

Timothy + Kathleen Yeh

TOPOGRAPHIC AND CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 1, SECTION 18, TOWNSHIP 134 NORTH, RANGE 29 WEST, CASS COUNTY, MINNESOTA.

FOR: TIMOTHY YEH
306 LAUREL AVE.
WILMETTE, ILLINOIS 60091

SURVEYORS REPORT
Legal Description Per Document #321223 Recorded June 29, 1990
The West Three Hundred (300) feet of Government Lot One (1), Section 18, Township One Hundred Thirty-four (134), Range Twenty-nine (29), lying south of GRAM No. 77, except the South Three Hundred (300) feet of the West One Hundred (100) feet thereof.
This "Topographic and Certificate of Survey" has been prepared using the above referenced description.

The purpose of this report is to disclose the ambiguity in the legal description and differences in existing monumentation and their effects on boundary lines.

The exception description as noted in this description is ambiguous. It creates a moving boundary line in the location as labeled, North line of exception tract, on the annexed certificate. The North line of the South 300 feet as described would be determined by a line measured 300 feet Northerly from the shore line of Gull Lake. Because the shoreline is an ever moving boundary, the Northerly line of the exception as it adjoins the subject tract is also ever moving. The significance of difference is subject to the movement of the shoreline and its change over time.

A difference in the location of the true East line of Government Lot 2 and its monumented location is also noted on the annexed certificate. The difference as shown is around 18.5 feet as measured East to West and runs the entire North-South length of the subject tracts East and West boundary lines. If the tract boundaries were laid out adhering strictly to the deed calls, the most Easterly lines shown would represent the tract's boundaries.

During the process of this survey, it was determined the origin of the existing monumentation was established by Dean M. Anderson, Registered Land Surveyor (RLS) Number 3021, Wisniewski, Smith, Nolting & Associates, owners of Mr. Anderson's records were contacted for information regarding this situation. Their review of Mr. Anderson's records reveal these facts. In 1959 Mr. Anderson monumented a line between Government Lot 1 and Government Lot 2 near the shoreline of Gull Lake on an existing fence line and surveyed a tract in Government Lot 2 approximately 100' x 230' adjoining this common line. Mr. Anderson did not do a comprehensive section survey at this time to determine if in fact this was the true line between Government Lot 1 and Government Lot 2.

In 1963 Mr. Anderson again used his monumented fence line in surveying a tract in Government Lot 1.

In 1974 Mr. Anderson did a survey in Government Lot 2 and did complete a comprehensive survey of the section whereas it was determined and noted on his plat of survey dated August 21, 1974 that a difference of about 19 feet existed in the location of the true Government Lot line and that line as monumented previously by himself.

In 1975, Mr. Anderson prepared the Plat of WESTWOOD, of record in Cass County, whereas he confirms his survey findings of 1974.

Since 1959 and probably prior based on the location of the existing fence used by Mr. Anderson in his survey, the properties adjacent to this line have developed and established occupation uses coinciding with the Government Lot lines as monumented and noted in the 1959 and 1963 survey records.

After review of this survey by the owners and their legal advisors and with their input, it would be the recommendation of this surveyor that a new comprehensive tract description be prepared to be used in a quiet title action to determine boundaries.

For purposes of this survey, monumentation along the Westerly boundary has been marked and established along the existing monumented line approximately 19 feet Westerly of the true East line of Government Lot 2. The exception tract has also been marked using this monumented line as a basis. Monumentation has been placed on the true East line of the West 300 feet of Government Lot 1.

Proposed Tract A-Yeh Description
That part of Government Lot 1 and that part of Government Lot 2, Section 18, Township 134 North, Range 29 West, Cass County, Minnesota described as follows:
Commencing at the Northwest corner of said Section 18; thence South 89 degrees 55 minutes 14 seconds East assumed bearing along the North line of said Government Lot 2 a distance of 1298.58 feet; thence South 0 degrees 15 minutes 15 seconds East 320.53 feet to the centerline of County State Aid Highway Number 77, the point of beginning of the tract to be herein described; thence continue South 0 degrees 15 minutes 15 seconds East 809.90 feet; thence North 89 degrees 44 minutes 45 seconds East 100.00 feet; thence South 0 degrees 15 minutes 15 seconds East 293 feet more or less to the shoreline of Gull Lake; thence Easterly along said shoreline to the intersection with the East line of the West 300.00 feet of said Government Lot 1; thence North 0 degrees 14 minutes 05 seconds West along said East line 1229 feet more or less to the centerline of said County State Aid Highway Number 77; thence Southwesterly along said centerline to the point of beginning.
Subject to County State Aid Highway Number 77 right of way.

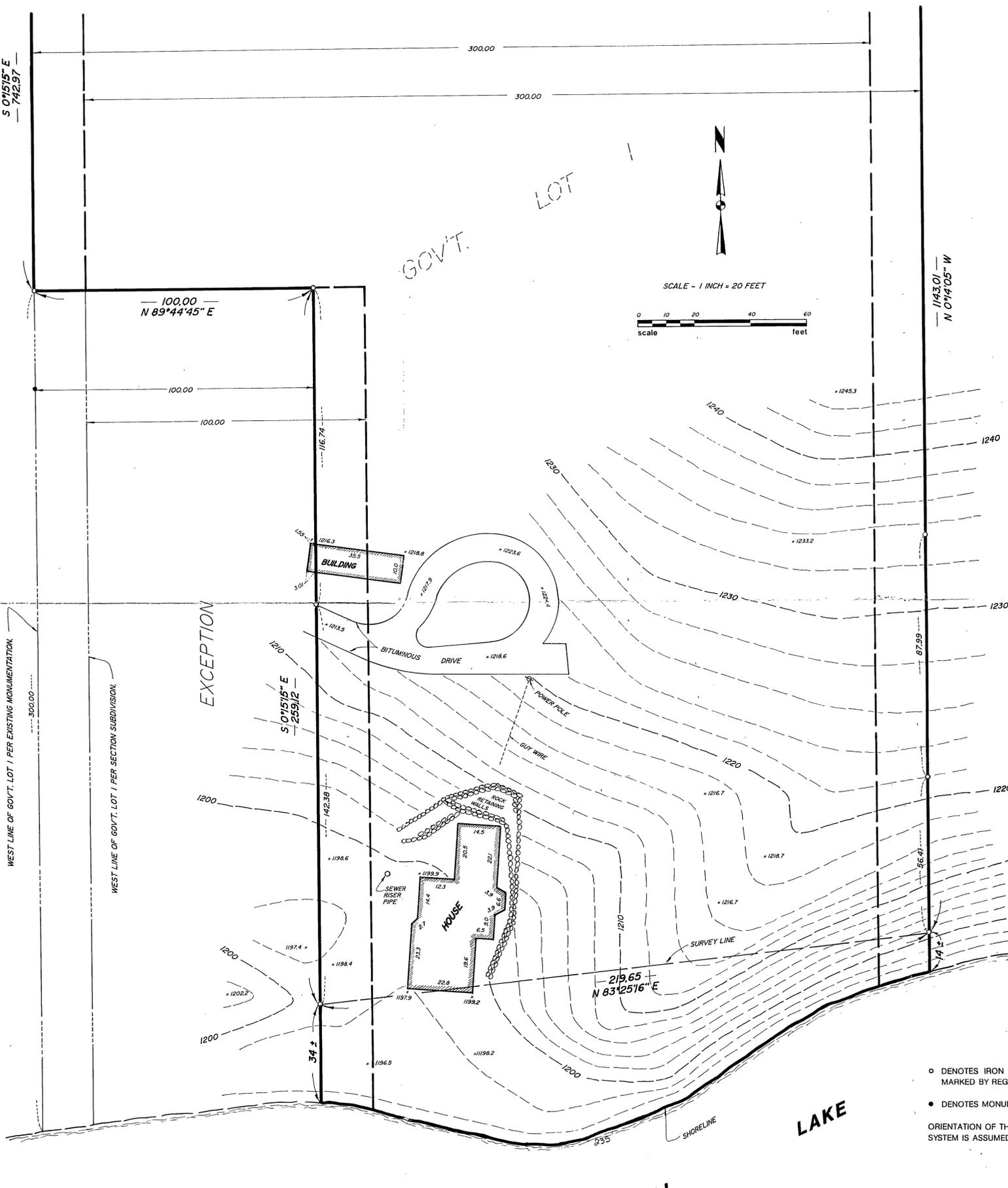
Proposed Tract B Description
That part of Government Lot 1 and that part of Government Lot 2, Section 18, Township 134 North, Range 29 West, Cass County, Minnesota, described as follows:
Commencing at the Northwest corner of said Section 18; thence South 89 degrees 55 minutes 14 seconds East assumed bearing along the North line of said Government Lot 2 a distance of 1298.58 feet; thence South 0 degrees 15 minutes 15 seconds East 1130.43 feet to the point of beginning of the tract to be herein described; thence North 89 degrees 44 minutes 45 seconds East 100.00 feet; thence South 0 degrees 15 minutes 15 seconds East 293 feet more or less to the shoreline of Gull Lake; thence Easterly along said shoreline to the intersection with a line which bears South 0 degrees 15 minutes 15 seconds East from the point of beginning; thence North 0 degrees 15 minutes 15 seconds West 302 feet more or less to the point of beginning.

Proposed Tract C Description
That part of Government Lot 2, Section 18, Township 134 North, Range 29 West, Cass County, Minnesota, described as follows:
Commencing at the Northwest corner of said Section 18; thence South 89 degrees 55 minutes 14 seconds East assumed bearing along the North line of said Government Lot 2 a distance of 1298.58 feet; thence South 0 degrees 15 minutes 15 seconds East 320.53 feet to the centerline of County State Aid Highway Number 77, the point of beginning of the tract to be herein described; thence continue South 0 degrees 15 minutes 15 seconds East 809.90 feet; thence North 89 degrees 44 minutes 45 seconds East 100.00 feet; thence South 0 degrees 15 minutes 15 seconds East 293 feet more or less to the shoreline of Gull Lake; thence Easterly along said shoreline to the intersection with the East line of the West 300.00 feet of said Government Lot 1; thence North 0 degrees 14 minutes 05 seconds West along said East line 1229 feet more or less to the centerline of County State Aid Highway Number 77; thence Southwesterly along said centerline to the point of beginning.
Subject to County State Aid Highway Number 77 right of way.

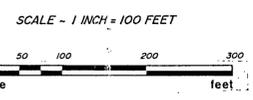
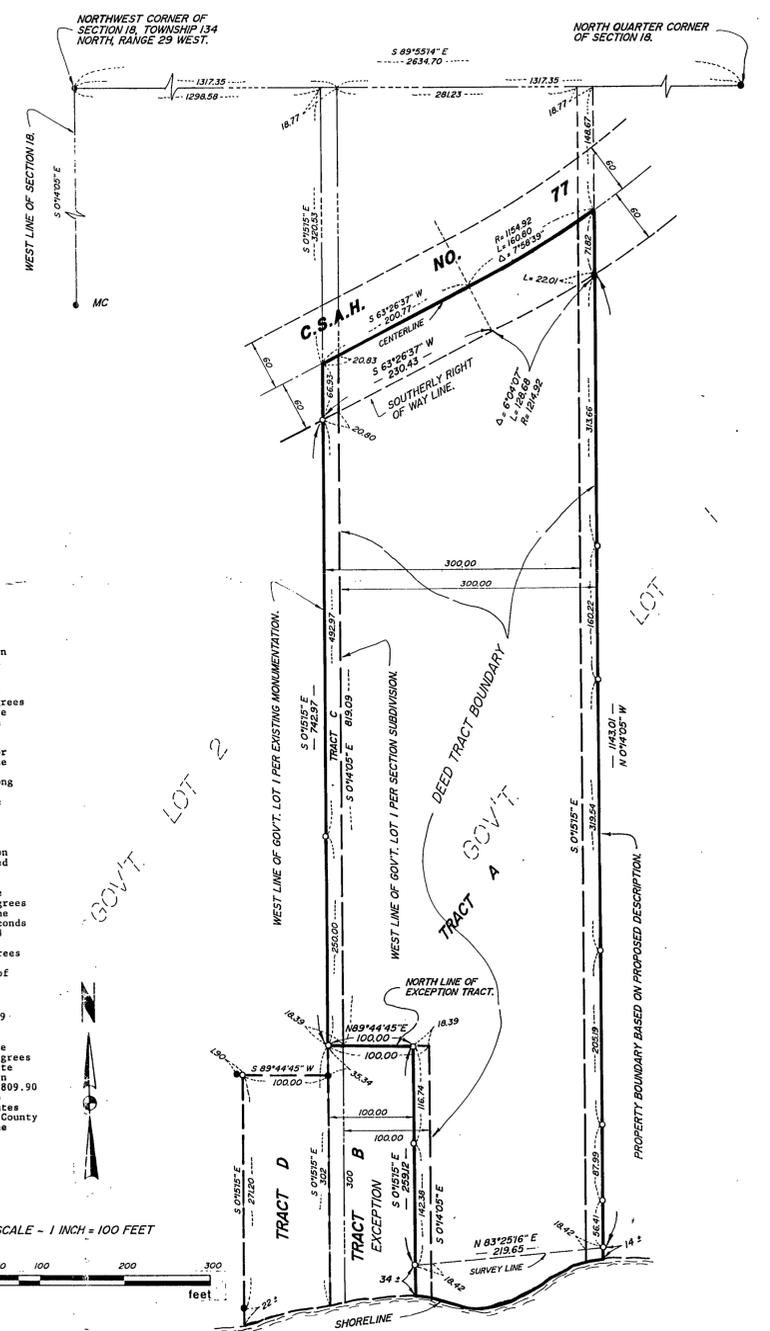
- DENOTES IRON MONUMENT SET MARKED BY REG. NO. 17008
 - DENOTES MONUMENT FOUND
- ORIENTATION OF THIS BEARING SYSTEM IS ASSUMED

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 ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE 9/17/90 Lic. No. 17008



LAKE ELEVATION AUGUST 17, 1990 = 1193.75 PER ARMY CORPS OF ENGINEERS.



Landecker & Assoc., Inc. PEQUOT LAKES, MINN. 56472 PHONE (218) 568-4940 PLANNING ENGINEERING SURVEYING	PROJ. MGR.	DATE	REVISIONS	COMPUTER
	DSL	9/07/90		DISC 27 JOB 5
	CHECKED BY	SCALE		BOOK 87 Pg. 29
	DSL	1" = 20'		FILE NO. 90069
DRAWN BY	DATE			SHEET 1 OF 2
RM				