

# Tanner 2004 Deed Analysis

## Evidence for the Kent-Tanner Common Boundary at FESW

Dispute: Tanner Family Trust claims that the southernmost border of Parcel E interfacing with Kent property is aligned with F'DAR'T' [see Kent Template map constructed from Truline Surveyors 2004 and 2014 maps]. Kent asserts the common border aligns with FESW.

The First Piece of Irrefutable Evidence: Proof that FESW Border aligns with Kent boundary: The 1947 Swift map from the notes of Emerson Swift show the original back border of the northernmost side of the Kent property [identified in Brook, 19, Page 21] to be aligned with FESW, where F to E represents the Kent boundary proper.

Two attributes confirm the location of said border on the 1947 map: 1) a brook cascade of the Crescent Brook is located about 40' below FESW on said map [confirmed by Horizons Engineering 2014 survey].

2) The cascade is about 10' above F'DAR'T'. 3) A second point of reference is W which is aligned with the original border. 4) A second confirmation of the location of W is shown by the U to W boundary [1951, Book 19, Page 19] wherein FESW intersects U to W at W. 5) A second reference point on the Swift 1947 map, g, is thought to represent T on the Kent template at the same level as F'DAR'T' [below FESW]. The 1967 Swift map, without the additions of the brook cascade and g, shows the same U to W boundary intersecting FESW at W. The singular, logical conclusion is that the Kent border must be defined by FE.

A mistake introduced by Emerson Swift shows the addition of the Willis triangle five years later [1952, Book 19, Page 80] with the base aligned along FESW. This error placed the triangle in the public ROW. In 1970, surveyor Horace Brown recognized the error, but on the 1970 Brown map both the triangle and the FESW border were lowered to the level of F'ADR'T. There was no justification for lowering the border, thereby introducing a second error that is carried through all Truline maps. The location of the Kent boundary along FESW is irrefutable from the above evidence alone.

Analysis of Deeds: The Tanner deed [2004, Book 37, Page 73-74] is a rehash of two flawed Swift deeds: [1970, Book 22, Page 291] and [1971 Book 22, Page 295]. Both the 1970 and 1971 deeds totally ignore the 1947 Kent deed [Book 19, Page 21] for the construction of an entirely new border. However, the 1970 deed reveals the original FESW border, the evidence for which disappears in Book 37, pp. 73-74, and then reappears in a later 2004 deed land description corrected by Swift attorney, David L. Willis.

The Second Piece of Irrefutable Evidence: From the Swift 1970 deed: "thence from said iron pipe down the brook 258 feet and thence continuing in a straight line near and approximately parallel with said brook 59 and five-tenths feet to an iron pipe driven into the ground, said iron pipe being South 59 degrees East from where said last mentioned boundary line leaves the brook; thence North 51 degrees East in a straight line 132 feet to the point of beginning." Note: G was ~ 10 feet from the brook, wherein  $9.7' + 132' = \text{Truline's } 141.7'$

The 59.5' reveals the connection between Kent stake F [on the FESW border] and G [on the F'ADR'T' border]. G was set in 1970 and the presence of F is implied by the degree of resolution to a tenth of an inch of the distance between F and G. Both F and G are now missing along with references thereto in the 2004 Tanner deed. Kent Diagram II uses available data to follow path b going from E to F [given as point f] and path a going from E to D to G to F [given as point f']. Both f and f' are within 3' of the FESW border. It follows that 1) "where said last mentioned boundary line leaves the brook" was in fact the Kent iron pipe F. Purchaser of the Kent property, Sherrill Kent, complained that all the Kent pipes had been pulled.

Critique of the Tanner 2004 deed Point 1: “thence southeasterly along the center of said brook for a distance of approximate [sic] 353 feet to an unmarked point.”

Comment: The “unmarked” point should say “to an unmarked point in the brook.” Omitted or incorrect data: 1) in contradiction of the Tanner deed, the Truline 2014 map shows an unmarked point in the brook. 2) The Horizons 2014 survey shows the “unmarked point” several feet short of the brook. 3) The Kent deed states that the border ends in the brook. Truline’s data is inconsistent with the Kent deed, and the 2014 Truline map is not faithful to the facts.

Critique of the Tanner 2004 deed Point 2: “thence N 52-14-00 E for a distance of 141.7 feet to an iron pipe on the northerly bank of a second small brook; thence continuing in the same direction N 52 14 00 E for a distance of 65.0 feet to an iron pipe and cairn.”

Comment: Flaws: 1) The Truline 2014 map shows the iron pipe in the [spring] brook, not on the northerly bank. 2) Truline changed the “iron pipe and cairn” [Pin D on Template] on the 2012 map to an iron pipe on the 2014 map. 3) The iron pipe was not present and visible prior to 2012, but in fact was a hidden L-shaped pipe covered with debris that was replaced between June 15 and July 1, 2012 with an iron pipe which was loose [witnessed by Walter Bartlau, Sam Kent, Bruce Tanner, Joshua Swift]. Tanner and Swift both urged that D be removed in favor of Pin A as the northeastern corner of Kent property. But, Pin A is eliminated on bearing criteria – see Kent Diagram II. 4) Bearing changes along so-called Kent border: the 1971 deed records “South 50 degrees 38’ West” from D to L; the 1970 deed records N 51 E from G to L; the Kent deed states that the bearing is S 53 W; the 1963 Swift deed states S 53 W. Truline states N 52 14 00 E.

The Bearing problem for Swift and Truline: The Horizons 2014 survey shows that the brook turns to the southwest on a bearing between 50 and 51. To avoid this problem, both the Truline map and the Tanner deed increased the bearing to slightly more than 52 with a distance of 206.7’ between F’ and D. Again, F’ still fails to hit the brook. In tangent with this fact, there is evidence of tampering with the ink of number 3 of the S 53 W bearing recorded in the 1947 Kent deed [see Kent deed Forgery and Bearing S 53 W on Diagrams I and II].

Conclusion: The only conclusion to be drawn is that the Swifts deliberately falsified their deeds and maps to deprive the Kent family of Kent property. This duplicity is also established by the Swift attempt to increase their beach frontage by 10’ at the expense of the Kent property. Other investigations under way reveal similar Swift behavior through 3 generations of Swifts, starting with Arthur Swift. In 1933 Arthur Swift sold the Collins family a 75’ beach lot without the beach. At the insistence of Ed Collins that problem was resolved by the Swifts granting a quit-claim deed in 1963 for the 20’ x 75’ stretch of beach in front of their lot.

Other lands bordering the large Swift land holdings are under investigation. The first of these demonstrates that the Wood family frontage on Cottage Lane has been reduced in stages from 564’ to about 479’ with other irregularities found on the main property. Apparently, there was no oversight of Swift maps and deeds submitted to the Land Records of the Town of Westmore during the greater part of the 20th century. There is growing evidence that Arthur and his son Emerson continued to generate falsified maps and deeds for decades. All errors to date are to the advantage of Swift interests. A further question arises as to whether any surveyors assisting the Swifts over the years have been complicit in such activities.