

## Evidence for C at Two Cedar Trees and E at Two Boulders

### Direct Evidence

- An iron pipe at C was located by Horizons Eng. in 2013 under a 5-inch cedar root of one of two cedar trees held to be the original boundary line in 1947 between the Kent and Swift properties.
- Surveyor James Bumps tracked N 33 W from iron pipe C to within 2 feet of Stake D.
- Position E is located on the same bearing 50 feet beyond D. E is also coincident with a point 90 feet from Stake S on bearing S 53 W cited in the Kent deed.
- Thus, position E represents a **perfect double bearing fit**, i.e. it is 90 feet from S and the **point of intersection** of the two bearings, N 33 W and S 53 W, recorded in the Kent deed.
- Finally, E is located in a 1-foot space between two massive boulders held by Sherrill Kent to represent the Kent back boundary. Kent also held that all stakes, including E, had been pulled.
- To measure 90 feet from point to point, the still extent Stake S in 2017 implies the existence of Stake E in 1947.
- The above points -- buttressed by the elimination of D and the 12.5% correction for the distance from C to E -- harmonize to establish E as the original monument on the Kent back border.

### Swift Family Trust Members Tampering with Boundary Distances

- From 1947 on Emerson Swift increased or reduced boundary lengths on several properties on the order of 12.5 % -- all to the advantage of Swift property owners. Family members altered beach frontages to accommodate a 75' frontage. Calculations establish the original Kent boundaries to be [CE = 438 feet], [EF = 235 feet] and the Swift Family Trust beach frontage [CR = 65.8 feet].

### 2014 Truline Map Nullified by Map Comparison, Wedge and Bearing Failure

- The earlier 1947 & 1967 Swift maps take precedence over the 1970 Brown map which is the blue print for all Truline maps. From 1970 on, all Swift deeds pertaining to Kent property are based on the 1970 Brown map. If there was no justification for changing the Kent back border from EF to DF' on the Brown map, then all documents derived from the 1970 Brown map are invalid/nullified. The following points illustrate the flaws on the 2014 Truline map.
- The 2014 Truline map fails the bearing test wherein BD of N 30-53-05 W impacts 540 feet to the south and BA and CA impact 886 feet and 1,242 feet to the north of the summit. The bearing N 33 W in the 1947 Kent deed passes through the summit of Mt. Pisgah.
- The 2014 Truline map also fails the Wedge Argument. An iron pipe at A, discovered in 2012 by Truline surveyor Shane Clark, is claimed by Swift to represent the northeast most corner of the Kent property. A is 90 feet from R' on the F'ADR' back border and mimics the 90 feet between S and E on the 1967 Swift map. Of two competing wedges: BAR'R for Swift and CESR for Kent, the Swift wedge fails 3 of 4 criteria. The Kent wedge satisfies all 4 criteria.

### Testimony of both Kent and Swift Witnesses

- Sherrill Kent told family members that the two cedar trees at C and the space between the two boulders at E marked the Kent property.
- He told a cousin, Nancy Duggan, DDS, about the two cedar trees when she was a little girl.
- Two decades ago Jean Swift Phinney acknowledged to Sam Kent that the two cedar trees marked the common boundary.
- The distance of 388.1 between C and D measured by Horizons in 2013 and the 388.5 reported in the 1971 Swift deed between beach and D suggests that Emerson Swift took the measurement in 1971 starting from the two cedar trees.

### Other Evidence for Boundary Tampering not Used

- The Swifts shifted two beach lots 10' to the southwest to create a 75' frontage for the SFT beach lot. Also the main reference point at the end of the beach was removed. That monument may have been an 8' obelisk-shaped piece of granite which disappeared from the beach 15 to 20 years ago. its presence would have resolved the dispute immediately as to whether B or C marked the boundary of the SFT beach frontage.
- The distance between R and an original marker on the beach two lots down is 265'. [In 1968 that original marker was shifted 10' to the southwest.] The 265' spans two 100' lots leaving 65' for the SFT frontage. The iron pipe at C marks that 65' point [65.8' measured].
- The Swifts modified and recorded the CD and RR' bearings on deeds and maps to change the SFT beach frontage from 58' in 1947 to 75' in 1971 to 79.4' in 1991 and back to 75.0' in 2012 after the 79.4' claim was challenged.