

Arguments for the Kent FEC Boundaries

1947/67 Swift Map Outlines

References in parentheses refer to Diagrams or Sources

Essential Data from the 1947 Kent deed [Book, 19, Page 21](1)

1. CE aligns with the summit of Mt. Pisgah.
2. The CE bearing is N 33 W
3. The EF bearing is S 53 W

Kents claim FEC. Swifts claim F'AB and a 75-foot beach.

Plaintiffs are prepared to show that the Swifts' manipulation of boundary lines is not restricted to the Kent property.

Other Evidence Eliminating A
Bearing N 33 W in the Kent deed from C aligns with the summit of Mt. Pisgah. Bearings AB and AC miss the summit by 880' and 1,240'. For comparison the height of Pisgah from the water to the summit is 1,614' (14).

Source of Dispute

The right side of the 1947 or 1967 map is a mess. Emerson Swift effectively moved triangle T-1 to T-2 thus creating the fake border, F'D, and eliminating the original Kent border, FE. Stake D appeared in the 1970 Swift deed. In 1971 E and F disappeared. A was 'discovered' in 2012. Both A and D have been claimed by Swifts to represent the northeast corner of the Kent property which is impossible.

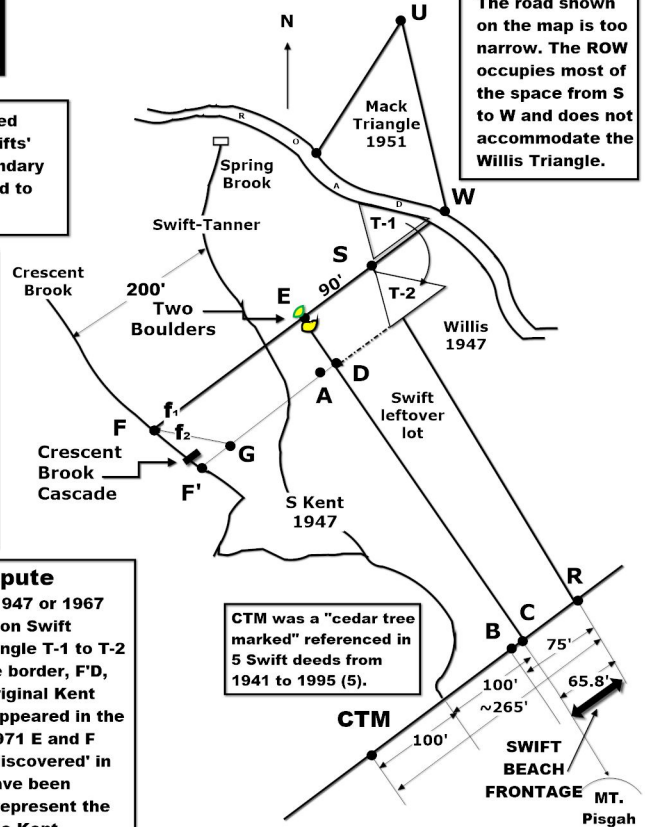
A is ~190' from F' and mimics the ~190' in the Kent deed -- relevant to 'Metes and Bounds'. All data argue that A was set illegitimately. With the number of monuments provably violated by Swifts it is not unexpected. Two sets of distances may be extracted from Emerson Swift's 1947 Map (7). Swift knew ~190' was fake.

Swifts violated 7 Monuments on the beach. If A & D are bogus, the tally is 7 on the Back Border (8).

REFERENCES UNDER CONSTRUCTION

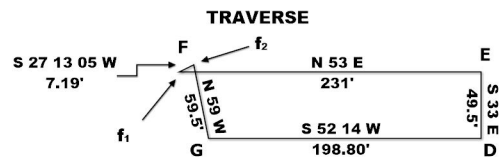
The published 1967 Swift map is identical to the more detailed 1947 map from Emerson Swift's notebook.

The road shown on the map is too narrow. The ROW occupies most of the space from S to W and does not accommodate the Willis Triangle.



CTM was a "cedar tree marked" referenced in 5 Swift deeds from 1941 to 1995 (5).

The Mystery of Two Kent Corner Stakes
Q: Where did Stake A come from? Facts: Emerson Swift was aware only of stake D [1971, 1973a 1973b, 1988, Swift deeds.] Swift would have been the agent to set Stake A. A was 'discovered' by Swift surveyor Shane Clark in 2012.



The traverse is calculated from the 1970 Swift deed [Book 22, Page 291 and other Swift deeds.

Short Summary of Beach Dispute

1. Stake C was found under a 5"-wide cedar root of 2 cedar trees held traditionally by Kents and Swifts to mark the boundary on the beach [now denied by Swifts](2).
2. B was set in 2012 (3); B is eliminated by a 'strong' stake C.
3. B is also eliminated by a space restriction of ~265' (6).
4. Fraudulent YS [yellow stake] appeared in 1966 to replace CTM and shift the lots 10' to the southwest (1). There was also an increase in the Barton-Swift frontage from 106' to 116' (5) which created a mechanism to shift that lot 10' to the SW.
5. The shifts would allow Swifts to increase their frontage from ~65' to 75'.

A Concise Argument for FEC
The Crescent Brook Cascade and the Traverse alone establish FEC. The N 33 W bearing from C intersects bearing S 53 W at a point, E, 90' from S in accordance with the 1947 and 1967 Swift Maps. By three independent methods the distance from F to E is 233' avg. The distance from C to E is 437' according to Emerson Swift (11) versus 438' from the Horizons Survey (9).

The Swift Claim to a F'AB Boundary is Based on Fraud

Supporting Arguments

1. The survey distance from C to D is 388.1' (9) vs. Swift 388.5' (10).
2. Using Swift's 12.5% factor C to E = 437' [388.5' x 1.125]. C to E = 438' [by survey]
3. In 1971 when Kent stakes F and E were found to be missing, Sherrill Kent said the back border passed between two boulders (13).
4. E is located between two boulders. How did Kent know that fact in 1971?
5. From Swift's 1970 deed, the traverse path from E to D to G to f2 and the path from E to f1 indicate that f2 and f1 are within a radius of 3.5 feet from one another -- at the location of the original stake F. This data alone eliminates A and F'A. The 258' down the brook also stops at F.
6. Where the N 33 W bearing is aligned with the summit of Mt. Pisgah, Swift AB and AC bearings are disqualified. They miss the summit by 880' and 1,240', resp. As a standard of comparison, the height of Mt. Pisgah is 1,614'.
7. The Crescent Brook Cascade is ~50' below F [confirmed by survey]. This invalidates F'A which is 10' below the Cascade.
8. The location of the 90-foot section between E and S on the map is confirmed by survey and validates FE, thereby eliminating F'A. A is eliminated by all evidence above. B is eliminated by all evidence on the beach.

The Swift Claim to a 75-Foot Beach Frontage is Based on Fraud.

A Concise Argument

There are only ~265' of beach frontage for 3 lots: from the Cedar Tree Marked to Stake R. The two lots on either side of the brook are each 100' leaving ~65' for the Swift beach. The surveyed distance from C to R is 65.8'.

- 1.. 1947 Kent deed [Book 19, Page 21]
2. Diagram 3. Stake C at Two Cedar Trees on the Beach
3. October 10, 2012 letter from David Willis, Esq.
4. Diagram 4. 10-Foot Shifts on Beach and ~265' Available for 3 lots
5. Diagram 5. 10-Foot Shifts of Swift Lots Down the Beach - Complex
6. Diagram W. Marked Sketch -- 265'
7. The Three Boundaries-- color

8. Diagram 8. The 1970 Swift Deed.

2013 Horizons Survey

10. Swift deeds [1971][Book 22, Page 291]; [1973a][Book 23, Page 107-108]; [1973b][Book 23, Page 109-110]; [1988][Book 27, Page 437].

11. Emerson Swifts 12.5% Factor

12. Sherrill Kent Deposition

13. Diagram 12. Monuments Moved, Removed, Created, or Ignored

14. Bearing Elimination of A and B