

1947 Kent Deed Book 19 Page 21 Westmore VT Land Records

February 3, 2017

Land description of Kent Property

"Beginning at the midpoint of the present mouth on Crescent Beach said brook now forming the boundary line between the property of Emerson H. Swift and the land of Isabel H. Swift and Lucy W. Swift. Thence in a north easterly direction along the shore of Willoughby Lake for a distance of one hundred feet. Thence inland approximately 33 degrees west of north a distance of approximately four hundred feet, this line being the extension of a line passing along the summit of Mt Pisgah. Thence in a south westerly direction approximately 53 degrees west of south a distance of approximately one hundred ninety feet to the main brook. Thence in a south easterly direction along said brook to its mouth and the point of beginning."

Major Elements of the Kent Deed:

1. Beach Frontage: 100 feet exact.
2. **Approximately 400 feet to back border.**
3. **N 33 W aligns with summit of Mt Pisgah.**
4. **Back Border bearing is approximately S 53 W.**
5. **Approximately one hundred ninety feet to the main brook.**

HOW IT WAS DONE

Emerson Swift wrote all bearings and distances as "approximate." His intent in writing a vague deed is revealed by the discovery of his deliberate 12.5% changes in 6 border lengths on 3 properties. Thus, to obtain a 12.5% change he had to know both the original boundary length he represented to the buyer and the final length he would later claim. What is NOT approximate is the alignment of the bearing N 33 W with the summit of Mt Pisgah, the iron pipe on the beach at C and the point E which is exactly 90 feet from S on a bearing of S 53 W. The intersection of said lines allow the precise determination of the original Kent property lines.

WARRANTY DEED FORM

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Know all Men by These Presents:

That Emerson H. Swift

of Barre in the County of Windsor and State of New Jersey Grantor

in the consideration of Cash and other valuable considerations Dollars

paid to my full satisfaction by Shirley Kent

of Barre in the County of Windsor and State of New Jersey Grantee

by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee Shirley Kent

and his heirs and assigns forever, a certain piece of land in the Town of Westmore in the County of Barre and State of Vermont described as follows, viz:

Beginning at the mid-point of the present mouth of the brook and Crescent Beach said brook now forming the boundary line between the property of Emerson H. Swift and the land of Isabel H. Swift and Lucy W. Swift thence in a north easterly direction along the shore of Willoughby Lake for a distance of one hundred feet, thence inland approximately 33 degrees west of north a distance of approximately four hundred feet, this line being the extension of a line passing along the summit of Mt Pisgah thence in a south westerly direction approximately 53 degrees west of south a distance of approximately one hundred ninety feet to the main brook thence in a south easterly direction along said brook to its mouth and the point of beginning.

The piece of land described is in effect a part of that land belonging to the late Arthur H. Swift lying on the north east of the brook which flows in a southeasterly direction from the former property to Willoughby Lake.

A subdivision of a part of the above described parcel is also granted from the above described parcel over the property now owned by Emerson H. Swift to the right of Way in which passes from the highway leading from Barre to Willoughby Station through the property of the Vermont Lumber Co. a foot path right of way lying north east of said parcel a foot path right of way is also granted along the said brook on the west side of Willoughby Lake in a north easterly direction on the property now owned by Emerson H. Swift from the above mentioned parcel.

Do here and to all and granted premises, with all the rights and appurtenances thereto, to the said Grantee Shirley Kent

and his heirs and assigns, to their own use and behoof forever, for themself

and his heirs, executors and administrators do covenant with the said Grantee Shirley Kent

that he will and his heirs and assigns will do all that which shall be required of them to secure the peace and quiet enjoyment of the premises and to all and to the heirs and assigns of the said Grantee Shirley Kent

Significant Points:

The "approximately 400 feet from the beach to the back border matches the 1967 Swift map. A distance of 90' is shown on the back border between S and E on the 1967 Swift map. The 2014 Truline map also reveals a 90' distance between R' and A on what Swift claims to be the back border. However, the bearing of the former is S 53 W while the bearing between R' and A is S 50-39-15 W. SFT attempted to mimic the 90' distance on the 1967 map by recreating it on the 2014 Truline map [Truline first discovered A in 2012]. As shown on the Horizons survey A is eliminated anyway by the bearing failure of CA and BA. The iron pipe at A is invalidated on all grounds: the bearing failures of R'A, BA, and CA. Thus, the only valid 90' distance remaining is SE on the original back border, FESW, of the 1967 Swift map.