

Evidence for the FE Back Border

Summary

Bearing Failure Eliminates the 2014 Truline Map

- The AC bearing misses the summit by 1,240 feet.
- The AB bearing misses the summit by 886 feet.
- The DB bearing misses the summit by 540 feet.

The 90.6-Foot ADR' Mimic Eliminates the 2014 Truline Map

- ADR' fails because A delineated. ADR' attempted to mimic the 90° ES section on the 1967 Swift Map.
- The 90° ES section appears on both the 1947 and 1967 Swift maps.
- The 64.8' DR' section also fails on the 1970 Brown Map.

The Willis Triangle Supports FE Back Border

- Cannot be in the road [common sense].
- On the 1967 map the triangle is in the road.
- On the 1970 map the triangle is correctly placed.
- Defendants lowered the triangle with the back border.
- There was no justification in lowering the back border.
- Thus, the original back border is I to E; S is a remnant 6.5' from ROW.

1951 Mack Deed Resolves Triangle Conflict

- W is stated to be "opposite" Z [across the road from]. The triangle was placed correctly on R'Z in the field but incorrectly above SW on the 1967 map. This error is the source of the present dispute.

Sherrill Kent Testimony Supports FE Back Border

- Sherrill Kent complained early in the 1970's that all Kent stakes had been pulled. He told family members repeatedly that the Back Boundary passed between two boulders.

A Perfect Bearing Fit Supports the FE Kent Back Border

- The two bearings in the Kent deed are N 33 W [beach to back border] and S 53 W along the back border. The point of intersection starting from C on N 33 W is 90 feet from S on bearing S 53 W. That point of intersection is between the two boulders where F should be located. The 90 feet had to have been measured between 2 points in 1947. Those points were stakes S which is present in 2017 and E which is missing.

The Story about Stakes D and A Undermines Defendants' Credibility

- In late June of 2013 Walter Bartlau found Stake D as an L-shaped iron rod buried in the debris beside the road. It was not visible above ground level. Two weeks later it had been replaced by an upright pipe with a fitting at the end. It was loose and could be turned in place. Bruce Tanner, Joshua Swift, Walter Bartlau, and Sam Kent met at the site. Tanner and Swift said Stake D could be removed – apparently in favor of Stake A which had been discovered by Shane Clark of Truline in the fall or winter of 2012. The Plaintiff declined and left Stake D in place. Stake D was on the bank by the side of the road – at eye level from a vehicle – and would have been found by Sherrill Kent or another family member and disputed decades ago. It had been well hidden in the leaf detritus.

The 1970 Swift Deed Reveals the Original Kent Back Border as FE

- Sherrill Kent complained that Stake F was missing. This deed acknowledges the prior existence of the FE back border and the very probable removal of Stake F by SET of SET. The 59.5' distance was used to locate F in the brook within 5 feet of where F would be expected to be located. The remaining paragraph refers to the "last mentioned boundary" which would be F to E – missing in subsequent deeds. Stake G which was set, according to the deed, is also missing. Three measurements agree for the distance from E to F in the brook: 235' [2017 Horizons survey], 238' [scaled from the 1947 Swift Map] and 231' [this deed].

Emerson Swift's 12.5% Factor Confirms FE as the Back Border

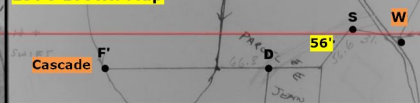
- Emerson Swift shortened 4 boundaries by 12.5% on Kent and Mack-Wood properties in his maps and deeds. Swift's intent to steal land was deliberate. The boundary lengths were approximated in the Kent deed; it may be proven that he knew the exact distances in 1947. He intended to and he did produce maps and deeds which encroached on the Kent property and a neighbor's property. There are similar findings on other properties.
CE 438'[survey] vs. 437' [calc from Swift's 12.5%]
CR 65.8'[survey] vs. 65.6' [calc from Swift's 12.5%]

Two Map Reference Points
Stake W and the Crescent Brook
Cascade on the 1947 Swift Map
confirm that FE and F'D are
distinct and separate borders.

1967 Swift Map



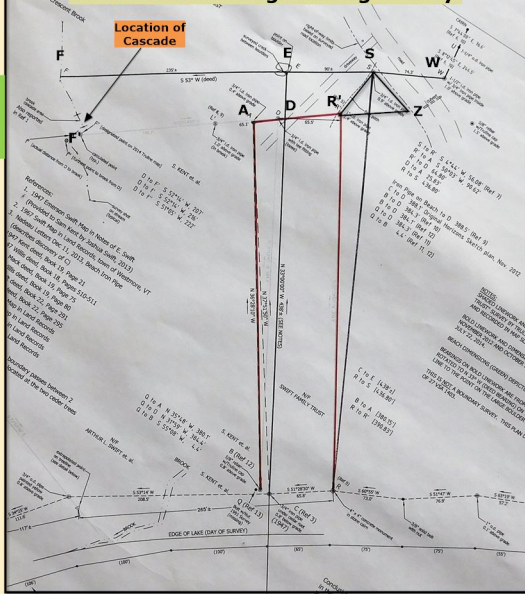
1970 Brown Map



No Justification for Lowering the Back Border :

56' identifies the Willis Triangle on both the 1967 Swift Map and the 1970 Brown Map. The triangle was misplaced in the road and above FESW on the 1967 map. Both the triangle and the back border on the 1967 map were lowered to their present position to create the 1970 map. The Plaintiff agrees that the new placement of the triangle is correct, but there was no justification for lowering the back border. Invalidating of the Brown map invalidates all Truline maps which are based on the 1970 map.

2017 Horizons Engineering Survey



The road is too narrow on the maps. The road actually fills the space between S and W.

Summit of
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