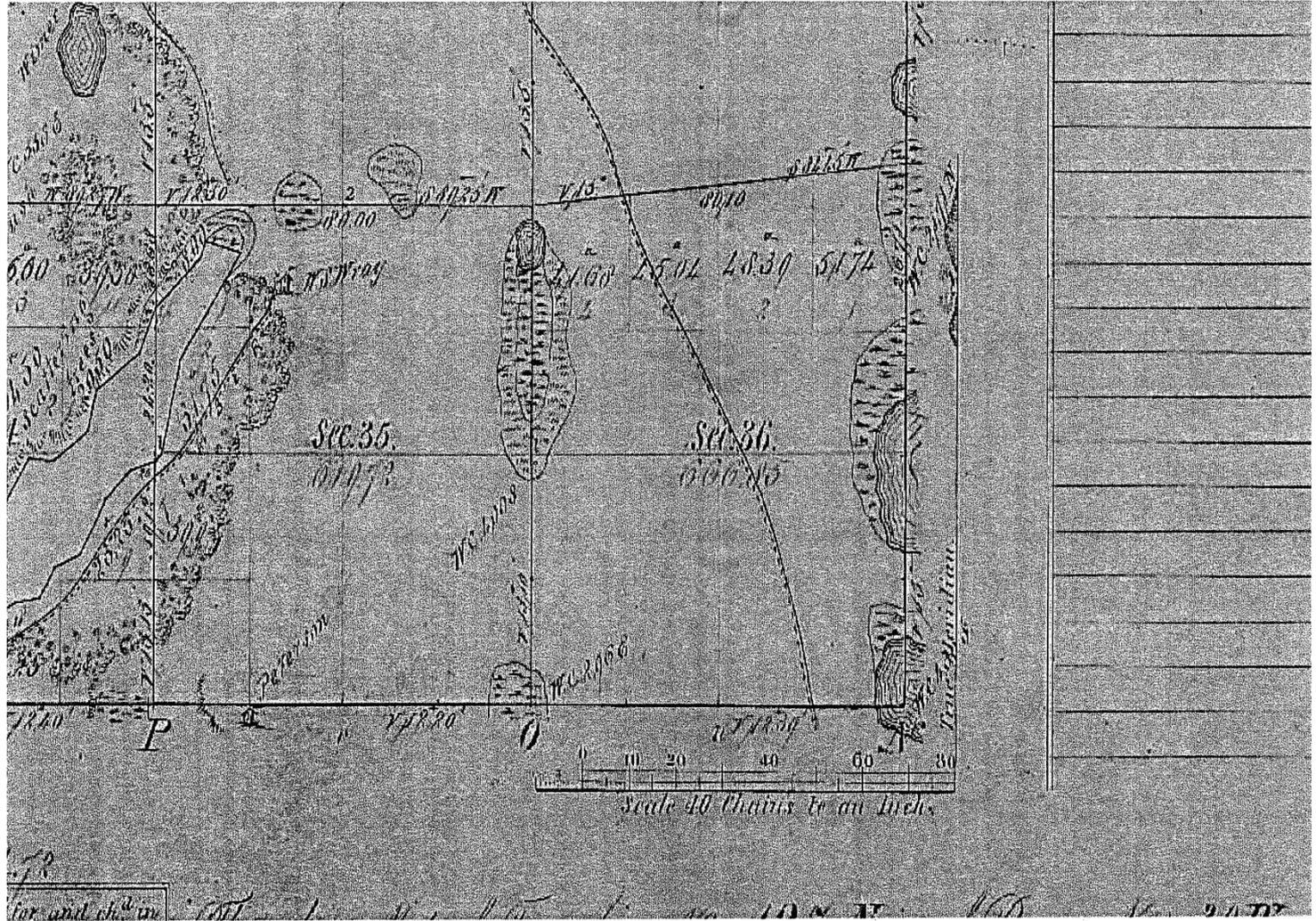


2. *Chan vs. Brandt*, 45 Minn. 93, 47  
N.W. 461 (1890)

A. West Corner, Section 31,  
Township 127, Range 38, in a different  
location than East corner, Section 36,  
Township 127, Range 39.

B. State legislature may not  
adopt laws that conflict with Federal  
Rules for subdividing sections.



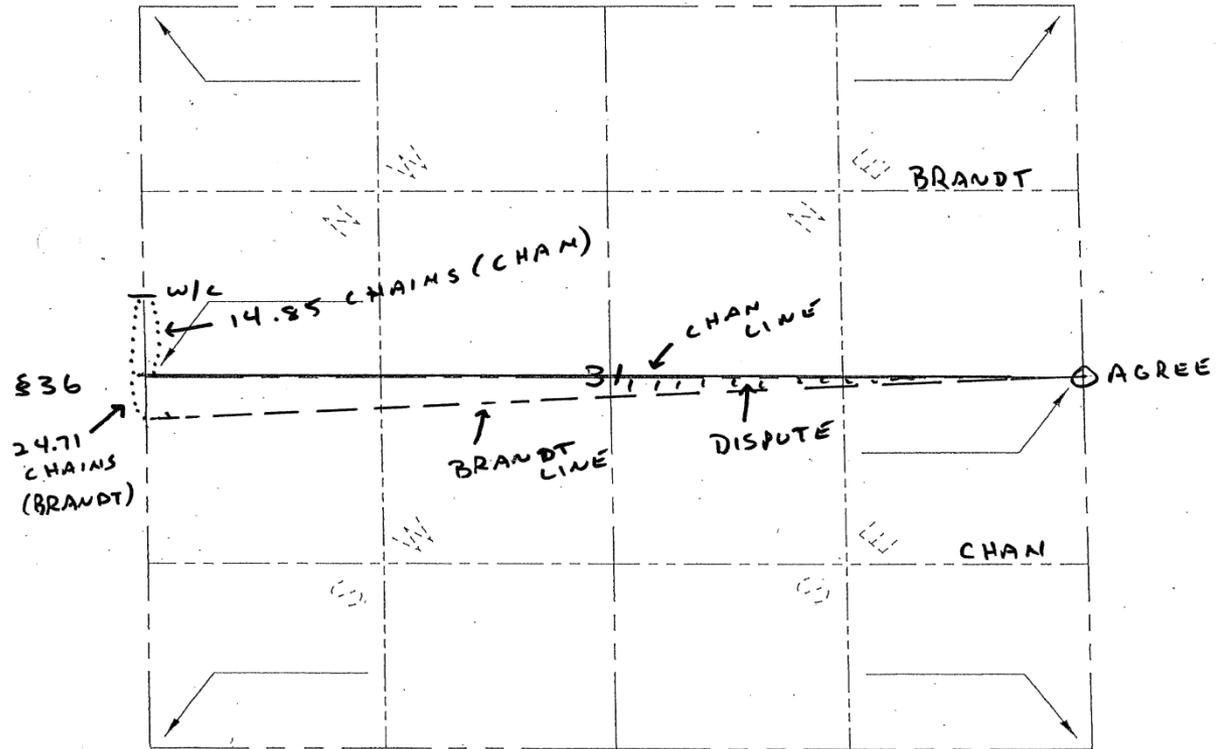


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Section Breakdown

(\_\_\_\_ 1/4) Sec \_\_\_\_ , Twp \_\_\_\_ , Rng \_\_\_\_ , Co \_\_\_\_  
Coordinate System: \_\_\_\_\_  
Current Survey For: \_\_\_\_\_ , Date: \_\_\_\_\_ Bk/Pg: \_\_\_\_\_ Area: \_\_\_\_\_  
Bearing System: \_\_\_\_\_ , Disk: \_\_\_\_\_ , File: \_\_\_\_\_  
Rotation/Translation: \_\_\_\_\_  
Reference Surveys: \_\_\_\_\_  
Drawing No.: \_\_\_\_\_ , Misc: \_\_\_\_\_

CHAN V. BRANDT  
§31 - TWP 127 - R 38



Center

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# *CHAN v. BRANDT*

- Minnesota Laws of 1875, Chapter XXXI
  - On the north and west tier of a township, the center of the section could be placed at the midpoint of the east-west quarter line for the north tier sections (1-6). On the west tier sections (6,7,18,19,30,31), the center could be placed at the midpoint of the north-south quarter line.
  - Federal Rules stipulate the center of section to be placed at the intersection of said quarter lines.
  - The following four slides provided by former Douglas County Surveyor Gary Stevenson.

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Supreme Court of Minnesota  
Chan v Brandt - 45 Minn 93, 47 N.W. 461

GLO Plats Created 2 Quarter Corner Positions  
Not George Wright



Supreme Court of Minnesota  
Chan v Brandt - 45 Minn 93, 47 N.W. 461

- Monuments & boundary lines as established by the US Government survey control descriptions of lands patented by the US
  - Mistakes in surveys cannot be corrected by judicial department
- 
- In 1887 County Surveyor Blackwell subdivided Sec. 31, 127-38 and held GLO town line notes from Witness Corner – 14.88 chains for Section 31 East-West Quarter Line
  - Court did not mention 2<sup>nd</sup> Quarter Corner – case was only for Section 31- Court did not see that survey of adjacent township showing different corner position was material



*Lawler vs. Rice*, 147 Minn. 234, 180 N.W. 37 (1920).

Corner is where the Government Surveyor placed it.

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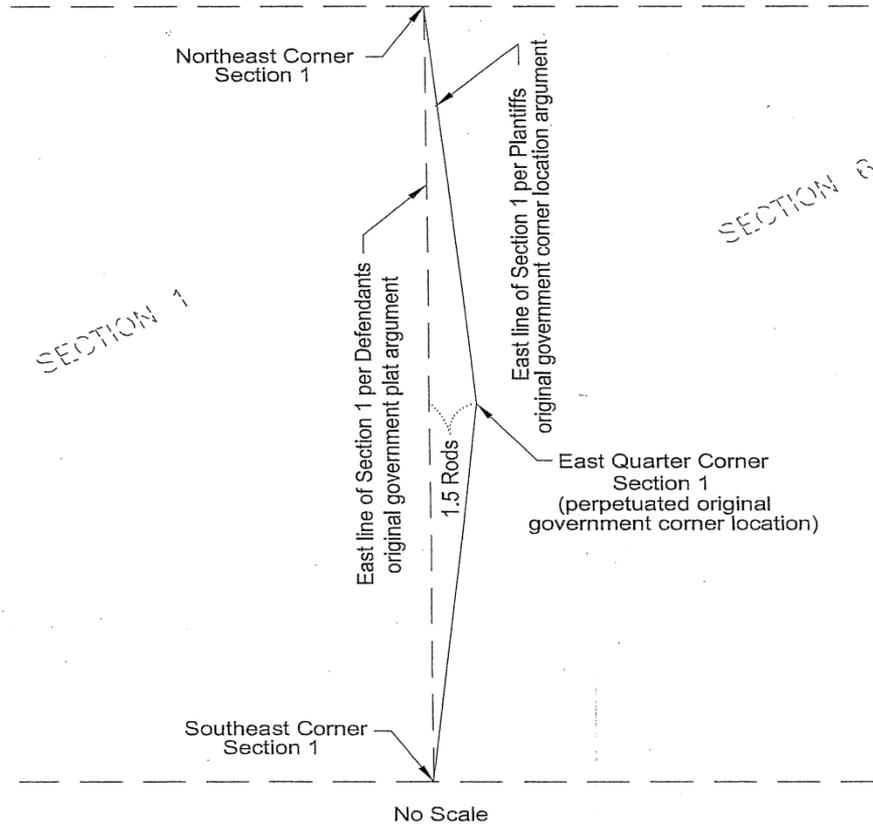
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# Lawler v. Rice County

Lawler v. Rice County, 147 Minn. 234, 180 N.W. 37 (1920)



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*Lenzmeier vs. Ess*, 199 Minn. 10, 270 N.W. 677 (1937).

Survey and location of fences were not reliable, and government corners could not be found, but assumptions on location of government corners by county surveyor accepted.

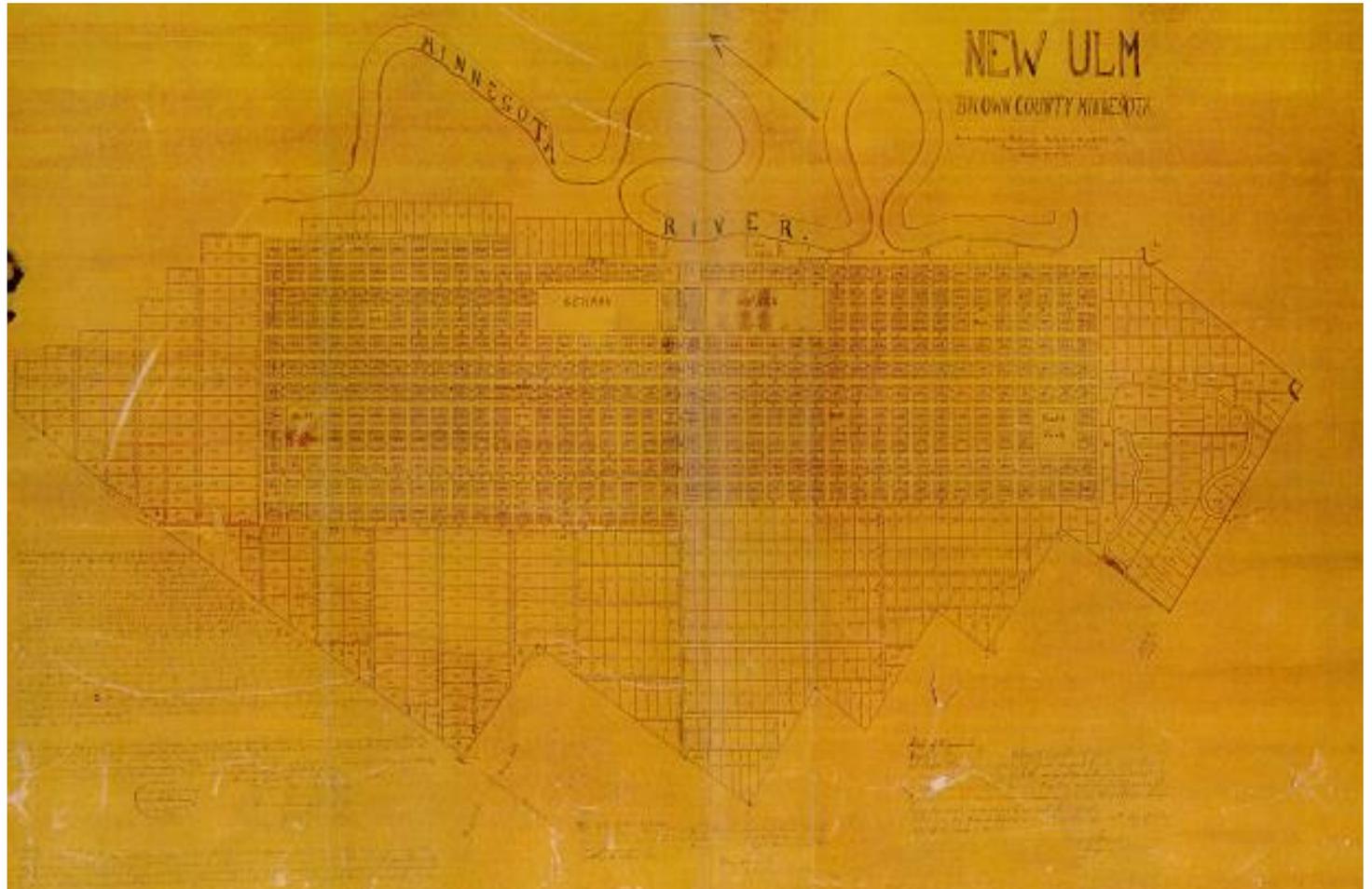


*Dittrich vs. Ubl*, 216 Minn. 396, 13 N.W.2d 384 (1944).

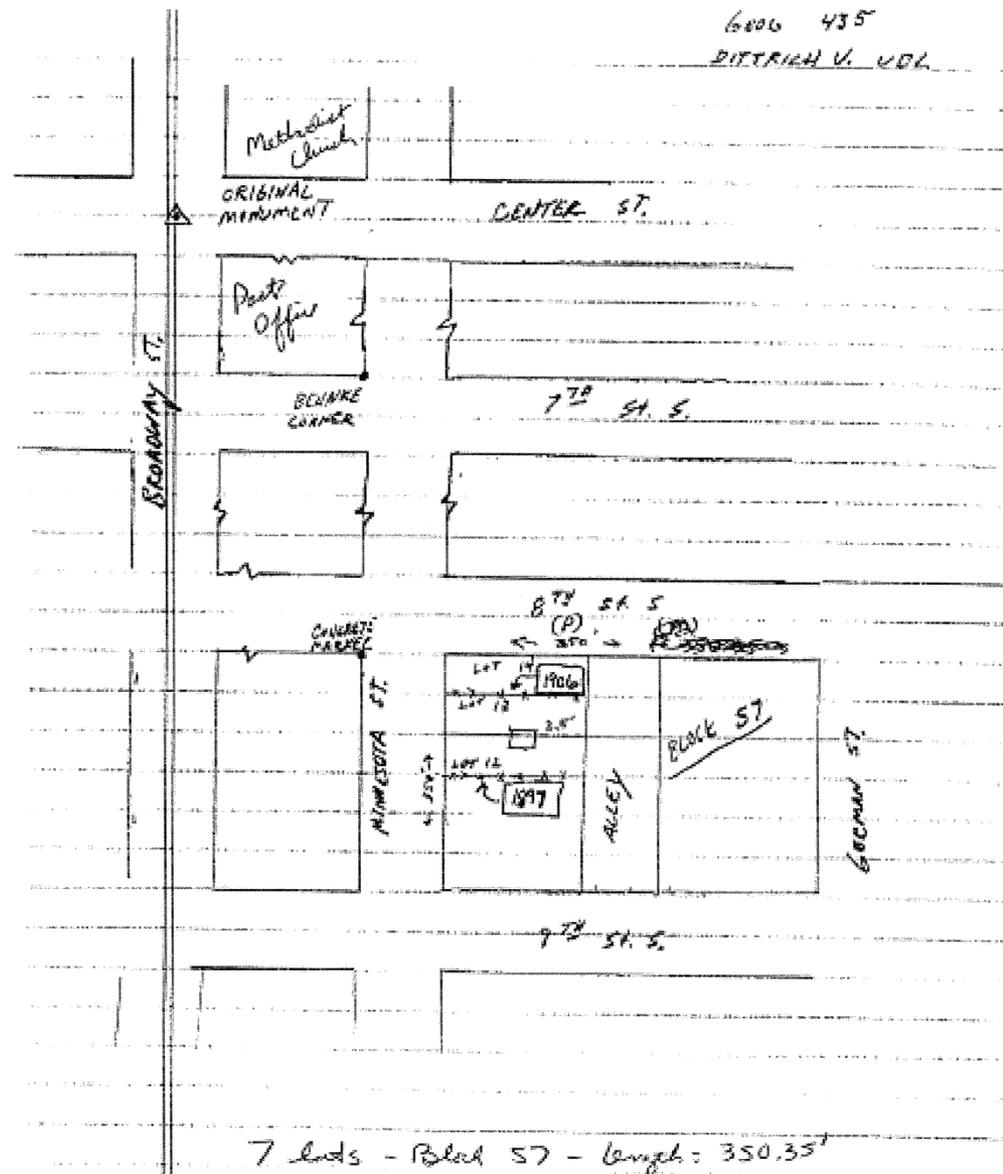
Monuments are the best evidence of the lines and corners actually set. Courts are concerned with only the case before it.

Firmly Committed.

Firmly Committed.



Firmly Committed.



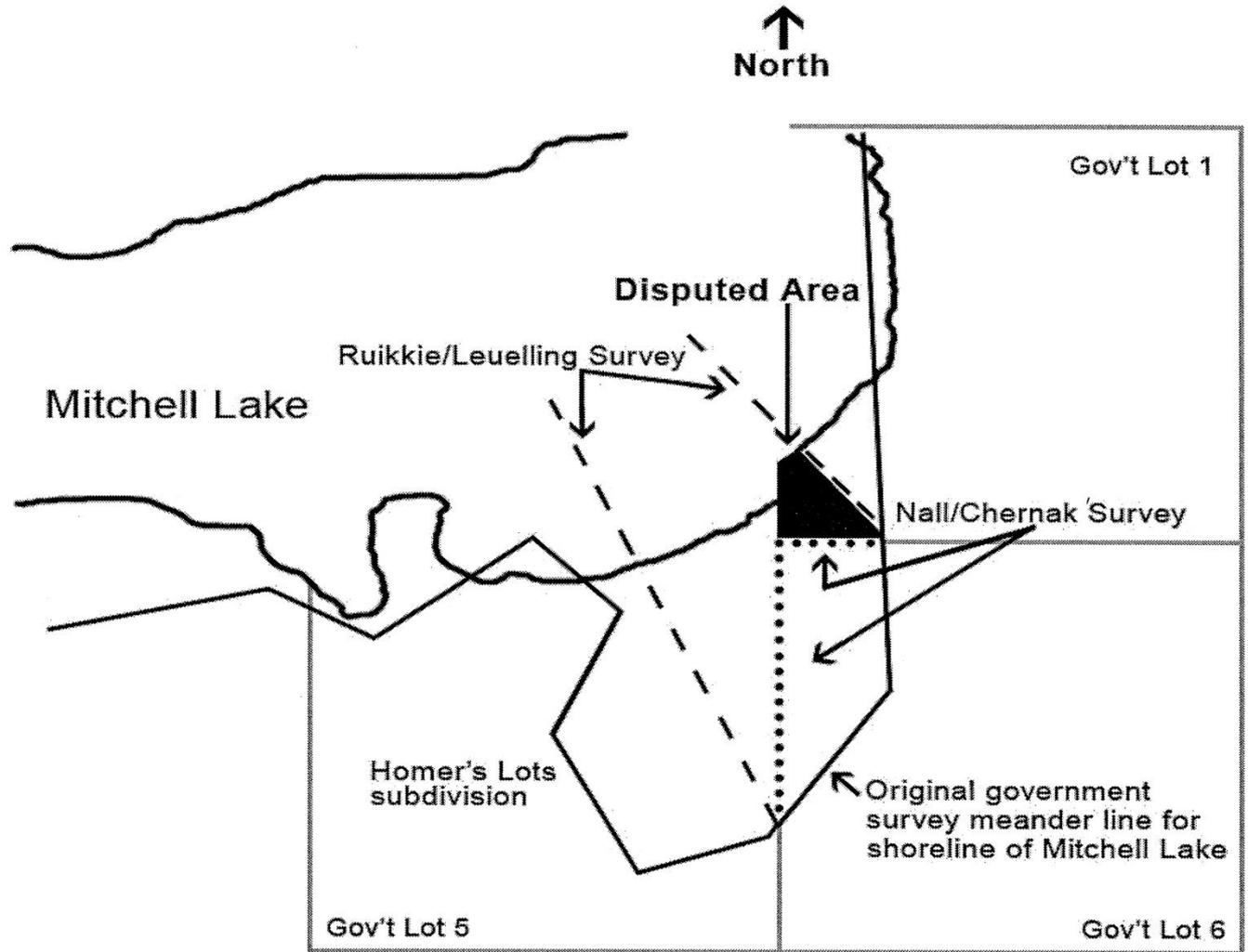
7 lots - Paved 57 - length: 350.35'  
Each lot front .05 = 50.05

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*Ruikke vs. Nall*, 798 N.W.2d 806 (Minn. App. 2011).

Use of Common Law Doctrine of Practical Location of Boundaries to locate Government lot boundaries was improper. Only Federal methods may be considered.



Court Prepared Drawing  
(not to scale)

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V. When surveys do not match, which survey is correct?

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1. *Loweridge vs. Omodt*, 38 Minn. 1, 35 N.W. 564 (1887). Jury verdict upheld even where Supreme Court believed other surveyor was correct.

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2. *Thoen vs. Roche*, 57 Minn. 135, 58 N.W. 686 (1894). Common repute accepted as evidence on basis that many persons in a community have a common interest in locating a boundary.

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Firmly Committed.



3. *Donaldson vs. Kohner*, 264 Minn. 230, 118 N.W.2d 466 (1962).  
Where two competent surveyors disagree, Trial Court decision upheld.

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Firmly Committed.



4. *Grandlund vs. Lumley*, A11-1926 (Minn. App. Sept. 17, 2012).  
District Court has authority to determine boundaries.

Minn. Stat. § 559.23.

District Court found survey credible and supported by the evidence.



Minn. Stat. § 408A

Unpublished opinion on the Court of Appeals are not precedential.

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## Minn. Stat. § 559.23

“An action may be brought by any person owning land...to have the boundary lines established.”

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5. *Christensen vs. Bonnema*,  
395 N.W.2d 440 (Minn. App. 1986).

- (a) Proportionate measure  
is the last resort.
- (b) Breach of fiduciary duty  
to disclose survey in  
violation of instructions.

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6. *Willhite v. Cass County Board of Supervisors*, 692 N.W.2d 92 (Minn. App. 1986). Professional negligence in relying upon wrong location of Government Corner.

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Minn. Stat. § 541.052, subd. 1

Surveyor Statute of Limitations – two years from discover of error.

Surveyor Statute of Repose – ten years after date of survey – maybe up to 12 years if discovered in 9<sup>th</sup> year.



## VI. County Surveyor

*WoJohn vs. Johnson*, 297  
N.W.2d 298 (Minn. 1980). Held that a  
lost corner may be set by Proportionate  
Measure.

Firmly Committed.

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*Lovejoy vs. County of Dakota,*  
CX-00-348 (Minn. App. Oct. 3, 2000).  
Statute of Limitation and Statute of  
Repose barred claims against County  
for County Surveyor Error.

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Firmly Committed.

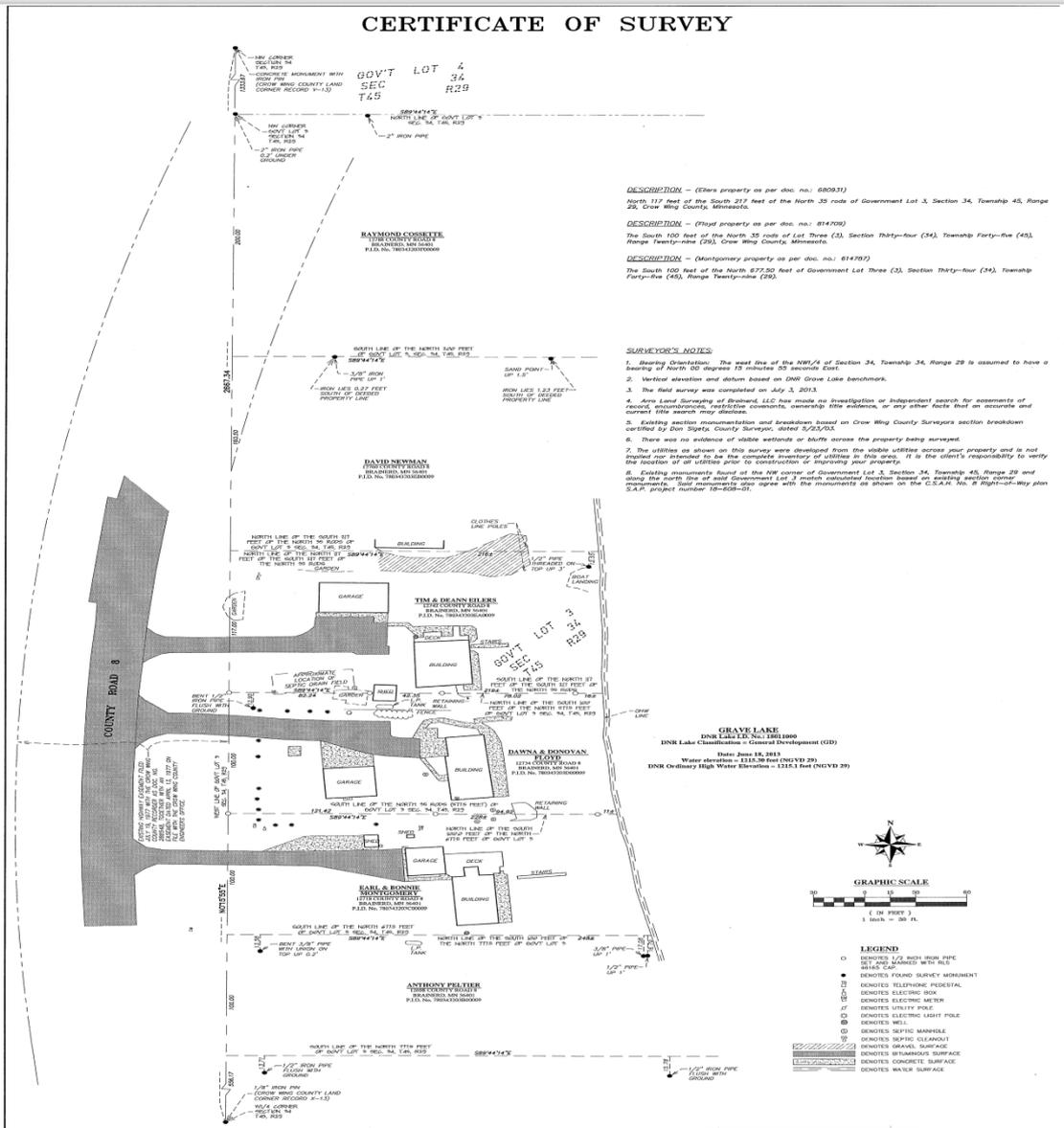


## VII. Survey Examples

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# CERTIFICATE OF SURVEY



**DESCRIPTION** - (Elevs property as per doc. no.: 680631)  
 North 117 feet of the South 217 feet of the North 35 rods of Government Lot 3, Section 34, Township 45, Range 29, Crow Wing County, Minnesota.

**DESCRIPTION** - (Elevs property as per doc. no.: 814798)  
 The South 100 feet of the North 35 rods of Lot Three (34), Township Forty-five (45), Range Twenty-nine (29), Crow Wing County, Minnesota.

**DESCRIPTION** - (Montgomery property as per doc. no.: 814797)  
 The South 100 feet of the North 677.50 feet of Government Lot Three (31), Section Thirty-four (34), Township Forty-five (45), Range Twenty-nine (29).

**SURVEYOR'S NOTES**

1. Bearing Orientation: The west line of the NW/4 of Section 34, Township 34, Range 29 is assumed to have a bearing of North 90 degrees 15 minutes 55 seconds East.
2. Vertical elevation and datum based on DNR Grove Lake benchmark.
3. The field survey was completed on July 3, 2013.
4. Area Land Surveying of Brainerd, LLC has made no investigation or independent search for accounts of record encumbrances, easements, covenants, mortgages, liens, or any other facts that encumber and current title search may disclose.
5. Existing section monumentation and breakdown based on Crow Wing County Surveyors section breakdown certified by Don Sigfus County Surveyor, dated 3/23/03.
6. There was no evidence of visible wellheads or burrs across the property being surveyed.
7. The utilities as shown on this survey were obtained from the visible utilities across past property and is not intended to be the complete inventory of utilities in this area. It is the client's responsibility to verify the location of all utilities prior to construction of improving past property.
8. Existing monuments found at the NW corner of Government Lot 3, Section 34, Township 45, Range 29 and along the north of the North 677.50 feet of Government Lot 3, match calculated location based on existing survey monuments. Said monuments were signed with the monuments as shown on the C.S.A. No. 8 Right-of-Way plan S.A.P. project number 18-808-01.

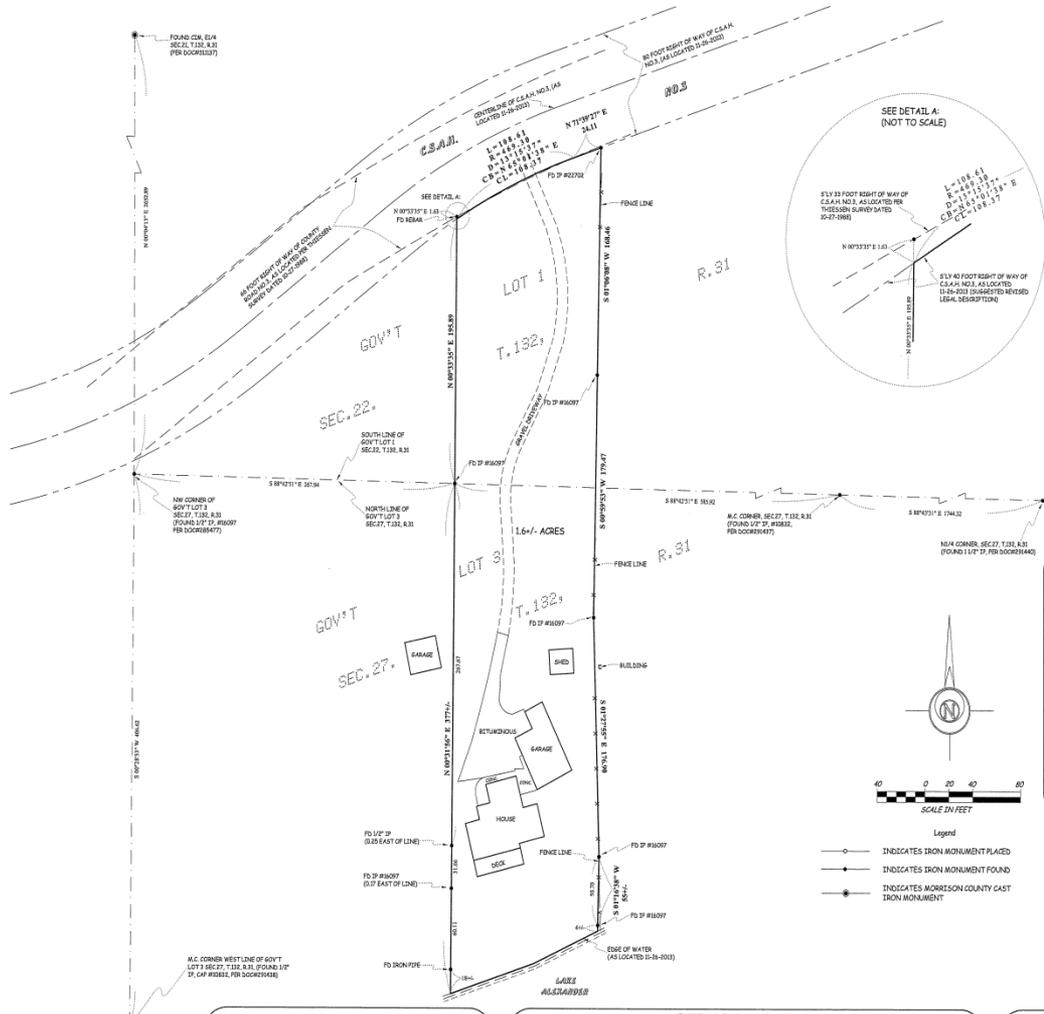
**GRAVE LAKE**  
 DNR LAKE CLASSIFICATION 1800  
 DNR Lake Classification - General Development (GD)  
 Date: June 18, 2013  
 Water elevation = 1151.20 feet (NGVD 29)  
 DNR Ordinary High Water Elevation = 1151.1 feet (NGVD 29)



- LEGEND**
- DENOTES 1/2" IRON PIN
  - ⊕ DENOTES TELEPHONE PEDESTAL
  - ⊞ DENOTES ELECTRIC BOX
  - ⊞ DENOTES ELECTRIC METER
  - ⊞ DENOTES UTILITY POLE
  - ⊞ DENOTES ELECTRIC LIGHT POLE
  - ⊞ DENOTES WELL
  - ⊞ DENOTES SURFIC MANHOLE
  - ⊞ DENOTES SURFIC CLEANOUT
  - ⊞ DENOTES SURFIC SURFACE
  - ⊞ DENOTES BRIMANHOUS SURFACE
  - ⊞ DENOTES CONCRETE SURFACE
  - ⊞ DENOTES WATER SURFACE

|   |  |  |  |
|---|--|--|--|
| DRAWN BY: <u>MLD</u> CHECKED BY: <u>ELL</u><br>APPROVED BY: <u>MLD</u> JOB NUMBER: <u>13-0300</u><br>DATE: <u>10/23/13</u> REVISION DESCRIPTION:<br>01 - <u>OK &amp; SIGN</u> | CLIENT: <b>David Meyers</b><br><b>Rinke Noonan</b><br>1015 West St. Germain St.<br>Suite 300, US Bank Plaza<br>St. Cloud, MN 56302 | <b>BOUNDARY SURVEY</b><br>Part of Gov't Lot 3<br>Sec. 34, T45, R29<br>Crow Wing County, MN | I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.<br>Dated this <u>23rd</u> day of <u>October</u> , 2013<br>By: <u>[Signature]</u><br>Nick T. Downing, Minnesota License No. 40165 |
|---|--|--|--|

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LEGAL DESCRIPTION

Existing Description (Per Document Number 510198), as furnished by client: The part of Government Lot 1, Section 22, and that part of Government Lot 1, Section 27, all in Township 132, Range 31, Morrison County, Minnesota, described as follows: Commencing at the Southeast corner of said Government Lot 1, Section 22, a distance of 111.1 feet by the westerly line of County Road No. 3, thence North 61 degrees 54 minutes 18 seconds East along said westerly line of County Road No. 3 a distance of 183.36 feet, thence continuing North 51 degrees 54 minutes 18 seconds East and westerly line of County Road No. 3 a distance of 234.47 feet, thence continuing along said westerly line of County Road No. 3 North 69 degrees 02 minutes 37 seconds East 78.3 feet, thence continuing along said westerly line of County Road No. 3 along a tangential curve concave to the Southeast, radius 117.43 feet, central angle 1 degree 19 minutes 29 seconds, 24.87 feet, to the point of beginning, thence continuing along said westerly line of County Road No. 3 along said tangential curve concave to the Southeast, radius 117.43 feet, central angle 1 degree 19 minutes 29 seconds, 137.1 feet, to its intersection with a fence line, thence South 9 degrees 31 minutes 34 seconds East along said fence line 170.44 feet, thence continuing along said fence line South 87 degrees 33 minutes 46 seconds East 25.14 feet to the North line of said Government Lot 3, Section 27, thence continuing along said fence line South 69 degrees 31 minutes 46 seconds East 96.40 feet, thence continuing along said fence line South 3 degrees 14 minutes 30 seconds East 176.79 feet, thence continuing along said fence line and its extension westerly South 89 degrees 23 minutes 04 seconds East 61 feet, more or less, to its intersection with a line which bears South 1 degree 06 minutes 30 seconds East 128 feet, more or less, to its intersection with a line which bears South 1 degree 06 minutes 30 seconds East 197.18 feet to the point of beginning. All in accordance with a survey by Thomas P. Thissen, R.L.S. No. 1697, dated Oct. 27, 1988.

Suggested Revised Legal Description: All that part of Government Lot 1, Section 22, Township 132, Range 31 and Government Lot 3, Section 27, Township 132, Range 31, all in Morrison County, Minnesota, described as follows: Commencing at the northeast corner of said Government Lot 1, Section 22, a distance of 111.10 feet by the westerly line of County Road No. 3, thence North 61 degrees 54 minutes 18 seconds East, along the north line of said Government Lot 3, a distance of 267.94 feet, to the point of beginning of the west line of land to be described, thence North 69 degrees 02 minutes 37 seconds East, a distance of 183.36 feet, to the westerly 40 foot right of way line of C.S.A.H. No. 3, as located on 11-30-2013, thence 108.81 feet northeasterly, along a non-tangential curve and along said westerly 40 foot right of way line, concave to the southeast, having a radius of 469.39 feet and central angle of 13 degrees 15 minutes 37 seconds. The chord of said curve which bears North 69 degrees 02 minutes 37 seconds East, thence North 71 degrees 59 minutes 27 seconds East, tangent to said described curve and along said westerly 40 foot right of way line, a distance of 24.11 feet, thence South 70 degrees 06 minutes 38 seconds West, a distance of 148.46 feet, thence South 69 degrees 02 minutes 37 seconds West, a distance of 179.47 feet, thence South 01 degrees 27 minutes 55 seconds East, a distance of 176.99 feet, thence South 01 degrees 16 minutes 34 seconds West, a distance of 135.96 feet, more or less, to the shoreline of Lake Alexander, thence southwesterly along said shoreline to the intersection with a line which bears South 09 degrees 31 minutes 56 seconds West, from the point of beginning, thence North 09 degrees 31 minutes 56 seconds East, a distance of 377 feet, more or less, to the point of beginning.

Subject to any assessments of record, if any.

SURVEYOR'S NOTES

- 1. The legal description of record was provided by Old Republic Title Insurance Company, per document number 510198, recorded 11-14-2011. Their insurance policy number 981294.
2. The existing legal description of record contains several ambiguous calls when describing the outside property lines of the subject parcel. The boundary depicted on this Certificate of Survey was determined from reviewing existing monuments located in the field, other past Certificates of Survey for some of the surrounding parcels, and a professional interpretation of the description of record. Several of the surrounding parcels also may contain some of the same ambiguous calls within their descriptions of record. The suggested revised legal description was furnished to correct the ambiguous calls of record for only the subject property and was not intended to correct any issues that may exist with the adjoining parcels. This Certificate of Survey does not guarantee title for the property described within the suggested revised description. We suggest the advice of a title professional on an attorney to clarify and title issues affecting the subject property in its connection to adjoining parcels in the area.
3. The location of C.S.A.H. No. 3 appears to have been relocated around 2006 (per Morrison County Highway plans). The legal description of record and fee title ownership of the property described in document number 510198 references a survey dated 10-27-1988, by Thomas P. Thissen. The survey and assumed legal description owned by Mr. Thissen, in showing a right-of-way width of 66 feet for County Road No. 3. The current highway right-of-way lines of the right-of-way width has been expanded to 80 feet and the centerline of the road has been relocated adjacent to the subject property. This road relocation does create a different location for the 66 foot right-of-way and the 80 foot right-of-way. The suggested revised description and boundary depicted on this survey was located to the current location of C.S.A.H. No. 3 (80 foot right-of-way), as measured by the client. The original fee ownership described in document number 510198 may have given title to the 66 foot right-of-way. This change in right-of-way location "may" cause a title concern with the fee ownership of the subject property as it relates to access to C.S.A.H. No. 3. The different location of the 66 foot right-of-way does cause a possible "gap" and "overlap" with the past fee title of the subject property and the right-of-way for C.S.A.H. No. 3 as it is constructed today.

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

370 GARFIELD HILL RD., SUITE 105
COLD SPRING, MN 56320
PH: 320-465-5905
FAX: 320-465-3056

CERTIFICATE OF SURVEY PREPARED BY:
O'MALLEY & KRON
LAND SURVEYORS, INC.

1004 2nd ST. SE
WILLMAR, MN 56201
PH: 320-235-4022
FAX: 320-465-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LEGALLY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DATE: 11-26-2013
DANIEL M. KRON
MINNESOTA REGISTRATION NO. 42621

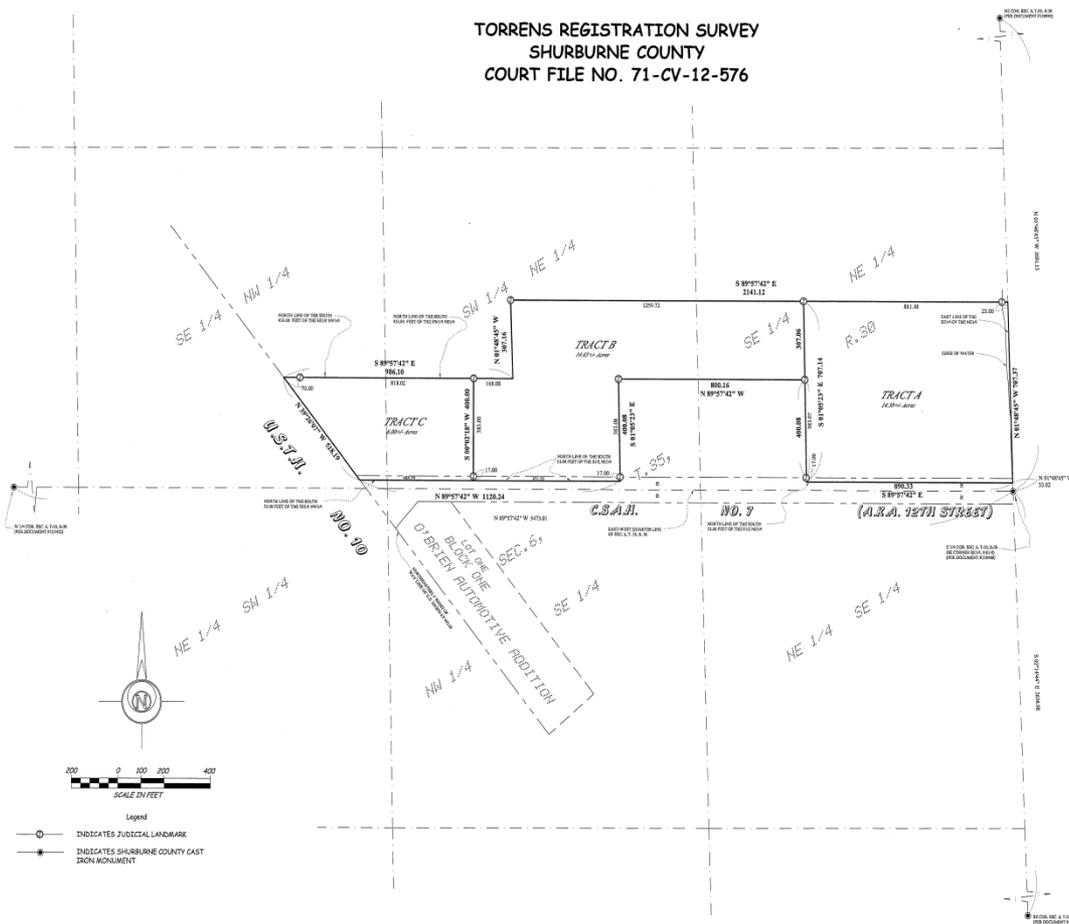
SHEET 1 OF 1

TOB NO: 2013-381
FILE NAME: 2013-381.DWG
LOCATION: 27-132-31, 22-132-31
CERTIFICATE OF SURVEY PREPARED FOR:
OLD REPUBLIC NATIONAL TITLE INS.
(GARY DONAHUE)

Firmly Committed.



TORRENS REGISTRATION SURVEY  
SHURBURNE COUNTY  
COURT FILE NO. 71-CV-12-576



LEGAL DESCRIPTIONS

**Tract A:**  
That part of the Southeast Quarter of the Northeast Quarter, Section 6, Township 35, Range 30, Shurburne County, Minnesota, described as follows: Commencing at the southeast corner of said Southeast Quarter of said Southeast Quarter of the Northeast Quarter; thence N 01°48'42" W, on an assumed bearing, along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 33.00 feet, to the north line of the south 33.00 feet of said Southeast Quarter of the Northeast Quarter, to the point of beginning of the tract to be described; thence S 89°57'42" W, a distance of 881.40 feet, along said east line, a distance of 107.37 feet; thence N 89°57'42" W, a distance of 881.40 feet; thence S 89°57'42" W, a distance of 707.14 feet, to said north line of the south 33.00 feet; thence S 89°57'42" W, along said north line of the south 33.00, a distance of 890.33 feet, to the point of beginning.

**Tract B:**  
That part of the Southeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter, Section 6, Township 35, Range 30, Shurburne County, Minnesota, described as follows: Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence N 01°48'42" W, on an assumed bearing, along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 33.02 feet, to the north line of the south 33.00 feet of said Southeast Quarter of the Northeast Quarter, thence continue N 01°48'42" W, along said east line, a distance of 707.17 feet; thence N 89°57'42" W, a distance of 881.40 feet, to the point of beginning of the tract to be described; thence S 89°57'42" W, a distance of 307.66 feet; thence N 89°57'42" W, a distance of 890.16 feet; thence S 89°57'42" W, a distance of 400.00 feet, to the north line of the south 33.00 feet of said Southeast Quarter of the Northeast Quarter; thence N 89°57'42" W, along the north line of the south 33.00 feet of said Southeast Quarter of the Northeast Quarter, a distance of 631.65 feet; thence N 01°48'42" W, a distance of 400.00 feet, to the north line of the south 433.00 feet of said Southeast Quarter of the Northeast Quarter; thence S 89°57'42" W, along said north line of the south 433.00 feet, a distance of 188.08 feet; thence N 01°48'42" W, a distance of 307.16 feet, to a line which bears N 89°57'42" W from the point of beginning; thence S 89°57'42" W, a distance of 1239.72 feet, to the point of beginning.

**Tract C:**  
That part of the Southeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter, Section 6, Township 35, Range 30, Shurburne County, Minnesota, described as follows: Commencing at the southeast corner of the Southeast Quarter of the Northeast Quarter of said Section 6; thence N 01°48'42" W, on an assumed bearing, along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 33.02 feet, to the north line of the south 33.00 feet of said Southeast Quarter of the Northeast Quarter; thence continue N 01°48'42" W, along said east line, a distance of 707.37 feet; thence N 89°57'42" W, a distance of 881.40 feet; thence S 89°57'42" W, a distance of 307.66 feet; thence N 89°57'42" W, a distance of 890.16 feet; thence S 89°57'42" W, a distance of 400.00 feet, to the north line of the south 33.00 feet of said Southeast Quarter of the Northeast Quarter; thence N 89°57'42" W, along the north line of the south 33.00 feet of said Southeast Quarter of the Northeast Quarter, a distance of 631.65 feet; thence N 01°48'42" W, a distance of 400.00 feet, to the north line of the south 433.00 feet of said Southeast Quarter of the Northeast Quarter; thence S 89°57'42" W, along said north line of the south 433.00 feet, a distance of 188.08 feet; thence N 01°48'42" W, a distance of 307.16 feet, to a line which bears N 89°57'42" W from the point of beginning; thence S 89°57'42" W, a distance of 1239.72 feet, to the point of beginning.

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

370 CHAPEL HILL RD., SUITE 105  
COLD SPRING MN 56320  
PH. 320-685-9095  
FAX 320-685-3056

CERTIFICATE OF SURVEY PREPARED BY:  
**O' MALLEY & KRON**  
LAND SURVEYORS, INC.

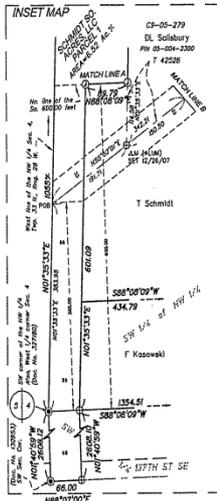
1004 2nd ST. SE  
WILLMAR, MN 56201  
PH. 320-235-4012  
FAX 320-685-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
DATE: 07-24-2013  
DANIEL M. BROWN  
MINNESOTA REGISTRATION NO. 42611

CERTIFICATE OF SURVEY PREPARED FOR:  
**DAVID PEDERSON**  
JOB NO.: 2011-137  
FILE NAME: 2011-137.LDWG  
LOCATION: 6-95-30







# TORRENS REGISTRATION SURVEY SHERBURNE COUNTY

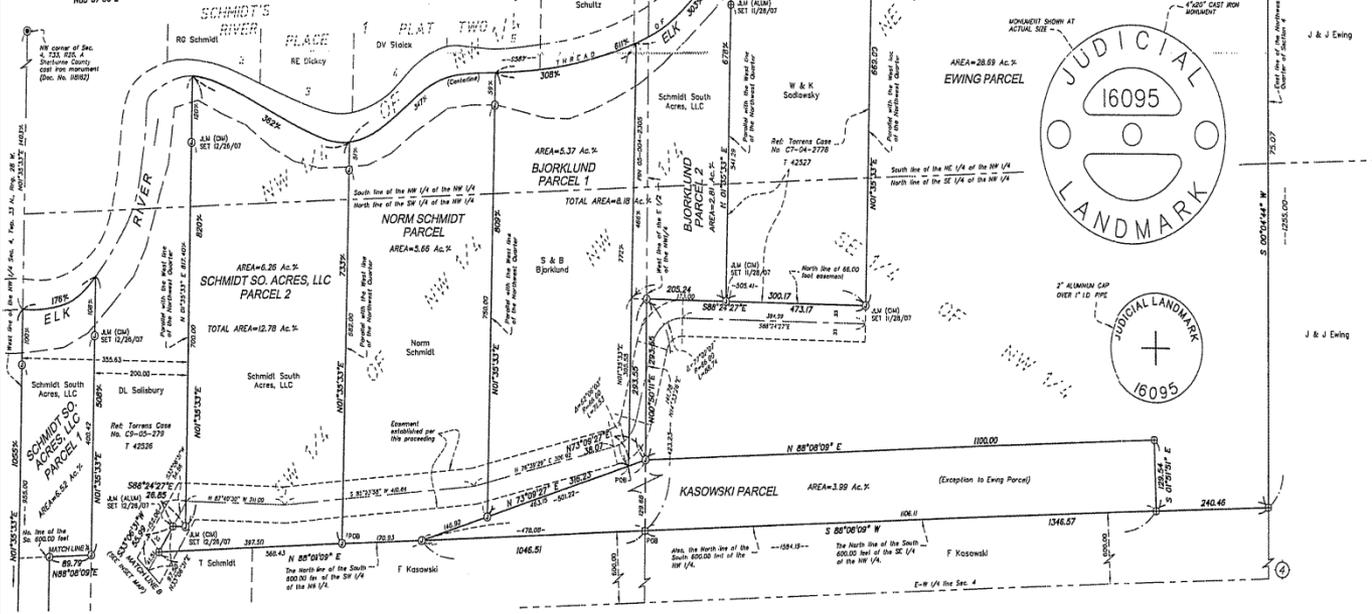
COURT FILE NO. 71-CV-11-1357 (Norm Schmidt)  
 COURT FILE NO. 71-CV-11-1356 (Schmidt So. Acres, LLC)  
 COURT FILE NO. 71-CV-11-353 (Bjorklund)

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. I FURTHER CERTIFY THAT ADJACENT LANDMAKERS WERE SET ON FEBRUARY 16, 17 & 27, 2012 AT THE LOCATIONS SHOWN HEREIN IN ACCORDANCE WITH THE PROVISIONS OF THE DISTRICT COURT, TENTH JUDICIAL DISTRICT IN SHERBURNE COUNTY CASE NO. 71-CV-11-1357, 71-CV-11-1356, & 71-CV-11-353.

SIGNED: *Dennis D. Pederson* P.L.S. NO. 8095  
 DATE: 6/16/12

This certificate is based on previous survey work by various landowners in the area. BPL File No. 04-000000-C, 04-076100, 04-080200, & 04-080300.

For the purposes of this survey, the West line of the NW 1/4 has an assumed bearing of North 51 degrees 35 minutes 33 seconds East.



| DATE      | BY           | NO.          | DESCRIPTION |
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| 04-2600   |              |              |             |



Firmly Committed.

Part of the Northwest Quarter  
 Sec. 4, Twp. 33 N, Rng. 28 W  
 Becker Township  
 Sherburne County, MN



## Minn. Stat. § 559.25 – Judgment: Landmarks

“The judgment shall locate and define the boundary lines involved by reference to well-known permanent landmarks...The court may direct a competent surveyor to establish a permanent stone or iron landmark...Such landmarks shall have distinctly cut or marked thereon ‘Judicial Landmark’.”

**ABSTRACT TITLE**

STATE OF MINNESOTA

Case Type: Other Civil (Quiet Title)  
DISTRICT COURT

COUNTY OF <>

<> JUDICIAL DISTRICT

<>,

Plaintiff<s>,

Court File No. <>

vs.

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND INTERLOCUTORY ORDER**

<>,

Defendant<s>.

**FINDINGS OF FACT**

(Findings as needed)

1. Plaintiff is entitled to have the boundaries determined and established with Judicial Landmarks, as provided in Minn. Stat. § 559.25.

2. Plaintiff has had the land involved surveyed by <surveyor name>, as evidence by a Plat of Survey dated <date>, and attached hereto showing the boundary lines of said Property claimed by Plaintiff, and all boundary lines are as shown on the Plat of Survey.

**ORDER**

1. That Plaintiff proceed to have its surveyor mark the boundaries by placing Judicial Landmarks and that a plat of said survey showing the location of each said Judicial Landmark, certified as to the location thereof, be filed herein.

Dated: \_\_\_\_\_, 20<>

\_\_\_\_\_  
<Judge>, Judge of District Court

**Firmly Committed.**





**ABSTRACT TITLE**

STATE OF MINNESOTA

Case Type: Other Civil (Quiet Title)  
DISTRICT COURT

COUNTY OF <>

<> JUDICIAL DISTRICT

<>,

Plaintiff<s>,

Court File No. <>

vs.

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, ORDER ESTABLISHING THE  
PLACEMENT OF JUDICIAL  
LANDMARKS, ORDER FOR  
JUDGMENT AND JUDGMENT**

<>,

Defendant<s>.

**FINDINGS OF FACT**

<Findings as needed>

1. Plaintiff has had the boundaries determined and established with Judicial Landmarks as provided in Minn. Stat. § 559.25.

2. Plaintiff has had the land involved surveyed by <surveyor name>, as evidenced by a Plat of Survey dated <date>, and attached hereto showing the boundary lines of said Property claimed by Plaintiff, and all boundary lines are as shown on the Plat of Survey.

**ORDER**

<Conclusions and other Orders as needed>

1. That the boundaries of the Property have been determined by placement of Judicial Monuments as described in the <date> Certificate of Survey filed in this matter by <surveyor name>, which survey is attached to and made a part of this Order and Judgment.

\_\_\_\_\_  
Judge of the District Court

**Firmly Committed.**

TORRENS

Case Type: 14  
DISTRICT COURT

STATE OF MINNESOTA

COUNTY OF <>

<> JUDICIAL DISTRICT

In the Matter of the Application of: )

<>: )

Court File No. <>

See attached **Exhibit A**, )

Applicant<s>, )

**INTERLOCUTORY ORDER  
DETERMINING BOUNDARIES**

vs. )

Defendant<s>. )

(Other Orders)

IT IS THEREFORE ORDERED, that the Applicant proceed to have said Surveyors mark said boundary lines by placing Judicial Landmarks and that a plat of said survey showing the location of each said Judicial Landmarks, certified as to location thereof, be then filed herein.

Subject also to the Order of this Court establishing and fixing boundaries to said land and Judicial Landmarks.

\_\_\_\_\_  
Judge of District Court

Firmly Committed.



TORRENS

Case Type: 14  
DISTRICT COURT

STATE OF MINNESOTA

COUNTY OF <>

<> JUDICIAL DISTRICT

|                                      |   |                               |
|--------------------------------------|---|-------------------------------|
| In the Matter of the Application of: | ) |                               |
|                                      | ) | Court File No. <>             |
| Applicant<s>,                        | ) |                               |
|                                      | ) | <b>ORDER AND DECREE OF</b>    |
|                                      | ) | <b>REGISTRATION AND AN</b>    |
|                                      | ) | <b>ORDER ESTABLISHING AND</b> |
|                                      | ) | <b>FIXING BOUNDARIES AND</b>  |
| vs.                                  | ) | <b>ESTABLISHMENT OF</b>       |
| Defendant<s>.                        | ) | <b>JUDICIAL LANDMARKS</b>     |

(Other Findings and Conclusions)

1. That Judicial Landmarks have been placed pursuant to the <date>, Interlocutory Order of this Court, and that the placement of those Judicial Landmarks is shown on the <date> survey by <surveyor name> in the Court file and made a part hereof.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**  
as follows: (Other matters as needed)

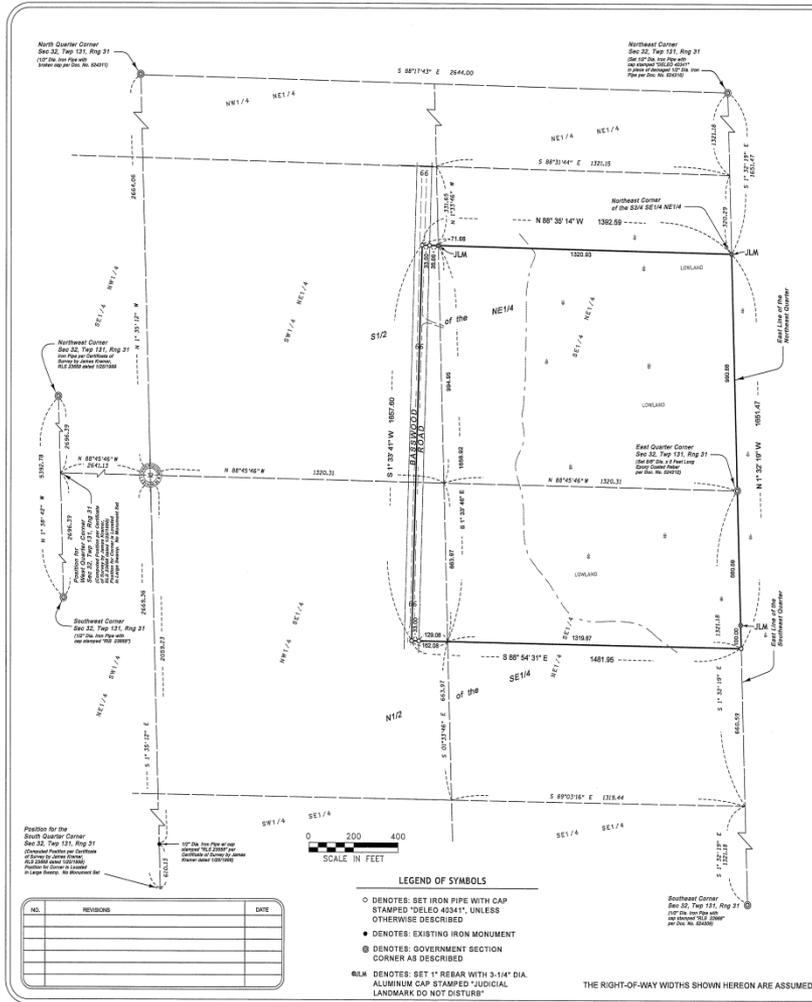
1. That the boundaries of the land described herein have been determined by placement of Judicial Monuments as described in the <date> Certificate of Survey filed in this matter by <surveyor name>, which survey is made a part of the Findings and Decree hereof. The Certificate of Survey shall also be filed with the Registrar of Titles, at the time of the filing of this Order, and the Certificate of Title shall state: "That the boundaries are registered and Judicial Monuments set per the survey filed in the office of the Registrar of Titles, and with the District Court."

BY THE COURT:

\_\_\_\_\_  
Judge of District Court

Firmly Committed.





**LEGAL DESCRIPTION**

All that part of the South Half of the Northeast Quarter (S1/2 NE1/4) and of the North Half of the Southeast Quarter (N1/2 SE1/4), all of Section 32, Township 131, Range 31, Morrison County, Minnesota, described as follows:

Commencing at the northeast corner of said Section 32, as depicted by an iron monument described in Morrison County Recorder Document Number 554310;

thence South 1 degree 22 minutes 19 seconds East, assumed bearing along the east line of the Northeast Quarter (NE1/4) of said Section 32 for 1651.47 feet to a Judicial Landmark Monument (JLM), said point being the point of beginning;

thence North 88 degrees 25 minutes 14 seconds West for 1320.93 feet to a JLM;

thence continue North 88 degrees 25 minutes 14 seconds West for 71.66 feet;

thence South 1 degree 33 minutes 41 seconds West for 1837.60 feet;

thence South 89 degrees 54 minutes 31 seconds East for 1481.95 feet to the east line of the Southeast Quarter (SE1/4) of said Section 32;

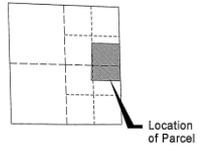
thence North 1 degree 32 minutes 19 seconds West for 100.00 feet to a JLM;

thence continue North 1 degree 32 minutes 19 seconds West, along said east line of the Northeast Quarter (NE1/4) for 560.29 feet to the east quarter corner of said Section 32, as depicted by an iron monument described in Morrison County Recorder Document Number 524371;

thence continue North 1 degree 32 minutes 19 seconds West, along said east line of the Northeast Quarter (NE1/4) for 990.88 feet to said JLM at the point of beginning.

Containing 54.36 acres, more or less.

**VICINITY MAP**  
SEC 32 - TWP 131 - RNG 31



**SURVEYOR'S NOTE:**

This Certificate of Survey for Torrens Registration was conducted in relation with Minnesota Seventh Judicial District Court File Number: 49-CV-12-1722.

Judicial Landmarks consisting of 1 inch diameter rebar with 3-1/4 inch diameter aluminum caps (marked as shown) were set along the northerly and easterly boundaries of Tract 2 at the locations labeled herein as "JLM".

Sheet No. 1 of 1

| NO. | REVISIONS | DATE |
|-----|-----------|------|
|     |           |      |
|     |           |      |
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|     |           |      |

- LEGEND OF SYMBOLS**
- DENOTES: SET IRON PIPE WITH CAP STAMPED "DELO 40341", UNLESS OTHERWISE DESCRIBED
  - DENOTES: EXISTING IRON MONUMENT
  - DENOTES: GOVERNMENT SECTION CORNER AS DESCRIBED
  - RLA DENOTES: SET 1" REBAR WITH 3-1/4" DIA. ALUMINUM CAP STAMPED "JUDICIAL LANDMARK DO NOT DISTURB"

THE RIGHT-OF-WAY WIDTHS SHOWN HEREON ARE ASSUMED



PROJECT NO. AGSTA1201

DATE: 5/28/2013

**TORRENS REGISTRATION SURVEY**  
7th Judicial District Court File Number:  
49-CV-12-1722  
For: AgStar Financial Services  
Located in Section 32, Township 131, Range 31 West  
Morrison County, Minnesota

Firmly Committed.

All that part of the South Half of the Northeast Quarter (S1/2 NE1/4) and of the North Half of the Southeast Quarter (N1/2 SE1/4), all of Section 32, Township 131, Range 31, Morrison County, Minnesota, described as follows:

Commencing at the northeast corner of said Section 32, as depicted by an iron monument described in Morrison County Recorder Document Number 524310;

thence South 1 degree 32 minutes 19 seconds East, assumed bearing along the east line of the Northeast Quarter (NE1/4) of said Section 32 for 1651.47 feet to a Judicial Landmark Monument (JLM), said point being the point of beginning;

thence North 88 degrees 35 minutes 14 seconds West for 1320.93 feet to a JLM;

thence continue North 88 degrees 35 minutes 14 seconds West for 71.66 feet;

thence South 1 degree 33 minutes 41 seconds West for 1657.60 feet;

thence South 88 degrees 54 minutes 31 seconds East for 1481.95 feet to the east line of the Southeast Quarter (SE1/4) of said Section 32;

thence North 1 degree 32 minutes 19 seconds West for 100.00 feet to a JLM;

thence continue North 1 degree 32 minutes 19 seconds West, along said east line of the Northeast Quarter (NE1/4) for 560.59 feet to the east quarter corner of said Section 32, as depicted by an iron monument described in Morrison County Recorder Document Number 524312;

thence continue North 1 degree 32 minutes 19 seconds West, along said east line of the Northeast Quarter (NE1/4) for 990.88 feet to said JLM at the point of beginning.

Containing 54.56 acres, more or less.

Firmly Committed.







That part of the East Half of the Southwest Quarter of Section 15, Township 156, Range 48, Marshall County, Minnesota, described as follows:

Commencing at the South Quarter corner of said Section 15; thence on a Marshall County bearing of South 89 degrees 33 minutes 10 seconds East (NAD'83, 1996), along the South line of the Southeast Quarter of said Section 15, a distance of 39.09 feet to the Main Track centerline of the Burlington Northern and Santa Fe Railway Company railroad; thence North 11 degrees 29 minutes 30 seconds West, along said centerline, a distance of 1276.13 feet; thence North 78 degrees 30 minutes 30 seconds East, at right angles to said centerline, a distance of 37.60 feet to intersect a line 10.00 feet easterly and parallel with said railway company's Elevator Track centerline, being a Judicial Landmark and the Point of Beginning of the land to be described; thence North 11 degrees 29 minutes 30 seconds West, along said parallel line, a distance of 300.00 feet; thence South 78 degrees 30 minutes 30 seconds West, a distance of 1.00 foot to intersect a line 9.00 feet easterly and parallel with said railway company's Elevator Track centerline; thence North 11 degrees 29 minutes 30 seconds West, along said parallel line, a distance of 565.00 feet to a Judicial Landmark; thence North 78 degrees 30 minutes 30 seconds East at right angles to said parallel line, a distance of 138.40 feet to a Judicial Landmark, and to intersect the easterly right of way line of said railroad, being a line 175.00 feet easterly of the Main Track centerline; thence South 11 degrees 29 minutes 30 seconds East, along said right of way line, a distance of 865.00 feet to a Judicial Landmark, and to intersect a line bearing North 78 degrees 30 minutes 30 seconds East from said point of beginning; thence South 78 degrees 30 minutes 30 seconds West, a distance of 137.40 feet to the point of beginning being said Judicial Landmark.

Containing 2.74 acres, more or less,  
Subject to easements of record, if any.

Firmly Committed.



- The original GLO bearing tree? A 5 inch burr oak marked by GLO surveyor Ryan in October of 1850 – S 21 E 54 links (35.64')

⊖ BEARING TREE ? @ N¼ 36-35-30



(26" PER. FLD NOTES, 2004 FIS 19/82

Firmly Committed.



② AFTER 1ST CUT

DEC 19 2008



Firmly Committed.



③ EXTENT OF CUTS MADE INTO TREE



Firmly Committed.

# CERTIFICATE OF LOCATION OF GOVERNMENT CORNER

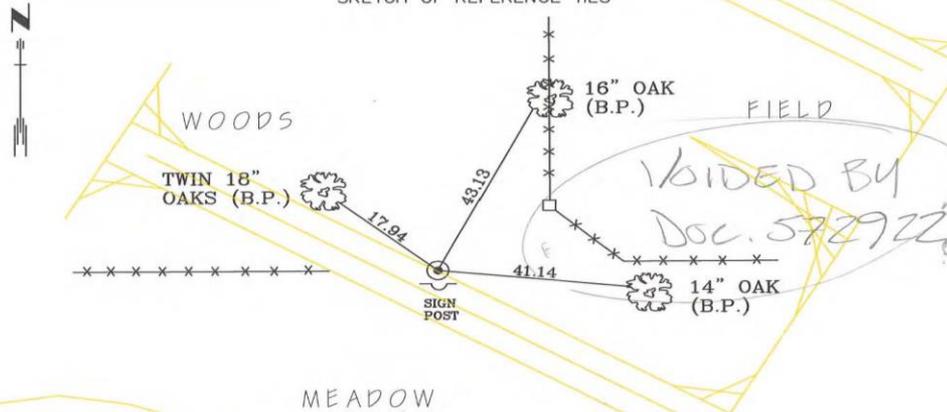
NORTH QUARTER Corner of Section 36, Township 35, Range 30, 4th P.M.

STATE OF MINNESOTA, County of SHERBURNE

At the corner location shown on the sketch:

- On \_\_\_\_\_ found a \_\_\_\_\_  
DATE
- left monument as found,  lowered monument,  removed monument (explain)
- On 5/5/93 Placed a CAST IRON MONUMENT UP 0.1'. SEE REPORT IN FILE.  
DATE

SKETCH OF REFERENCE TIES



25  
36

NOTE: (BP) = TWO FACING PAINTED BLAZE WITH ONE NAIL IN LOWER BLAZE

Statement of evidence relative to this corner location is on back of page. **SEE REPORT IN FILE.**

I hereby certify that this document and the data contained herein was prepared by me or under my direct supervision.

SIGNATURE \_\_\_\_\_ DATE 5/5/93  
Registration No. 19839

- Land Surveyor,  Professional Engineer  
 County Surveyor,  County Engineer

OFFICE OF THE COUNTY RECORDER  
County of \_\_\_\_\_

I hereby certify that this document was filed in the Co. recorders office at \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_

County Recorder \_\_\_\_\_  
By \_\_\_\_\_, Deputy  
DOCUMENT NO. \_\_\_\_\_

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Now  
VOID

285658

AFFIDAVIT

I, Daniel G. Nickols, Sherburne County Surveyor, do hereby state the following facts:

Statement of Evidence for the North Quarter corner of Section 36 Township 35 Range 30 West.

The north line of Section 36 was surveyed by Deputy Surveyor John Ryan October 9, 1850. His notes state the following:

East between Sections 25 and 36 Township 35 Range 30

|       |        |  |
|-------|--------|--|
| 80.00 | Chains | Intersect range line 21 links north of post. West corrected between Sections 25 and 36 |
| 3.00  | Chains | Elk River 60 links runs SE   |
| 30.00 | Chains | Road bears NW and House N 55 1/2 W   |
| 31.50 | Chains | Enter field bears NW   |
| 38.00 | Chains | Leave field bears N, House N 49 E  |
| 40.00 | Chains | Set 1/4 section post<br>Black Oak 10" N 13 E 117 links<br>Burr Oak 5" S 21 E 54 links  |
| 44.00 | Chains | Low bottom bears N   |
| 78.50 | Chains | Leave bottom bears NW  |
| 80.00 | Chains | Section Corner<br>Surface rolling, soil 2nd rate<br>Timber, Black and Burr oaks        |

County Surveyor Record Book A, page 139, Survey No.226, dated June 9, 1882 by County Surveyor J.H. Williams. His notes state the following:

Made corners at "K" (N1/16 Cor.of the NW1/4) and "L" (N1/16 Cor.of the NE1/4) by measuring and dividing lines "AB" (N line of the NW1/4) and "BC" (N line of the NE1/4). Bearing trees as follows:

|         |                                |
|---------|--------------------------------|
| At "K": | Br. Oak 5" N 8 E 51 links      |
|         | No other trees near            |
| At "L": | Br. Oak 6" S 20 1/2 E 95 links |
|         | Br. Oak 6" N 17 W 142 links    |

County Surveyor Record Book B, page 154, Survey No.521, dated June 19, 1896, by County Surveyor J.H. Williams. His notes state the following:

Found corners at "F" (S1/4 Cor.), "B" (N1/4 Cor.), "H" (W1/4 Cor.), "D" (E1/4 Cor.), "R" (W1/16 Cor.of the NW1/4) and "K" (N1/16 Cor.of the NW 1/4). Marked two new trees at "F" (S1/4 Cor.), as the old ones were nearly destroyed. Divided section by intersecting quarter lines and made corner at "I" (center of section). Subdivided the Northwest quarter by intersecting 16th lines and made corner at "W" (center Cor.of the NW1/4).

Firmly Committed.



Bearing Trees:            "I" (C 1/4) Burr Oak 4" N 4.5 E .42 Chains  
    Burr Oak 4" S 16.5 W .59 Chains

   "S" (E 16th of the NW 1/4)  
    Burr Oak 5" S 57.75 W .54 Chains  
    Burr Oak 3" N 46.75 W .07 Chains

The Northwest corner of Section 36 is a Sherburne County Cast Iron Monument set in place of a 6"x 6" granite monument on March 2, 1992 by Sherburne County Surveyor Daniel G. Nickols. The position of this monument is 4.5 feet north of a fence intersection in which fence bears north and east.

The Northeast corner of Section 36 is a Sherburne County Cast Iron Monument set August 25, 1966 by Donn E. Pepper previous Sherburne County Surveyor (MN Lic. No. 5333) in place of a 8"x 8"x 20" granite monument.

The West 1/4 corner of Section 36 is Sherburne County Cast Iron Monument set by William F. Lunser ( R.L.S. 9394) on March 10, 1972 at single proportionate measure between the Southwest and Northwest corners of Section 36.

The East 1/4 corner of Section 36 is a Sherburne County Cast Iron Monument set by Donn E. Pepper previous Sherburne County Surveyor (R.L.S. 5333) on August 25, 1966 at single proportionate measure between the Northeast and Southeast corners of Section 36.

Centerline of County Road No. 16 runs on the approximate North line of the northeast quarter of Section 36 and then curves southerly around low land.

An old fence line runs easterly from the Northwest corner of Section 36 to the right of way of County Road 16. This fence line intersects another old fence line bearing south at the approximate 16th corner of the NW 1/4 and another fence bearing north at the approximate vicinity of the North 1/4 corner. Coordinates were established on these fence lines.

Coordinates were also established on the following items in Section 36:

- 1) Fence lines along the east-west 16th line of the north half and a fence line along the east-west 1/4 line.
- 2) All section corners and the E,W, and S1/4 corners.

Testimony from the son of Mr. George Mix stated that the fence line running east from the Northwest corner of section 36 has always been considered their property line. He also stated that the fence line running north at the approximate vicinity of the North 1/4 corner was only a line of convenience to keep cattle in and not considered a boundary line. He also stated in his opinion that he felt the corner was to the west of this fence line.



285658

We established a position for the North 1/4 corner of Section 36 by doubling line and distance from the fence intersection at the north 16th corner of the northwest quarter. We feel this fence intersection is a perpetuation of Mr. J.H. Williams 16th corner "K" set June 9, 1882. Our computed distance across the north line of the NW 1/4 is 2605.94 feet (Mr. Williams 2605.68 feet). I feel this location marks the obliterated position of the subject corner.

The location of this corner falls on an east-west fence line and the westerly extension of the centerline of County Road No. 16. This location also agrees with Mr. George Mix son's testimony. I have placed a Sherburne County Cast Iron Monument at this location and established new reference ties.

I hereby certify that this report was prepared by me or under my direct supervision, and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.

May 27, 1993

Daniel G. Nickols

Daniel G. Nickols  
Sherburne County Surveyor

STATE OF MINNESOTA  
COUNTY OF SHERBURNE

Subscribed and sworn before me this 9<sup>th</sup> day of November, 1993

Michelle Ashe  
Notary Public

This instrument was drafted by:  
Daniel G. Nickols  
327 King Ave.  
Elk River, MN 55330

**MICHELLE ASHE**  
Deputy County Recorder  
Sherburne County, Minnesota

285658

COUNTY RECORDER  
SHERBURNE CO., MINN.  
PAT RASMUSSEN  
BY S. Hallbeck DEPUTY  
Nov 9 3 41 PM '93



Firmly Committed.



### CERTIFICATE OF LOCATION OF GOVERNMENT CORNER

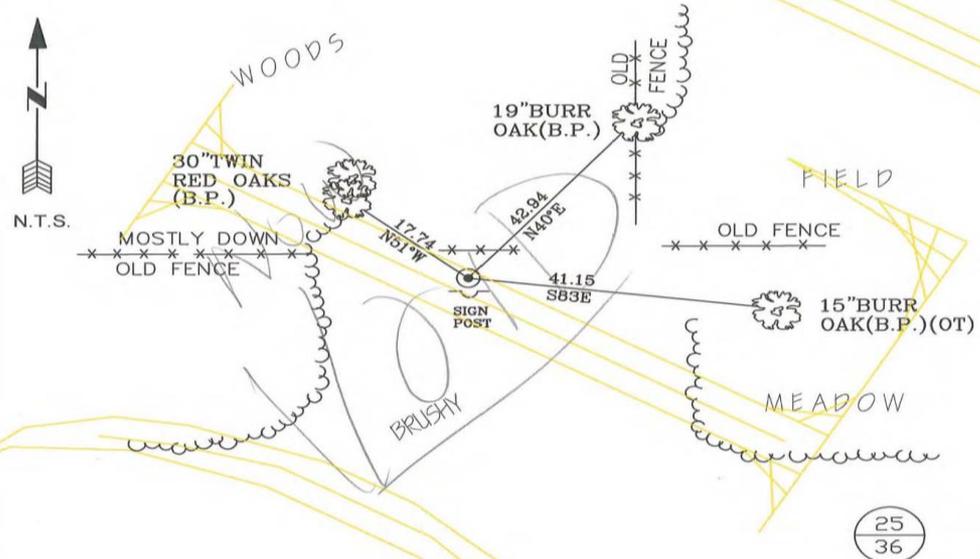
NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 35, RANGE 30, 4th P.M.

State of Minnesota, County of Sherburne

At the corner location shown on the sketch:

- On 9/1/04 found a CIM PER DOC 285658 (FLUSH), 3'± SOUTH OF OLD DOWN FENCE.  
DATE SIGN POST 1'± SOUTH, REVISED OLD TIES.
- left monument as found  lowered monument,  removed monument (explain)
- On \_\_\_\_\_ DATE Placed a \_\_\_\_\_

SKETCH OF REFERENCE TIES



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| DATE    | DESCRIPTION              | INIT. |
|---------|--------------------------|-------|
| 2/13/04 | Added County Coordinates |       |
|         |                          |       |
|         |                          |       |
|         |                          |       |

NOTE: (B.P.) = Two facing painted blazes with one nail in lower blaze.  
(O.T.) = Old tie from previous document.

1986 Adjusted Sherburne County NAD 1983 Coordinates: (NAD83 Latitude & Longitude) D. M. S.  
 Northing: 285659.80 Latitude: 45 29 11.7141 N  
 Easting: 465753.69 Longitude: -94 01 00.6556 W

For further information regarding this corner refer to Document Number 285658.

I hereby certify that this document and the data contained herein was prepared by me or under my direct supervision.  
 Drawn by: XX SIGNATURE DATE Registration No. 18434  
 -County Surveyor, Land Surveyor



Firmly Committed.



AFFIDAVIT

I, Michael J. Trunk, Sherburne County Surveyor, Minnesota License No. 18434, do hereby state the following facts:

**Statement of evidence for the placement of the North Quarter corner of Section 36, Township 35 North, Range 30 West.**

Near the end of November, 2004, I was asked by Dennis Lietha, a property owner in Section 25, Township 35, Range 30, to research the re-established subject corner position which was set by Sherburne County Surveyor Daniel G. Nickols, LS 19839, in November of 1993 (see Doc. No. 285658). Mr. Lietha was questioning the corner position because it did not "fit" the long established occupation lines in Sections 25 and 36.

I began by reviewing the affidavit written by Surveyor Nickols. Mr. Nickols re-established the subject corner by doubling over the distance east from a fence corner location near the 16<sup>th</sup> corner along the North line of the NW1/4 of Section 36. This distance compared very closely to a distance noted on a survey performed by J.H. Williams, former Sherburne County Surveyor, in June of 1882. On the same survey Williams noted setting the 16<sup>th</sup> corner on the North line of the NE1/4 of Section 36. No mention is made in Nickols' affidavit of the fence line location at the 16<sup>th</sup> corner along the North line of the NE1/4 of Section 36.

On November 30, 2004, I and a field technician located the established fence lines and corners near the center of Section 36, a fence corner near the 16<sup>th</sup> corner on the South line of the NW1/4 of Section 36 and the fence line running North from the fence corner near said center. Near the subject corner there are fences running East, West and North. The fence line running North is located near the centers of many old trees which date back 100 years plus. The fence line running North from the fence corner near the center of Section 36 also is located in the centers of many old trees assumed to be near the time period of the surveys performed by Williams. The fence corner near the 16<sup>th</sup> corner along the South line of the NW1/4 of Section 36 also has a possible bearing tree remaining as noted in a subsequent survey performed by Williams in June of 1896.

Firmly Committed.



Computations were made which directed the fence lines located to a position for the subject corner being near a single proportionate measurement between the perpetuated Northwest and Northeast corners of Section 36. A decision was made to visit the site and excavate for any evidence which may lead to the corners position. A ½ inch iron pipe was located which marked a former fence corner near the subject corner. The pipe appeared to be no older than 30+/- years and may have been set at an assumed position. A circular area of approximately 10 feet in diameter was dug around the pipe at approximately 1 foot deep. No evidence of the original corner post was found.

During the original Government survey a Burr Oak 5 inches in diameter at a distance of 35.64 feet (54 links) and at a bearing of South 21 degrees East was marked as a bearing tree. Also noted on the running notes from that survey is the location of the “Low bottom” being a distance of 264 feet (4 chains) West from the subject corner.

During our excavation visit a measurement West from the found pipe was made and a distance of 262 feet measured to the bottom of the grade forming a low area. Also located was a Burr Oak approximately 2 feet in diameter which fit closely to the bearing and distance noted in the Government survey. The Oak also had a large scar on it which faced the subject corner and is typical of any remaining bearing trees that were established by the Government Surveyor’s. Since there were many factors indicating a possible different location for the subject corner a decision was made to cut into the tree to see if further evidence would support a new position for the subject corner.

We also examined the fence line locations at the 16<sup>th</sup> corners along the NW1/4 and NE1/4 of Section 36. Surveyor Williams noted bearing trees marked at these corners. It appears in his notes that he may have “mixed” up the bearing tree notes between the two corners. He notes only one tree being close along the NW1/4 when there are many trees in the area that could date back to 1882 and very few, if any, that could date that far back at the position along the North line of the NE1/4. When the aerial photos we have on file from 1939 are examined the same situation existed then which is only 57 years after William’s survey.

On December 12, 2004 a chain saw was used to cut into the possible bearing tree. The intent of the cut was to locate any scribing that would have been made by the original Government Surveyor. None was found. It appeared as if carpenter ants may have made their home in the tree or a portion of the area had rotted away in the area of the tree forming the healing scar. The area of the beginning of the scar was visible and a counting of the growth rings on the area cut away dated the beginning of the scar to a time at or near the Government Survey. I feel confident that this is one of the two bearing trees noted in the Government Survey. During this time we also located an established fence line at the 16<sup>th</sup> corner on the North line of the NE1/4 of Section 36.

With all of the above items indicating a different position for the subject corner and in order to protect the property rights of those whom depend upon long established fence lines the decision was made to move the corner that was set by Surveyor Nickols to a position matching the fence line intersections at the subject corner and at a distance of

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35.64 feet from the tree that I feel is one of the Government bearing trees. The new position also fits more closely to the established fence line location at the 16<sup>th</sup> corner along the North line of the NE1/4 of Section 36.

I hereby certify that this report was prepared by me and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.

Michael J. Trunk December 17, 2004  
Michael J. Trunk, PLS, Minn. Lic. No. 18434  
Sherburne County Surveyor

STATE OF MINNESOTA  
COUNTY OF SHERBURNE

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of December, 2004 by Michael J. Trunk, PLS, Minnesota License No. 18434.

Mary S. Olson  
Notary Public, Sherburne County, Minnesota  
My Commission expires: 1-31-05



This instrument was drafted by:  
Michael J. Trunk, PLS  
13880 Highway 10  
Elk River, MN 55330

Firmly Committed.

## CERTIFICATE OF LOCATION OF GOVERNMENT CORNER

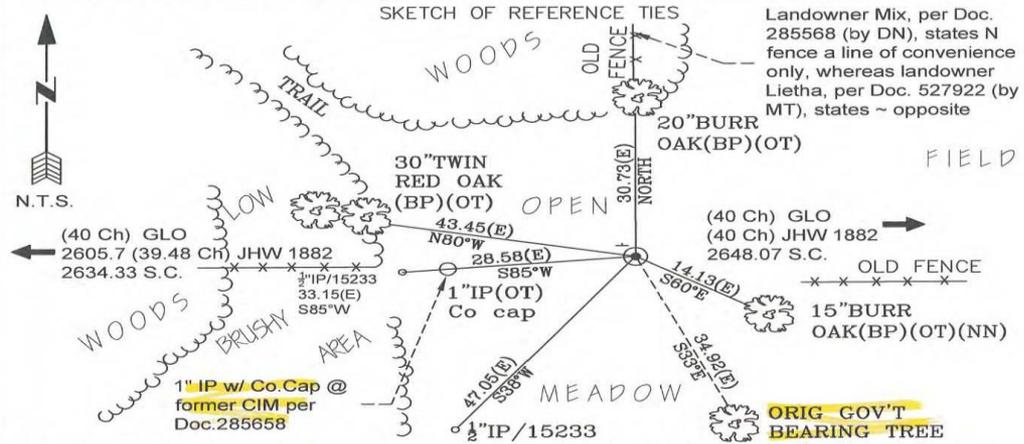
NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 35, RANGE 30, 4th P.M.

State of Minnesota, County of Sherburne

At the corner location shown on the sketch:

- On 11/28/2011 found a CIM per document 572922 (FLUSH), revised old ties.
- left monument as found       lowered monument,       removed monument (explain)
- On \_\_\_\_\_ Placed a \_\_\_\_\_

For further information regarding this monument see Document Number 572922.



2011 GPS resurvey coords 0.24 SSE of ca 2005 published coords (below)

| DATE      | DESCRIPTION   | INIT. |
|-----------|---|-------|
| 6/9/1882  | JH Williams used cor to subdiv S.36 C.S. Old Bk A, P246   |       |
| 6/19/1896 | JH Williams used cor to subdiv S.36 C.S. Bk B, P154   |       |
| 5/5/1899  | JH Williams "fnd Gov't corner." Subd S.25 C.S. Bk C, P28  |       |
| 5/5/1993  | D. Nickols set CIM dble dist E from old fence cor @ N 1/16th of NW 1/4; @2605.94' fits JHW 1882 distance. Agrees w/ Testimoy of landowner & son of G. Mix. Doc.285658 |       |
| 2/13/04   | Added County Coordinates per Doc. 285658 to tie sheet   |       |
| 9/1/2004  | Found CIM per Doc 285658, retied. See FB 19/20 KL, JK   |       |
| 12/16/04  | M. Trunk reset CIM 28.5' E of DN CIM from GLO BT; also ~fits old fence intersection, GLO call to swamp W, & old fence @ N 1/16th NE 1/4. Doc. 572922                  |       |
| ca 2005   | REVISED County Coordinates per Doc. 572922  |       |
| 11/28/11  | Found CIM per Doc 572922 retied. See FB 30/21 JG, KL  |       |

NOTE: (B.P.) = Two facing painted blazes with one nail in lower blaze.  
(O.T.) = Old tie from previous document.  
(E) = Electronic measurement.

1986 Adjusted Sherburne County NAD 1983 Coordinates: (NAD83 Latitude & Longitude) D. M. S.  
 Northing: 285660.64      Latitude: 45 29 11.7228 N  
 Easting: 465782.08      Longitude: -94 01 00.2571W

I hereby certify that this document and the data contained herein was prepared by me or under my direct supervision. Kenneth H. Kahl 1/30/2013 MN License No. 18890  
 Prepared by: kgl/KH      SIGNATURE      DATE      -County Surveyor, Land Surveyor

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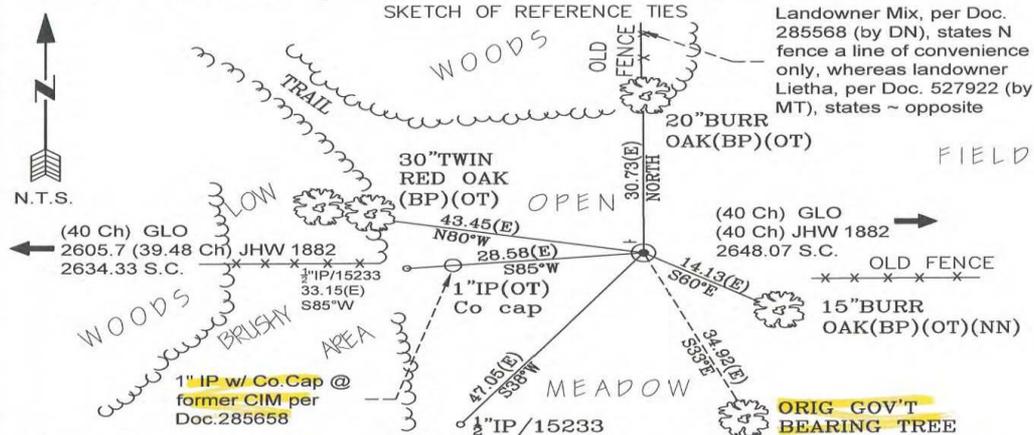
### CERTIFICATE OF LOCATION OF GOVERNMENT CORNER

NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 35, RANGE 30, 4th P.M.  
 State of Minnesota, County of Sherburne

At the corner location shown on the sketch:

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- left monument as found  lowered monument,  removed monument (explain)
- On \_\_\_\_\_ DATE Placed a \_\_\_\_\_

For further information regarding this monument see Document Number 572922.



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36

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1986 Adjusted Sherburne County NAD 1983 Coordinates: (NAD83 Latitude & Longitude) D. M. S.  
 Northing: 285660.64 Latitude: 45 29 11.7228 N  
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I hereby certify that this document and the data contained herein was prepared by me or under my direct supervision. Kenneth H. ... 1/30/2013 MN License No. 18890  
 Prepared by: kgl/KH SIGNATURE DATE -County Surveyor, Land Surveyor

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Firmly Committed.



## David J. Meyers

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# Thank you!

Contact Rinke Noonan and David J. Meyers  
if you need any additional information.

[www.RinkeNoonan.com](http://www.RinkeNoonan.com)

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