

CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 8,
SECTION 27, TOWNSHIP 140 NORTH, RANGE 28 WEST,
CASS COUNTY, MINNESOTA

LAKE LOUISE
Natural Environment Classification
ORDINARY HIGH WATER ELEVATION = NA

APPROXIMATE LOCATION OF
SHORELINE AS TAKEN FROM
THE COUNTY GIS WEBSITE

NORTHWEST CORNER
OF GOV'T LOT 8

WABEDO PASS ROAD

SOUTH LINE OF WABEDO PASS ROAD

FOUND MONUMENT
LIES S 80°14'14" E
1.95 FEET FROM
TRUE POSITION

BACKLAND TRACT
274,009± sq.ft. (total)
6.29± acres (total)
69,527± sq.ft. (buildable)

LAKE TRACT
344,404± sq.ft. (total)
7.91± acres (total)
90,924± sq.ft. (buildable)

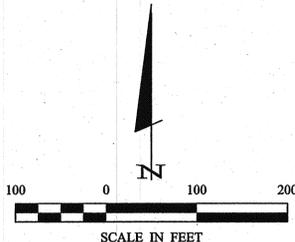
BASS LAKE
Natural Environment Classification
ORDINARY HIGH WATER ELEVATION = NA

WABEDO LAKE

Recreational Development Classification
ORDINARY HIGH WATER ELEVATION = 1308.1
HIGHEST RECORDED ELEVATION = 1309.25 (05-18-1999)
BASED ON NGVD 29.
INFORMATION OBTAINED FROM MN/DNR.

LEGEND

- DENOTES DELINEATED WETLAND(S)
- DENOTES EXISTING WELL
- DENOTES EXISTING SEPTIC VENT & SEPTIC TANK LID
- DENOTES MONUMENT FOUND
- DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 21367
- DENOTES CALCULATED POSITION
- DENOTES PLAT AND/OR DEEDED MEASURE (123.45)



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WEST LINE OF GOVERNMENT LOT 8 TO HAVE AN ASSIGNED BEARING OF S 02°01'00" W.

NOTES:

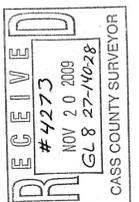
1. Zoning for subject tract = "Shoreland Residential".
2. Wetland delineation was completed on 10-30-2009, by Ben Meister, Landecker & Associates, Inc.
3. Parcel ID of subject parcel: 46-027-2223.
4. The survey boundary shown is based on the description as obtained from the client and recorded as document #358622 on file in the office of the Cass County Recorder. If descriptions of record or as noted in the abstract vary from those shown, a further review by the surveyor should be retained.
5. All lines marked with flagging are only an approximation of the true boundary lines and are not to be used as an exact boundary location. Flagged lines should not be used for the establishment of improvements. To mark true boundary lines, additional monumentation would be required.

EXISTING LEGAL DESCRIPTION

DESCRIPTION OBTAINED FROM THE CLIENT AND RECORDED AS DOCUMENT #358622 IN THE OFFICE OF THE CASS COUNTY RECORDER.

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF CASS NINTH JUDICIAL DISTRICT

Neil J. Jenewein, Plaintiff,
vs.
George Lorenz and Eudora Lorenz, Victor J. Miller, A.O. Verlaute, Esther N. Verlaute, H. Robberstad, Laurabelle Robberstad, and all other persons unknown claiming any right, title, estate, interest, or lien in or on the real estate described in the Complaint herein, and also the unknown heirs of Neil Grant Jenewein and all other persons unknown claiming any right, title, estate, interest, or lien in or on the real estate described in the Complaint herein.



FILE NO. : CE 93-752
CASE TYPE: Other Civil
FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER FOR SHOWUP AND ATTORNEY'S FEES

This matter came on for hearing before the undersigned Judge of the District Court of Cass County on November 8, 1992, upon the motion of Neil J. Jenewein, a party in interest, to quiet title to the subject property in his name and extinguish the rights of the above-named Defendants. Kyle J. Segna of Wilkerson, Lang & Segna appeared via telephone in support of said motion. All other appearances were as noted.

After considering Plaintiff's Complaint, Affidavit, records and proceedings herein, and having heard arguments of counsel, the Court makes the following findings:

FINDINGS OF FACT
1. This action was brought to determine boundaries, adverse claims, and quiet title, primarily because the descriptions by which Plaintiff acquired title contained language which is not capable of actual survey.

2. Plaintiff is the owner, in fee, of real property situated in Cass County, Minnesota and legally described as follows:

SHORELAND TRACT DESCRIPTION - That part of Government Lot 8, Section 27, Township 140 North, Range 28 West, described as follows: Commencing at the southwest corner of said lot 8; thence South 2 degrees 01 minute 00 seconds West 546.39 feet; thence South 52 degrees 38 minutes 00 seconds East 553.81 feet to a point hereinafter referred to as Point "A"; thence North 52 degrees 38 minutes 00 seconds West 553.81 feet to said west line; thence North 2 degrees 01 minute 00 seconds East along said west line 513.37 feet to the south line of Wabedo Pass Road as dedicated in WABEDO PASS, plat of record said County; thence South 89 degrees 48 minutes 00 seconds East along said south line 198.17 feet; thence South 52 degrees 38 minutes 00 seconds East 588.90 feet to the point of beginning of the tract to be herein described; thence continue South 52 degrees 38 minutes 00 seconds East 640 feet, more or less, to the shoreline of Wabedo Lake; thence southwesterly along said shoreline to the intersection with a line bearing South 52 degrees 38 minutes 00 seconds East from said Point "A"; thence North 52 degrees 38 minutes 00 seconds West 672 feet, more or less, to said Point "A"; thence northeasterly 550.51 feet along a non-tangential curve, concave to the southeast, having a radius of 1812.66 feet, a central angle of 17 degrees 24 minutes 03 seconds, and the chord bears North 26 degrees 26 minutes 01 second East for a chord distance of 548.40 feet to the point of beginning.

Subject to County Road No. 120 right-of-way.

BACKLAND TRACT
That part of Government Lot 8, Section 27, Township 140 North, Range 28 West, Cass County, Minnesota, described as follows: Commencing at the northwest corner of said Government Lot 8; thence South 2 degrees 01 minute 00 seconds West, assumed bearing along the west line thereof 546.39 feet; thence South 52 degrees 38 minutes 00 seconds East 553.81 feet to the point of beginning of the tract to be herein described; thence North 52 degrees 38 minutes 00 seconds West 553.81 feet to said west line; thence North 2 degrees 01 minute 00 seconds East along said west line 513.37 feet to the south line of Wabedo Pass Road as dedicated in WABEDO PASS, plat of record, said County; thence South 89 degrees 48 minutes 00 seconds East along said south line 198.17 feet; thence South 52 degrees 38 minutes 00 seconds East 588.90 feet; thence southwesterly 550.51 feet along a non-tangential curve, concave to the southeast, having a radius of 1812.66 feet, a central angle of 17 degrees 24 minutes 03 seconds, and the chord bears South 26 degrees 26 minutes 01 second West for a chord distance of 548.40 feet to the point of beginning.

Subject to County Road No. 120 right-of-way.

3. Plaintiff is in possession of the property through the delivery of a Personal Representative's deed dated September 7, 1989, filed October 10, 1989 as Document No. 218599.

4. A review of the Abstract of Title for the Property shows a number of unurveyable descriptions in the chain of title. The following is a list of who took title by unurveyable description:

- A. George Lorenz and Eudora Lorenz by Deed claim dated November 4, 1939, File No. 8, 39 in Book 73 of Deeds, Page 620.
- B. Victor Miller by Warranty Deed dated August 2, 1941, filed August 23, 1945 in Book 87 of Deeds, Page 501.
- C. A.O. Verlaute and Esther N. Verlaute, as joint tenants by Warranty Deed dated June 22, 1945, filed May 7, 1946 in Book 92 of Deeds, Page 201.
- D. H. Robberstad and Laurabelle Robberstad by Warranty Deed, dated October 2, 1945, filed May 6, 1946, in Book 92 of Deeds, Page 205.

5. All of the previously described individuals acquired title by a legal description that referenced the water line of Wabedo Lake which results in the actual legal description being unurveyable.

6. All of the individuals identified in Paragraph 4 have properly conveyed their interest in the Property, and have had no interest in the Property since their conveyance.

7. An adjoining land owner, William B. Thornburn completed a Quiet Title Action concerning the unurveyable legal descriptions and reference to Lake Wabedo in 1991.

8. The Orders in Thornburn Quiet Title Action have been recorded as Document Nos. 188272 and 188733.

9. More than forty (40) years have elapsed since a source of title to the property has been filed transferring in favor of Defendant George Lorenz, Eudora Lorenz, Victor J. Miller, A.O. Verlaute, Esther N. Verlaute, H. Robberstad, and Laurabelle Robberstad, and that neither they nor their unknown heirs have filed any notice of claims within that time which is required by Minn. Stat. Section 541.023.

10. Claims of Defendants, if any, are null and void and, accordingly, Defendants have no right, title, lien or estate or interest in said Property.

11. Plaintiff and his predecessors in interest have occupied said tract openly, notoriously, and adversely to all others for a period in excess of 15 years.

CONCLUSION OF LAW
That Plaintiff's motion for Quiet Title in his name and extinguish the rights of Defendants is granted.

ORDER FOR SHOWUP
LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 20 day of May, 1994. BY THE COURT:

I hereby certify that the above Order for Judgment constitutes the Judgment of the Court.

DISTRICT COURT ADMINISTRATOR
By:

No Delinquent Taxes and Transfer entered this 20 day of May, 1994.

OFFICE OF COUNTY RECORDER
State of Minnesota, County of Cass
I hereby certify that the within instrument was filed in this office for record on the 20th day of May, A.D. 1994 at 10:20 o'clock A.M. and was duly recorded by Miss Don. M. ...
COUNTY RECORDER

CERTIFICATE OF SURVEY
 PROJECT No.: 092114
 FILE NAME: C092114.dwg
 FIELD BOOK: BOOK 304
 PG. 30
 DATE: 11-19-2009
 SCALE: 1" = 100'
 HORZ.: 1" = 100'
 VERT.: NONE
 REVISIONS
 DATE DESCRIPTION
 BY
 TLF
 TLF
 TLF
 WAG
 I hereby certify that this survey, plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer or land surveyor under the laws of the State of Minnesota.
 Terry L. Freeman, PLS #21367
 DATE: 11/19/09
 L.C. NO. 21367
 Landecker & Associates, Inc.
 Engineering - Surveying - Planning
 Walker, MN 56484
 Phone: 218-547-1296
 Fax: 218-547-2172
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