

Diagram 12

Incontrovertible Evidence that Establishes the FEC Boundaries of The Kent Property 1947 Swift Map Outline

OVERVIEW OF EVIDENCE

The Plaintiffs hold that the 1947 and 1967 Swift Maps correctly depict the Kent property according to the harmony of the 12 points below which by their strength eliminate Swifts' claim to Stakes A and B. Swift and Willis lots on the map are a mess with multiple corrections from 1947 to the present. The errors made by Emerson Swift were used as an excuse to encroach on Kent property as Swifts have done to other property owners. There are 14 devious modifications of monuments which were either moved, removed, ignored or created.

Evidence supporting the FEC Boundary

- 1 The Crescent Brook Cascade is a natural landmark located about 50' below the FE Border on the 1947 Swift Map. The location is confirmed by the 2013 Horizons survey thereby confirming the location of the original back border as F to E.
- 2 The alignment of the Mack Triangle with FESW as shown on both the 1947 and 1967 Swift maps is also confirmed by survey.
- 3 The surveyed distance from F to E is 235' in agreement with 233' calculated from the 200-foot scale on the 1947 Swift map, and 231' from the traverse of the 1970 Swift deed [Book 22, Page 291].
- 4 The 90-foot section between S and the location of E on the 1947 Swift Map is confirmed by survey. Stake S is undisputed. Stakes F and E were discovered as missing by grantee Sherrill Kent in 1971.
- 5 The N 33 W bearing from C intersects the S 53 W bearing on the back border at a point 90' from S in accordance with the 1947 Swift map. Bearings are taken from the 1947 Kent deed [Book 19, Page 21].
- 6 The S 53 W bearing passes between two boulders as asserted by grantee Sherrill Kent in 1971.
- 7 Missing stake E is located in an 18-inch gap between the boulders. How did Sherrill Kent know the back border passed between two boulders?
- 8 A singular observation invalidates the Defendants' claim to F'A, BA, or CA: The 1970 Swift deed deliberately changed the back border from FE to F'D with no justification. An incriminating sentence refers to the "aforementioned boundary" being lowered 59.5'. Stake G which marked the terminus of the 59.5' is now missing. There are approximately 60 feet between FE and F'D. The incriminating sentence is absent in the 2004 quitclaim deed of the property above F'D to Tanner.
- 9 A traverse generated from Swift deeds locates the missing stake F within a 3.5' radius of the original stake reported as missing in 1971.
- 10 Using Emerson Swift's 12.5% Factor, the calculated distance [$1.125 \times 388.5'$] from C to E is 437' in agreement with the Horizons' survey of 438'. 388.5' is the distance from stake C to stake D.
- 11 The N 33 W bearing from stake C to stake E is aligned with the summit of Mt. Pisgah in accordance with the 1947 Kent deed. The Swift bearings for AB and AC miss the summit by 880' and 1,240', resp. and thereby fail the criteria as valid bearings.
- 12 Stake C was found under a 5-inch-wide cedar root of one of two cedar trees held traditionally to mark the Kent-Swift boundary. The condition of the iron pipe was commensurate with being set in 1947. In 4 Swift deeds from to 1971 1988, Emerson Swift recorded 388.5' from an iron pipe the beach to stake D. The surveyed distance from C to D is 388.1'. A reasonable assumption is that Emerson Swift considered the two cedar trees to mark the boundary.

Supplementary Evidence Eliminating Defendants' Claim to stakes A and B

There has never been an iron pipe 75' from R. In 2012 Truline set an iron rod [Stake B] 75' from R after Swifts admitted that Q at 79.4' was bogus [a survey indicates it was set in 1991]. The Swift beach frontage is surveyed at 65.8' from C to R. According to the Horizons survey, there is a space limitation of ~265' for two 100-foot lots on either side of the brook leaving ~65' for the SFT beach. In 2012 Shane Clark, surveyor for Swifts, 'discovered' stake A which just happens to be 190' from the brook and appears to mimic the "approximately" 190 feet in the Kent deed. Joshua Swift and Bruce Tanner elected to favor F'A over F'D, although Emerson Swift apparently had no knowledge of stake A. B is eliminated by the strength of stake C and by the 10-foot-shift arguments on the beach which eliminate YS, yet another bogus pin. The Swifts removal of "an iron in a boulder" [IIB] from the far southwest end of the beach blocks the determination of the location of stake C and appears intended to allow the Swifts to shift their beach lots 10' to increase their beach from ~65 to 75'. Where N 33 W passes through the summit of Mt. Pisgah, the Swift bearings AB and AC miss the summit by 880' and 1,240', resp. In conclusion, the Kent lot is described by FEC. The Defendants' claim that the boundary is defined by F'AB [or F'AC] fail all criteria above as does their claim to a 75-foot beach frontage.

