

SURVEYOR'S NOTES

DURING THE PROCESS OF COMPLETING THIS SURVEY, IT BECAME APPARENT THAT THE MONUMENTATION FOUND ALONG THE LINE COMMON TO THE WEST LINE OF SECTION 14 AND THE EAST LINE OF SECTION 15 CONFLICT WITH SAID SECTION LINE, AS DEFINED BY SURVEYS COMPLETED IN SECTION 14, CIRCA 1986, BY GEORGE P. FERNANDEZ, PARTICULARLY DURING THE REESTABLISHMENT OF THE ORIGINAL WELLMAN ESTATE LOTS 1-5 AND THE SUTLER SUBDIVISION (AS RECORDED IN PLAT BOOK 1A, PAGE 121) AND PLAT BOOK 1B, PAGE 156). AS THOSE SURVEYS FROM THE 1800'S WERE OVERLAID INTO THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 14, REFERENCE THE BOUNDARY SURVEYS LISTED BELOW THAT OCCUPIED NEARLY ALL OF THE NORTHEAST, SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 14. THE "PAIRS" OF CONCRETE MONUMENTS NEAR THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 14 WERE NOT RECOVERED AT THAT TIME, SINCE THE SURVEYS PERFORMED WERE NEAR, AND BASED ON, THE CENTER OF SECTION 14.

AS A RESULT OF THE FIELD SURVEY, AND THE SUBSEQUENT LOCATION OF THE MONUMENTS SHOWN HEREON, IT APPEARS AS THOUGH SEVERAL EVENTS COULD HAVE OCCURRED OVER THE YEARS, PARTICULARLY FROM THE 1940'S THROUGH THE 1960'S. LINES OF OCCUPATION (WHICH ARE NOT EVIDENT TODAY) MAY HAVE BEEN EASTERLY OF THE HEREON SHOWN LOCATION OF THE LINE COMMON TO SECTION 14 AND SECTION 15. THAT POSSIBILITY COULD EXPLAIN THE 6.1 FEET DISTANCE GIVEN FROM THE SECTION LINE TO THE STARTING POINTS ON THE WEST LINE OF BOTH THE 1.74 ACRES TRACT (AS RECORDED IN DEED VOLUME 257, PAGE 206) AND THE 16.938 ACRES TRACT (AS RECORDED IN OFFICIAL RECORD 347, PAGE 423) ABUTTING THE WEST LINE OF SECTION 14; NOTE, THE PLAT(S) OF SURVEY, WHICH COULD PROVIDE INFORMATION SUPPORTING THE DECISION TO PLACE THE PROPERTIES 6.1 FEET EAST OF THE SECTION LINE, WERE NOT FILED OR RECORDED. NOR WAS INFORMATION REGARDING OCCUPATION STATED IN THE LEGAL DESCRIPTIONS WITHIN THE DEEDS. ANOTHER "PROBLEM" WITH THE MONUMENTATION FOR THE 1.74 ACRES TRACT IS THE LOCATION OF THE MONUMENTS ON THE NORTH SIDE OF THE TRACT; THEY SHOULD OCCUR ON THE NORTH LINE OF WELLMAN ESTATE LOT NO. 2; HOWEVER, THEY ARE LOCATED APPROXIMATELY 4 FEET NORTH OF SAID LINE AS RECREATED FROM THE ORIGINAL PLAT OF WELLMAN ESTATE IN THE WEST ONE-HALF OF SECTION 14.

ALSO, THE LOCATION PER THE PLAT OF SOUTH HAVEN SUBDIVISION (AS RECORDED IN PLAT BOOK 'B', PAGE 61) IS QUESTIONABLE, AS IT RELATES TO THE SECTION LINE. IN ADDITION, THE MONUMENTATION FOR LOT 1, SUTLER'S SUBDIVISION (AS RECORDED IN PLAT BOOK 'A', PAGE 121), WAS APPARENTLY BASED ON THE SAME LINE OF OCCUPATION AS THE PROPERTIES NORTH OF AND ADJACENT TO SAID LOT. THE PARTITIONING OF OUTLOT 37 APPEARS TO BE DEPENDENT, AT LEAST IN PART, ON THE SAME LINE OF OCCUPATION. ALSO OF NOTE, IT APPEARS THE ALIGNMENT OF SOUTH STREET, PER THE SOUTH HAVEN SUBDIVISION PLAT, WAS TO HAVE BEEN CENTERED ON THE SOUTH LINE OF LOTS 1 AND 2 OF SUTLER'S SUBDIVISION; HOWEVER, THE CURRENT OCCUPATION INDICATES THE ALIGNMENT COMES CLOSER TO OVERLAPPING THE NORTH LINE OF THE VACATED ALLEY IN SUTLER'S SUBDIVISION, THAT WOULD ACCOUNT FOR THE LOCATION OF THE NORTH LINE OF THE LOT 1 TRACTS BEING NORTHERLY 6 TO 11 FEET FROM THE LOT LINE, AS SHOWN HEREON. THE EAST LINE OF THE NORTH PART OF OUTLOT 37, WHEN SURVEYED IN 1981 BY THIS SURVEYOR, APPEARED TO LAY ON THE SECTION LINE, AS IT RELATED TO THE ADJACENT SURVEYS AND MONUMENTATION.

THIS SURVEY RECOGNIZES THE PREVIOUS WORK OF MR. FERNANDEZ AND THE ESTABLISHMENT OF THE WEST LINE OF SECTION 14 AND, PARTICULARLY, THE OVERLAY OF WELLMAN ESTATE LOTS 1 THRU 5 IN THE WEST ONE-HALF OF SECTION 14. THE LOCATION OF THE WEST BOUNDARY LINES OF THE LOTS ABUTTING SAID SECTION LINE IS SHOWN HEREON. ALSO, THE LOCATION OF THE EAST AND NORTH LINES OF LOT 1 IN SUTLER'S SUBDIVISION ARE SHOWN HEREON, AND THE POSITION OF THE EXISTING MONUMENTATION, AS IT RELATES TO THE LOT LINES, IS NOTED FOR FUTURE REFERENCE.

IN SO MUCH AS OVERLAPS NOW OCCUR ALONG THE SECTION LINE, IT IS THE OPINION OF THIS SURVEYOR THAT HONORING OF THE EXISTING MONUMENTATION EAST OF THE SECTION LINE AS THE WEST LINE OF THE TRACTS SHOWN HEREON IS APPROPRIATE FOR THE FOLLOWING REASONS: 1) THE ORIGINAL DEEDS FOR THE 1.74 ACRES AND THE 16.938 ACRES TRACTS ARE BOTH BASED ON AN OFFSET EASTERLY FROM THE SECTION LINE. 2) THERE IS AN OVERAGE OF SEVERAL FEET EAST-WEST THROUGH THE SUTLER SUBDIVISIONS. THEREFORE, NO LOSS OF REAL ESTATE IS REALIZED BY USING THE MONUMENTS AS PLACED IN THE SURVEYS WHICH PARTITIONED OUTLOT 37, AND LOT NO. 1 IN SUTLER'S SUBDIVISION.

CONCLUSION - THE RESULT OF THIS ACQUISITION TO PAST SURVEYS IS THAT A PERCEIVED OVERLAP EXISTS BETWEEN THE EAST SIDE OF OUTLOTS 37 & 38 AND THE SECTION LINE, AND THAT NARROW STRIP OF LAND MAY NEED TO BE RECOGNIZED BY QUIET TITLE ACTION IN FAVOR OF THE OWNERS OF THE ADJACENT PROPERTIES IN SAID OUTLOTS 37 & 38 TO ASSURE THEM TITLE TO THE LAND SHOWN EAST OF THE SECTION LINE, IN SECTION 14.

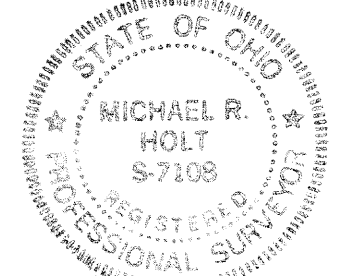
REFERENCE THE FOLLOWING SURVEYS OF RECORD, BY GEORGE P. FERNANDEZ, FILED IN THE AUGLAIZE COUNTY TAX MAP OFFICE: APRIL 1985 - DICKE SUBDIVISION, PLAT CABINET 'A', SLIDE 30 (RESURVEY); 11,251 ACRES TRACT; 0.456 ACRE TRACT; 11,252 ACRES TRACT DECEMBER 1986 - 76,250 ACRES TRACT; 5,001 ACRES TRACT DECEMBER 1987 - 114,515 ACRES (4 TRACTS) DECEMBER 1987 - 20,226 ACRES TRACT DECEMBER 1987 - 94,399 ACRES TRACT; SUTLER'S SECOND ADDITION, LOTS 16, 17, 18, 19, 20, 21, 22, 23, 36, 37, 38

PLAT OF SURVEY
OF
3 TRACTS
16.938 ACRES
SUTLER'S 2nd SUBDIVISION, PT. LOT 11, LOTS 12, 13, 14 & 15
9.731 ACRES
SUTLER'S 1st SUBD., LOTS 2, 3, 4, 5, 6, 7 & 8 SUTLER'S 2nd SUBD., PT. LOTS 29 & 30
11.946 ACRES
SUTLER'S 2nd SUBD., LOTS 24, 25, 26, 27 & 28; LOTS 31, 32, 33, 34 & 35; PT. LOTS 29 & 30
IN
NW QTR. OF SECTION 14, TOWN 7 S, RANGE 4 E
(SOUTH & EAST OF THE FIRST PRINCIPAL MERIDIAN)
VILLAGE OF NEW BREMEN
GERMAN TOWNSHIP AUGLAIZE COUNTY
STATE OF OHIO
FOR
JAMES F. DICKE & EILLEN W. DICKE
415 EAST SOUTH STREET
NEW BREMEN, OHIO 45869
BY
FREYTAG & ASSOCIATES, INC. ARCHITECTS / ENGINEERS
226 NORTH MIAMI AVENUE SIDNEY, OHIO 45365
(937) 492-6983
MICHAEL R. HOLT REGISTERED SURVEYOR No. 7108
JANUARY 2001

MONUMENTATION: IRON PINS SET ARE REBAR 5/8" X 30" WITH A RED PLASTIC CAP STAMPED "M R HOLT, RLS 7108".

THE STARTING BEARING, NORTH 00° 39' 10" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 14, IS BASED ON AN ASSUMED MERIDIAN. ALL OTHER BEARINGS ARE FROM ANGLES AND DISTANCES MEASURED IN THE FIELD.

Michael R. Holt
MICHAEL R. HOLT
REGISTERED SURVEYOR No. 7108
1.31.2001



GER-14-17