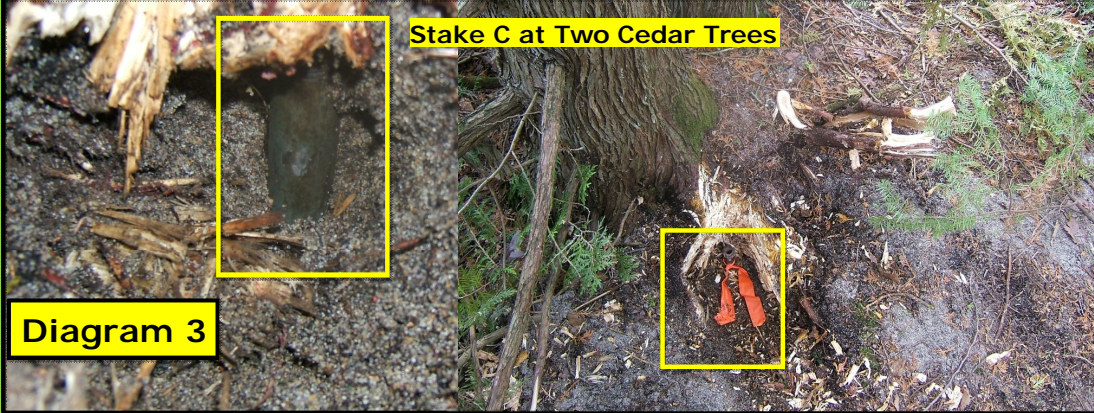


Using a Schonstedt Magnetic Locator, surveyor Nathan Nadeau, L.S., of Horizons Engineering discovered an iron pipe [stake C] under a 5-inch-wide root of one of two cedar trees held traditionally to mark the boundary between Kent and Swift beach lots. ~ 265' is available for lots of 100' on each side of Crescent Brook leaving ~65' for the SFT frontage. The surveyed distance from C to R [across the SFT beach] is 65.8'. The Nadeau findings were documented in a letter dated December 11, 2013 [see below].



Stake C at Two Cedar Trees

Diagram 3

**BLAIS - HORIZONS**  
Surveying & Engineering

December 11, 2013


To whom it may concern,

On April 24, 2013 I was on site near the division line between lands of Kent and the Swift Family Trust near Crescent Brook on Lake Umbagog in Waterbury, Vermont at the request of Sam Kent.

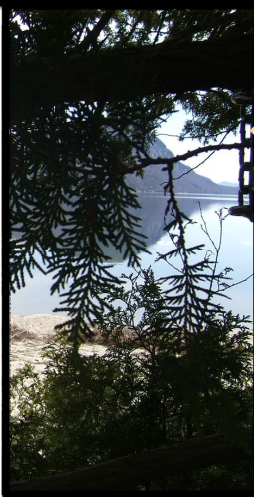
While searching the area with a Schonstedt magnetic locator I discovered a strong signal near two closely grown cedar trees near the beach line. Upon digging I determined that the signal was emanating from beneath an approximately 5" root of one of the cedars. I proceeded to chop away the root and after removing a small amount of soil beneath discovered an approximately 1/2" diameter iron pipe. This discovery was performed in the presence of Sam Kent and Walter Barlett.

The pipe appeared to be solidly embedded and roughly vertical from the portion I was able to expose. The top of the pipe appeared to have deformation consistent, from my experience, with having been driven into the ground with some type of tool.

This document makes no claim as to the relevance of this iron pipe to any boundary lines in the area and was produced only as a statement describing the discovery of said iron pipe.

Sincerely,  
  
 Nathan P. Nadeau, LS

17 Sunset Terrace • Newport, VT 05855 • Phone 802.274.6430 • Fax 802.276.5902  
 24 School Street • Lebanon, NH 03756 • Phone 603.444.4131 • Fax 603.444.1343  
 email@horizonsinc.com



Swifts did not object when a sign was chained to the two cedar trees in the early 1990s to mark the boundary.

**Two Swift Claims are Undermined by the Evidence**

Emerson Swift first claimed a 75-foot beach frontage in a 1963 deed [Book 21, Page 60]. In a 1966 deed [Book 21, Page 325], he set stake YS [ Dgms 4,5], which Plaintiffs assert is bogus. The distance from YS to the middle of the brook was 100'. That distance too was incorrect. 100 feet would allow Swifts to claim a 75-foot beach frontage by cutting 10 feet into the Kent frontage. [When protested in 2012 Swifts admitted that stake Q, which cut 14' into the Kent beach, was bogus.] In four deeds from 1971 to 1988 Swift repeated the 75-foot claim measuring "from iron pipe to iron pipe". In the same deeds he made a second claim [which is also being challenged] that the distance from the iron pipe [at B] on the beach to a second iron pipe on the back border is 388.5'. Forty years later the survey by Horizons reported 388.1' from C to D. A reasonable assumption is that Swift considered the two cedar trees to mark the common boundary, not B. There never was a 75' span. In the 1990s Jean Phinney, Swift's daughter, agreed with Plaintiff Sam Kent that the two cedar trees marked the boundary. In 2012 a Truline surveyor set an iron rod [stake B] 75 feet' from stake R. There has never been a marker at that location. Plaintiffs argue that the N 33 W bearing from stake C to the back border is a stringent, unchangeable bearing for two reasons. First, CE is aligned with the summit of Mt. Pisgah [Kent deed, Book 19, Page 21], and second, the bearing intersects the S 53 W bearing on the back border at a point 90' from S in accordance with the 1947 Swift Map. Surveyor James Bumps ran the N 33 W bearing from C to within 2' of the end point of the 90' section. Arguments against stake B: First, on a parallel N 33 W bearing stake B would intersect the back border 100 feet from stake S. Second, bearing DB misses the summit by 540' [equivalent to one-third the height of Mt. Pisgah]. Third, the sheer weight of evidence for the FE back border precludes stake D and B [and F'A]. Fourth and most compelling, there is only ~265' of beach frontage to accommodate two 100-foot lots on each side of Crescent Brook leaving ~65' for the SFT beach frontage. The surveyed distance is 65.8' from C to R [Swifts northeast border with the Willis lot]. The irrefutable argument is that Swifts do not have a 75-foot beach frontage. Emerson Swift was his own surveyor. His deeds and maps were registered in the Land Records unchallenged. Swifts do not exactly have a sterling record for land dealings. In this lawsuit Plaintiffs cite 14 instances of moving, removing, creating, or ignoring monuments.