

STATEMENT OF EVIDENCE

Northeast Corner of Section 1, T. 38, R. 28, Benton Co., MN.

Northwest Corner of Section 6, T. 38, R. 27, Mille Lacs Co., MN.

Southeast Corner of Section 36, T. 39, R. 28, Morrison Co., MN.

The line between Ranges 27 & 28, T. 38, was run by Dep. Surveyor Theo. Conkey in Oct. 1849. The line between Ranges 27 & 28, T. 39, was run by Conkey in Nov. 1849, and rerun by J.M. Marshall in Jan. 1852. We were unable to find any remnants of his* monument or accessories for this corner.

*Please see the Certificate Of Location for the NE corner of Section 1, T. 37, R. 28, Benton County; also being the NW corner of Sec. 6, T. 37, R. 27, Mille Lacs County; for a "discussion" regarding general conditions (including GLO resurveys and "Judicial Roads") affecting the locations of the corners along this County line.

In 1994 we were hired by Benton Co. to restore certain corners along their east Co. line. Old survey notes, subsequent to the GLO notes, from both counties are as follows (in chronological order):

Benton: Requested from the Co. Hwy. Dept.. None provided other than GLO notes.

Mille Lacs: A 1911 Page Twp. Road Survey by Deputy Co. Surveyor S.L. Kennedy. His notes state that this is a "Stone in swamp", and that it is the "Govt. Corner". He shows one tie, being: A 10" White Pine stump S 38 deg. W at 587.4'.

A 1912 resurvey of 8-38-27 by Kennedy shows distances west to "theoretical straight line" from the NW of 6 south of the W. 1/4 of 19. We also have information from the survey record books in the Co. Hwy. Dept's vault showing relationships of Kennedy's "theoretical proportional distance" corners to the Judicial Road Corners as measured from the same NW corner of Sec. 6. However, Garrison's SW corner of 6 is NOT the same as Kennedy's corner, and actually fits the Judicial Road Corner much better (see that Cert. Of Location). Garrison's 1/4 corner was by SPM between the common granite at the NW of 6 and his (Garrison's) SW corner.

A 1918 "Resurvey and plat" of Sec. 6, T. 38, R. 27, by L.E. Garrison, Surveyor. His plat states that the subject corner was a "stone monument". No ties were given. Distance along the West line of 6: GLO: 5212.68', Garrison: 5227.5'.

Morrison County: A 1919 resurvey of the Township of Lakin (T. 39, R. 28) by Co. Surveyor Nels Peterson (filed in the Co. Records Office). He "placed concrete monuments at each section and quarter section corner except the 7 corners on the County line between Morrison and Mille Lacs counties, where I found granite corners and found same to be correct". It should be noted here that he did NOT set a concrete monument at the subject corner.

We are aware of no surveys other than that in 1994 Comstock & Davis, Inc., via their Little Falls office, was hired to provide Benton County coordinates on selected corners within the County. They did this with a combination of GPS and traditional methods. At the subject corner they found and held a "concrete monument" that they found in the marsh. On the resulting lines they set witness corners west and south as well as the E. 1/4 corner of Sec. 1. Their west line of Sec. 6 (E. line of 1-38-28) measured 5279.7', +/-.

The Certificate Of Location was signed by Kevin Festler, L.S. #22702 on 11/14/94. It makes no mention of research at Mille Lacs County. This office was not contacted. Comstock & Davis found concrete monuments to the west along the Benton/Morrison Co. line which, when extended east fits our found granite monument (see below) by 15', +/-, south rather than the 66', +/-, this line falls south of their found "concrete monument".

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(Continued)

We disagreed with their "concrete monument" as it fell some 51' north by 13' west of a position per the above survey by Garrison.

In Feb. 1996 we met with Tom Thiessen, L.S. #16097, Morrison Co. Surveyor and a C & D employee, who provided us with copies of field notes relating to the subject corner, and agreed to search as early as possible in the spring for the "granite".

We did the following: On 12/19/95 we searched for and found Garrison's 2" iron pipe at the W. 1/16th - NW 1/4. From this pipe we meas. 3971.73' to the restored corner common to 6, 7, 1, & 12, which compares excellent with Garrison's 3971.2'. We produced this line and proper distance north to search for the NE corner of Benton Co. the stone per the M.L. Co. notes. On 5/15/96 we found a square topped stone under 2.5' of water, which fit line and distance within +/- 0.5'. At the position of C & D's "concrete monument" we found, under water, a field stone.

At the found granite in the marsh, we left a 1/2" by 5' steel probe rod alongside the stone. No nearby ties were possible. We did not search for the White Pine stump BT by Kennedy at 587', +/-, to the SW.

At the Witness Corner south we pulled the Benton Co. cast iron monument as set by C & D and set a 3/4" iron pipe directly east of same but on the true line and made the ties as shown on the front hereof. (We did nothing with the W.C. on the No. line of the NE 1/4 of Sec. 1, which should also be replaced on the straight line.)

MLCLS: /NW063827

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OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

Oct 3 8 51 AM '97

ALICE G. ENGELMEYER
COUNTY RECORDER

BY A. Engelmeier DEPUTY xm

CERTIFICATE OF LOCATION OF GOVERNMENT CORNER

Northeast Corner of Section 1, Township 38, Range 28, 4th P.M.

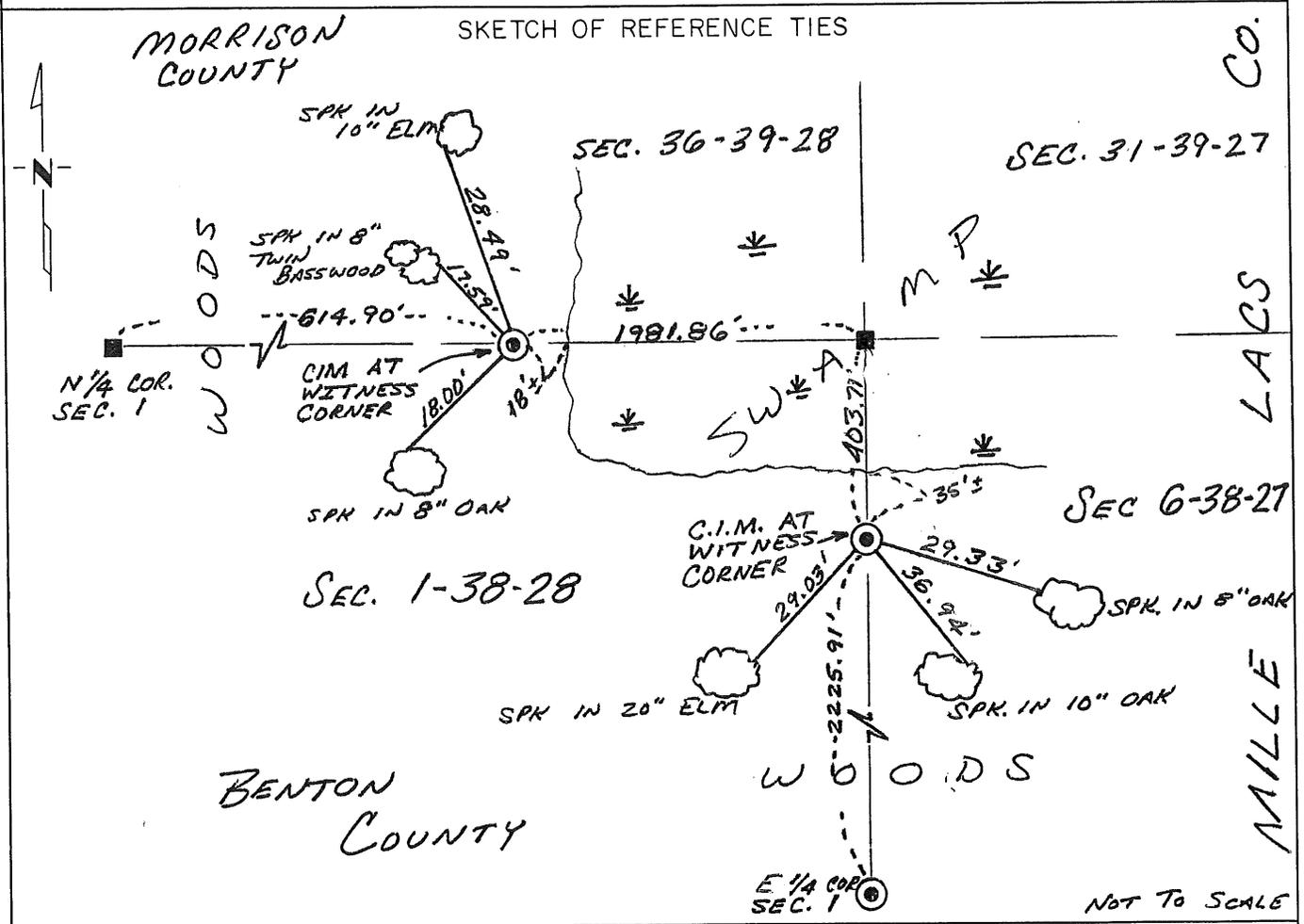
STATE OF MINNESOTA, County of Benton

At the corner location shown on the sketch:

On 4-5-94 found a concrete monument
DATE

left monument as found, lowered monument, removed monument (explain)

On _____ placed a _____
DATE



Statement of evidence relative to this corner location is on back of page.

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

[Signature] SIGNATURE Nov 14, 1994 DATE

Registration No. 22702

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. _____

Statement of Evidence:

The northeast corner of Section 1, Township 38, Range 28, 4th Principal Meridian, Benton County, Minnesota, was set under the Public Land Survey as a post with bearing trees. No trace of post or trees now exists.

A search by Benton Co. Highway personnel of available county survey records revealed no additional information on this corner.

In 1994, Comstock & Davis, Inc., while remonumenting section corners for the purpose of G.P.S. work for Benton County found a concrete monument at the northeast corner position of Section 1, Twp. 38, Rng. 28. Comstock & Davis, Inc. compared the location of the concrete monument to the original US Government survey and found the position to be within reason of the Public Land Survey records. Comstock & Davis, Inc. accepted the concrete monument as the position for the northeast corner. of Sec. 1. Refer to Job No. 945017.

226902

OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

JAN 19 3 05 PM '95

ALICE G. FROELICHER
COUNTY RECORDER

BY mn DEPUTY mn