

Shortcut to Understanding the Dispute

1947 Swift Map Outline

Source: Emerson Swift's Notebook

1

History: In 1947 Sherrill Kent purchased the Kent lot from Emerson Swift.

2

The lot is 4-sided with two sides being Crescent Brook and the lake. Thus, only two points-- C and E -- are required to describe the lot. The original back border for 3 lots was FESW. Kents argue that their lot is outlined by FEC.

3

Until 2012 Swifts claimed that the Kent lot was F' to D to C. In 2012 they 'discovered' stake A and set stake B. Thus, their claim transitioned from F'DC to F'AB.

4

In 1971 Sherrill Kent discovered stakes E and F missing. He repeatedly told family members that the boundary was defined by stake C at the two cedar trees on the beach and that the back border passed between two boulders. In 2013 the surveyed location of the original E was between two boulders. How did Kent know about the boulders?

5

Swift's Error: In 1952 [Book 19, Page 80] Emerson Swift sold Clodius Willis a small triangle of land and wrongly placed it in the public ROW with the base between S and W. The public ROW is 49.5'. The distance between S and W is ~75'. The base of the triangle is 75'.

CTM is a "cedar tree marked" which identifies the 100' lot to the southwest of the brook mouth.

6

Swift published his 1967 map in the Land Records of the Town of Westmore. The 1967 map is identical to the 1947 map, except that it does not show the location of the Cascade. Swift did not recognize his error for 20 years.

8

In his 1970 deed [Book 22, Page 291] Emerson Swift moved the triangle from position T-1 to T-2. Without justification he moved the Kent back border from FE to F'D. With the strength of Kent stake C, the passing of the back border between two boulders, and the location of the Crescent Brook Cascade, the outline of the Kent property must be FEC. The validity of stake C also establishes that the Swift beach frontage is 65.8' from C to R, not 75' from B to R as claimed by the Swifts. Only ~265' are available for two lots of 100' on each side of Crescent Brook leaving ~65' for the Swift beach. The surveyed distance from C to R is 65.8'. The research shows that Swifts have violated 14 monuments.

9

Other evidence that locks in FEC is the intersection of CE with FESW at 90' from stake S. S is undisputed.

