

Oscar S. Nivrum
 Attorney at Law
 437 South Hill Street
 Los Angeles 13, California
 Telephone - Mutual 1438

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF LOS ANGELES

JAMES F. BOEMAN and ESTELLA K. BOEMAN,)	
husband and wife,)	
Plaintiffs,)	No. 500064
vs.)	
GUSTAV F. KRUGER and ALMA A.)	JUDGMENT
KRUGER, husband and wife; ESTELLA J.)	DETERMINING, ESTAB-
CROWELL, formerly ESTELLA JANE MARCH,)	LISHING AND FIXING
and HENRY CROWELL, husband and wife;)	DISPUTED BOUNDARY
TITLE INSURANCE AND TRUST COMPANY, a)	LINE BETWEEN COTER-
California corporation, as successor)	MINOR LAND OWNERS
Trustee to Title Guarantee and Trust)	AND QUENTING TITLE.
Company, by merger, Trustee, pursuant)	
to the provisions of the certain Deed)	SEE C.S.B 1915
of Trust recorded in Book 18500, Page)	
203, Los Angeles Official Records; H.)	
O. DODDS and MARIE E. DODDS, husband)	
and wife; NATIONAL TITLE INSURANCE)	
COMPANY, a California corporation, as)	
Trustee, pursuant to the provisions of)	
that certain Deed of Trust recorded in)	
Book 20263, Page 1 of said Official)	
Records; ARTHUR M. J. MULLANBY and)	

MARIN C. MULLAHNY, husband and wife,)
 Title Insurance and Trust Company, a)
 California corporation, as Trustee,)
 pursuant to the provisions of that)
 certain Deed of Trust, recorded in)
 Book 18094, Page 133 of said Official)
 Records; INTERVALLINE BUILDING AND LOAN)
 ASSOCIATION, a California corporation;)
 HERBERT H. WATSON, also known as)
 HERBERT HERBERT WATSON, and DOROTHY H.)
 WATSON, also known as DOROTHY HARRIET)
 WATSON,)
 Defendants.)

This cause came on regularly for hearing in Department 1 of the above entitled Court on Thursday, March 14, 1946, at 9:15 A. M., the Honorable Hubert S. Schmidt, Judge Presiding, and was regularly continued to Friday, March 15, 1946, at 9:15 A.M., and was then regularly assigned to Department 2 of the above entitled Court, the Honorable Pat R. Parker, Judge Presiding, and was then regularly continued to Monday, March 18, 1946, at 10:00 A. M.

That, thereafter, and on Monday, March 18, 1946, said cause came on regularly for hearing in said Department 2 before the Honorable Pat R. Parker, Judge Presiding, the plaintiffs, James F. Bowman and Estella K. Bowman, appearing in person and by and through their attorney, Oscar S. Myrus, Esquire, and the defendants, Gustave F. Krueger and Alma A. Krueger, husband and wife, appearing by and through their attorney, Allen M. Williams, Esquire, who represented to the Court that the law firm of the attorneys of record for said defendants designated as "Howlett and Williams, Attorneys and Counsellors at Law" was formerly a co-partnership, and that the same was dissolved on January 1, 1946,

and the right to represent said defendants in the above entitled cause, pursuant to the dissolution agreement, was retained by said Allen M. Williams, Esquire; and the defendants, Estella J. Crowell, formerly Estella Jane Marsh, and Henry Crowell, husband and wife, and Arthur M. J. Mallaney and Marie G. Mallaney, husband and wife, appearing in person and by and through their attorney, Francis R. McKenna, Esquire; and the defendant, Intervalley Building and Loan Association, a California corporation, appearing by and through its attorney, Francis R. McKenna, Esquire; and the Court finds that the defaults of the following defendants, to-wit: Title Insurance and Trust Company, a California corporation, as successor to Title Guarantee and Trust Company, by merger, Trustee, pursuant to the provisions of the certain Deed of Trust recorded in Book 18500, Page 203, Los Angeles Official Records; H. G. Dodds and Marie H. Dodds, husband and wife; National Title Insurance Company, a California corporation, as Trustee, pursuant to the provisions of that certain Deed of Trust recorded in Book 20283, Page 1, of said Official Records; Title Insurance and Trust Company, a California corporation, as Trustee, pursuant to the provisions of that certain Deed of Trust recorded in Book 18094, Page 133, of said Official Records, have been duly made and entered in the above entitled cause; and the Court further finds that the defendants, Herbert E. Watson, also known as Herbert Ernest Watson, and Dorothy H. Watson, also known as Dorothy Harriet Watson, husband and wife, have personally appeared in the above entitled cause by filing an answer prepared by Gladys Towles Root, Attorney and Counsellor at Law, and, after due notice of trial and at the hearing of said cause, no appearance was made by said attorney for and on behalf of said defendants, Herbert E. Watson and Dorothy H. Watson, and upon presentation to this Court of certain affidavits re military service, the defaults of said defendants have been ordered entered forthwith in said cause.

And the Court further finds that an order, dated June 5, 1945, and made in Department 34 of the above entitled Court by the Honorable Emmet H. Wilson, Judge Presiding, reads in part as follows:

"IT IS ORDERED that Alfred Jones, as the Los Angeles County Surveyor, is hereby appointed, authorized and empowered as a commissioner of the above entitled Court to survey, map and fix the boundaries in controversy of the property described in paragraph VI of plaintiff's complaint on file in the above entitled cause subject to approval of this Court; and to examine on oath the above named plaintiffs and defendants or any of them, and any and all parties having knowledge of the actual location of said boundaries whose testimony may be necessary or required to correctly survey, map and fix said boundaries, and to return such survey, map, evidence, report and recommendations to the above entitled Court as soon as possible; and that such commissioner is also authorized and empowered to conduct hearings and use the usual subpoenas, citations and process of this Court to require such parties to appear and testify before him with respect to the location of said boundaries; and the compensation of said commissioner shall be determined pursuant to the provisions of Section 1871 of the Code of Civil Procedure."

And the Court further finds that pursuant to said order said County Surveyor surveyed said property on July 2nd and July 5th, 1945, under the direction and supervision of E. T. Mankey, a Registered Civil Engineer and Deputy County Surveyor, and on August 7, 1945, completed the map of the same, and that the field notes of this survey are recorded in County Surveyor's Field Book No. 896, Pages 71 to 82, inclusive, and the map has been placed on file

in the office of the County Surveyor under the reference of County Surveyor's Map No. B-1915, a print of which has been introduced in evidence in this cause as plaintiff's Exhibit "16", with additional data noted thereon.

And the Court further finds that the corners of the land described in paragraph VI of plaintiff's complaint have been designated on said plaintiff's Exhibit "16" by said E. T. Mankey, Deputy County Surveyor, by the following ordinal numbers, to-wit:

CORNER	NUMBER
Northeasterly	1
Southeasterly	2
Southwesterly	3
Northwesterly	4.

And the Court further finds that great uncertainty has existed for a period of years with respect to the actual location of the boundary lines in question in this cause, and that the actual location of original lot corners in this area have been lost or destroyed, and that a certain fence line has existed for over the period of the statute of limitations along the northeasterly line of possession of the defendants Growall's property.

And the defendants, Gustave F. Krueger and Alma A. Krueger, husband and wife, by and through their said counsel, Allen M. Williams, Esquire, and the defendants, Estella J. Growall, formerly Estella Jane Marsh, and Henry Growall, husband and wife; and Arthur M. J. Mullaney and Marie C. Mullaney, husband and wife, by and through their attorney, said Francis R. McKenna, Esquire; and Intervalley Building and Loan Association, a California corporation, by and through its attorney, Francis R. McKenna, Esquire; and the plaintiffs, James F. Bowman and Estella K. Bowman, husband and wife, by and through their attorney, Oscar S. Elvrum, Esquire, have stipulated in open Court that the boundaries of the property of said defendants, Gustave F. Krueger and Alma A. Krueger, and

said plaintiffs, James F. Bosman and Estella K. Bosman, and the coterminous land owners and said defendants be determined, fixed and established by the Court as hereinafter described.

And the Court further finds that over One Thousand Dollars has been paid on the principal sum by the plaintiffs to the defendants, Gustave F. Krueger and Alma A. Krueger, and, pursuant to the terms of agreement for sale of real estate herein-after mentioned, the Sellers have agreed to deliver title and take back a trust deed for the balance remaining unpaid, payable on the same terms of said agreement.

And the Court also finds that the purported right of way across the land included within the limits of the boundaries hereinafter described, as granted by J. L. Lanterman to Mary C. Williams, et al, by deed recorded in Book 78, Page 309, of Deeds, is an abandoned right of way, and the location of said right of way is not specifically described therein, and the same does not affect the property hereinafter described, and it further appearing that findings of fact and conclusions of law have been waived by the parties appearing on said cause; now, upon the motion of said Oscar S. Myrum, attorney for said plaintiffs, James F. Bosman and Estella K. Bosman;

IT IS HEREBY ORDERED that the Complaint filed herein shall be and the same is hereby amended to include all of the property hereinafter described; and

IT IS ALSO ORDERED, ADJUDGED AND DECREED pursuant to said Stipulation, that the boundaries of the property of said defendants, Gustave F. Krueger and Alma A. Krueger, and said plaintiffs, James F. Bosman and Estella K. Bosman, and the coterminous land owners and defendants herein, shall be and the same are determined, fixed and established as follows, to-wit:

Beginning at the above described corner 3, as shown on said plaintiffs' Exhibit "16", thence North 53° 29' West a distance

of 3.00 feet; thence North $36^{\circ} 39' 30''$ East a distance of 139.00 feet; thence North $53^{\circ} 20'$ West a distance of 6.00 feet; thence North $36^{\circ} 39' 30''$ East a distance of 50.00 feet; thence South $53^{\circ} 20'$ East a distance of 1.00 feet; thence North $36^{\circ} 39' 30''$ East to the curved southwesterly line of Altura Avenue as the same is now located and established and thence southeasterly along said curved southwesterly line to the intersection with a line drawn parallel with and distant three feet northwesterly measured at right angles from the southeasterly line of Lot 449 of Tract 1701 or its northeasterly prolongation as shown on said County Surveyor's Map, plaintiffs' Exhibit "16", thence South $36^{\circ} 39' 30''$ West along said parallel line to the southwesterly line of said Lot 449 as shown on said plaintiffs' Exhibit "16", thence North $53^{\circ} 20'$ West along said southwesterly line 47 feet to the point of beginning.

It is further ordered that the County Surveyor, as the Commissioner of this Court, shall, as soon as possible, survey, locate, and establish said boundaries on the ground, and place recognized and approved monuments at the respective corners of the irregular figure therein described which shall meet all the requirements of the map and subdivision laws of the State of California, so that the same can, through the course of instrument filing be incorporated into and made a part of a legal recorded subdivision, and that immediately thereafter said commissioner shall prepare a map from said survey that shall be incorporated into and made a part of this decree, and shall immediately after completion of said work advise this Court of his additional charges in said matter.

IT IS ALSO HEREBY ORDERED, ADJUDGED AND DECREED:

That at the time of the commencement of this action title to the property situate in the County of Los Angeles, State of California, included within the boundaries hereinbefore described

and to be surveyed, monumented and mapped by the County Surveyor, as a Commissioner of this Court, was and is now vested in the defendants, Gustave F. Krueger and Alma A. Krueger, husband and wife, as Joint Tenants, and that all of said property shall be deemed to be included within the limits of the land described in that certain agreement for sale of real estate made the 3rd day of September, 1943, by and between defendants, Gustave F. Krueger and Alma A. Krueger, husband and wife, as Seller, and Plaintiffs, James F. Bowman and Metella K. Bowman, his wife, as Joint Tenants, as Buyer, and subject to the terms, conditions and provisions of said agreement and the matters hereinafter recited.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

That plaintiffs James F. Bowman and Metella K. Bowman's title to the property included within the boundaries hereinbefore described, is hereby forever quieted against any and all claims, demands and/or pretensions of said defendants, and each of them, to any right, title, possession, lien, interest and/or equity in above described real property, and that they, and any of them, are hereby perpetually enjoined and restrained from setting up or making any claim to or upon the above described real property, or any part thereof; subject to the condition subsequent that plaintiffs, James F. Bowman and Metella K. Bowman, deliver to the defendants, Gustave F. Krueger and Alma A. Krueger, a good and sufficient trust deed that shall through the course of instrument filing become a first lien on said premises for the balance remaining unpaid on said agreement for sale of real estate, payable on the same terms as said agreement, or immediately pay said defendants, Gustave F. Krueger and Alma A. Krueger, the balance due on said agreement.

IT IS FURTHER ORDERED, that damages against the defendants, Gustave F. Krueger and Alma A. Krueger, be and the same are hereby denied; and

That the plaintiffs, and each of them, shall have their costs of suit incurred herein, subject to further order of this Court as to the payment of such costs against various defendants.

Dated this 10th day of April, 1946.

PAT R PARKER

Judge of the Superior Court.

APPROVED as to form and findings of fact
and conclusions of law waived

By Allen M. Williams, Attorney for defendants
Gustave F. Krueger and Alma A. Krueger.

By Francis R. McKenna, Attorney for defendants
Estella J. Growell, formerly Estella Jane
Marsh, and Henry Growell;
Arthur M. J. Mullaney and Marie C.
Mullaney; and
Intervalley Building and Loan Association,
a California corporation.

THE DOCUMENT TO WHICH THIS CERTIFICATION IS
ATTACHED IS A FULL, TRUE AND CORRECT COPY OF
THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE,
SAME HAVING BEEN FILED APR 10, 1946
AND ENTERED APR 11, 1946
JUDGMENT BOOK 1645 PAGE 321

Attest April 17th, 1946

J. F. MURPHY, County Clerk and Clerk of the Super-
ior Court of the State of California
in and for the County of Los Angeles

By (Signed) J. K. Seymour DEPUTY

Report of Survey

Embracing

The Southeasterly 50 Feet of Lot 449, Tract No. 1701,
as recorded in Map Book 22, Pages 178 and 179, in the
Office of the Recorder of Los Angeles County.

- - - - -

Being that Parcel of Land Conveyed to Gustave F. Krueger
and Alma A. Krueger by Deed Recorded in Official Records
Book 15739, Page 132.

- - - - -

JOB NO. 8403

- - - - -

Alfred Jones - County Surveyor

and

Commissioner of the Court in the Following Named Action

- - - - -

Report prepared pursuant to an order by the Honorable
Emmet H. Wilson, Judge of the Superior Court of the
State of California in and for the County of Los Angeles,
Dated June 5, 1945, in connection with the action of
James F. Bozman, et al, vs. Gustave F. Krueger, et al.

S.C.C. - L.A. 500084.

- - - - -

Report by: E. T. Mankey, Deputy County Surveyor.

- - - - -

August 14, 1945.

AUTHORITY

On June 5, 1945, the County Surveyor was ordered by the Honorable Emmet H. Wilson, Judge of the Superior Court of the State of California in and for the County of Los Angeles, to survey, map and fix boundaries of certain real property located in Lot 449, Tract No. 1701, as recorded in Map Book 22, Pages 178 and 179, in the Office of the Recorder of said County.

Specifically, the court order requested the establishment of boundaries in controversy described in paragraph VI of the plaintiffs' complaint in the action of James F. Bozman, et al, Plaintiffs, vs. Gustave F. Krueger, et al, Defendants (S.C.C. L.A. No. 500084), the parcel of land so described being that conveyed to Gustave F. Krueger and Alma A. Krueger by deed recorded in Book 15739, Page 132, Official Records in the Office of the Recorder of Los Angeles County.

The order further requested that such survey, map and evidence be returned to the Court as soon as possible, together with a report and recommendations.

Pursuant to these instructions the County Surveyor on July 2nd and July 5th, 1945, prosecuted said survey and on August 7, 1945, completed the map of same.

The field notes of the survey are recorded in County Surveyor's Field Book No. 896, Pages 71 to 82 inclusive, whereas the map has been placed on file in the Office of the County Surveyor under the reference of County Surveyor's Map No. B-1915.

The report and recommendations follow:

PREVIOUS INVESTIGATIONS

On several occasions in the past, the County Surveyor has been consulted by property owners in Tract No. 1701 concerning apparent discrepancies between lines of record title and lines of possession bounding their holdings.

From examinations made by this office we have in most cases concluded that these discrepancies originated from failure of re-surveyed

boundaries to coincide with their respective original record locations.

Evidence indicating that certain re-surveys were made is quite conclusive, from an examination of corner stakes recovered by this Department. No record identifying who set these stakes or how they were set has ever been located by the County Surveyor.

The block in which the property involved in the present controversy is located was subject to our investigation in 1941, resulting in the conclusion that certain line fences and walls were out of position by as much as 10 feet. According to property owners interrogated at that time it appears that some of these possessory lines were erected to surveyors stakes represented as marking their property corners.

- - - - -

CHRONOLOGICAL SEQUENCE OF SURVEYS AND TITLE BEARING ON THE LOCATION OF THE BOUNDARIES IN CONTROVERSY.

Since the process of establishing the boundaries in controversy is dependent upon numerous retracement surveys and conveyances appearing in the public records, it is believed that an understanding of their chronology is essential in concluding the problem at hand.

The following sections of the report, therefore, list and describe in chronological sequence all surveys, conveyances, and other matters bearing on the location of the boundaries described in Paragraph VI of the plaintiffs' complaint.

- - - - -

In January, 1913, E. T. Wright, a local civil engineer, surveyed and established the subdivision known as Tract No. 1701 recorded in Map Book 22, Pages 178 and 179, in the Office of the County Recorder.

The title to the properties of all parties to the hereinabove mentioned action originates with, and is based on, this map and survey.

At the time this subdivision was made Mr. Wright prepared a street center line layout map embracing the streets dedicated by Tract No. 1701. A print of this map is on file in the County Surveyor's

Office under the reference of County Surveyor's Map No. 8625.

- - - - -

On December 13, 1921, Mark S. Collins acquired from Mira Hershey all of Lots 448 to 457 inclusive of Tract No. 1701. This conveyance was recorded December 16, 1921, in Book 785, Page 65, Official Records in the Office of the County Recorder.

- - - - -

On February 11, 1922, Mark S. Collins acquired from Mira Hershey Lots 446 and 447 of Tract No. 1701. This conveyance was recorded on March 9, 1922, in Book 868, Page 339, Official Records in the Office of the County Recorder.

Through the above two conveyances Mr. Collins acquired all of the property in the block bounded on the Northeast by Mayfield and Altura Avenues, and on the Southeast by Glenada Avenue, on the Southwest by Montrose Avenue, and on the West by the westerly boundary of Tract No. 1701.

- - - - -

In May, 1922, A. C. Pillsbury, a licensed surveyor, retraced the westerly boundary of Tract No. 1701 between Montrose and Altura Avenues. The map of Pillsbury's survey is on file in Licensed Surveyor's Book 12, Page 9, in the Office of the County Recorder.

From an examination of his map it appears that he established the position of the west line of Lots 438 and 439, Tract No. 1701, from monuments which he found and accepted. It also appears that he established the dedicated position of Briggs Avenue by accepting stakes found by him at the Northwest corner of Lot 415 and the Northeast corner of Lot 416 of Tract No. 1701.

According to his map he established the most northerly corner of Lot 438 on the west line of Lots 438 and 439 previously described, at the point of intersection of a line of record bearing passing through the stake found by him at the northeast corner of Lot 416.

From the most northerly corner of Lot 438 he ran southerly along the west line of Lots 438 and 439, a record distance per Tract 1701 of 655.46 feet to establish the most southerly corner of Lot 439.

The northeasterly line of Lot 445 was established by running in a direct line from the most southerly corner of Lot 439, above described, to an old spike and tin in the center line of Rosemont Avenue, identified by him to be a Wright point. The most northerly corner of Lot 445 was established in the above mentioned northeasterly line at record distance per Tract 1701 of 50.94 feet from the most southerly corner of Lot 439.

From the most northerly corner of Lot 445, above described, it appears that Pillsbury established the westerly line of Tract No. 1701 as far south as Montrose Avenue, by running courses and distances in accordance with the record shown on the map of Tract No. 1701.

It further appears that to close his survey he retraced the center line of Montrose Avenue by record course and distance from the Wright center line of Ocean View Boulevard, northwesterly to an intersection with his westerly boundary of Tract No. 1701, above described.

His closing error in the Montrose Avenue line appears to have been only 0.12 feet in the frontage of Lots 455 to 457 inclusive.

At the conclusion of his survey the record indicates that Pillsbury set 2 inch iron pipes along the westerly boundary of the Tract, at the most northerly and most westerly corners of Lot 457, at the most northerly and the most westerly corners of Lot 446, and at the angle point in the westerly boundary of the Tract in the southwesterly line of Mayfield Avenue 191.43 feet northwesterly of the most northerly corner of Lot 446.

An analysis of Pillsbury's survey as filed in Licensed Surveyor's Book 12, Page 9, indicates that his establishment of the westerly boundary of Tract No. 1701 was in substantial agreement with the boundary established by Wright in the original subdivision.

In May, 1923, the County Surveyor surveyed and monumented the center line of Montrose Avenue from Ocean View Boulevard to Pennsylvania Avenue. The map of this survey is on file in the office of the County Surveyor under the reference of County Surveyor's Map No. 8571.

The starting point for this survey in Ocean View Boulevard, together with numerous other center line monuments on Ocean View Boulevard used for orientation purposes were verified from original field notes loaned to the County Surveyor by George A. Wright, son of E. T. Wright.

At the intersection of center lines of Ocean View Boulevard and Montrose Avenue the County Surveyor found an old 1 inch iron pipe with plug and tack 36 inches below the street surface which he identified from Wright's field notes as an original monument.

From this point he proceeded northwesterly along the center line of Montrose Avenue by angle and distance in accordance with the record shown on the map of Tract No. 1701 and County Surveyor's Map No. 8625 (Wright Street Center Line Map), to an intersection with the westerly line of the subdivision as established by Pillsbury in May, 1922. Our tie between the center line of Ocean View Boulevard and the westerly boundary of Tract No. 1701 was found to be in substantial agreement with both the Wright and Pillsbury surveys.

At the conclusion of this survey the County Surveyor placed monuments consisting of 2 inch iron pipes set in concrete, 12 inches below the ground surface at each of the following points:

- (1) The center line intersection of Montrose and Glenada Avenues.
- (2) In the center line of Montrose Avenue, at the end of curve, opposite the southwesterly boundary of Lot 455, Tract No. 1701.
- (3) The intersection of the center line of Montrose Avenue and the westerly boundary of Tract No. 1701.

It should be noted that this survey recovered and tied-in 2" x 2" stakes presumably set for the following points:

- (1) The mid-point in the southwesterly line of Lot 457.
- (2) The most southerly corner of Lot 457.
- (3) The mid-point in the southwesterly line of Lot 456.

These stakes appear to have been set from 2.04 to 2.32 feet southeasterly of the locations we presume they were intended to mark.

Another stake was recovered in the northeasterly line of Montrose Avenue 0.37 feet offset southeasterly from the radial line passing through our center line monument marking the end of curve in Montrose Avenue. It is possible that this stake may have been set in the position of the original stake marking the point of curve in the southwesterly line of Lot 455 since it appears to be in substantial agreement with the westerly boundary of the subdivision.

- - - - -

In December, 1924, the County Surveyor ran the center line of Glenada Avenue, between Montrose and Altura Avenues, and the center line of Altura Avenue from Glenada Avenue to the west boundary of Tract No. 1701. The map of this survey is on file in the County Surveyor's Department under the reference of County Surveyor's Map No. 8528.

This survey was commenced at the 2 inch iron pipe in concrete, 12 inches below the ground surface, marking the center line intersection of Montrose and Glenada Avenues as set by the County Surveyor in 1923 and as shown on County Surveyor's Map No. 8571.

From this point he proceeded northeasterly and northwesterly along center line chords of Glenada and Altura Avenues by angle and distance in accordance with the record shown on the map of Tract No. 1701 and County Surveyor's Map No. 8625 (Wright Street center line map), to an intersection with the west line of Tract No. 1701 as established by Pillsbury in 1922.

The closure along this line between the center line of Montrose Avenue, and the west line of Tract No. 1701, was found to be

in substantial agreement with both the Wright and Pillsbury surveys.

Upon completion of this survey a 2 inch iron pipe with brass cap in concrete, 12 inches below surface, was set on the center line of Altura Avenue opposite the most southerly corner of Lot 424, Tract No. 1701.

A similar monument was set on the center line of Altura Avenue opposite the point of compound curve in the northeasterly line of Lot 450, Tract No. 1701.

A 1" x 2" stake was set at the center line intersection of Mayfield and Altura Avenues.

- - - - -

On March 8, 1925, the Los Angeles County Road Department ran the center line of Mayfield Avenue between Altura and Rosemont Avenues. The field notes of this survey are recorded in Road Department Field Book No. Z.169, Page 146.

From their field notes it appears that they recovered and accepted the 1" x 2" stake set by the County Surveyor at the center line intersection of Mayfield and Altura Avenues, as shown on County Surveyor's Map No. 8528, and the 2 inch iron pipe set by Pillsbury in the southwesterly line of Mayfield Avenue at the most westerly angle point in the westerly boundary of Tract No. 1701.

The line of Mayfield Avenue established by them in this manner appears to be in substantial agreement with the record location indicated by Tract No. 1701.

- - - - -

Between May and October, 1926, the Los Angeles County Road Department, in connection with certain street improvements, retraced the center lines of Montrose Avenue, Glenada Avenue, and Altura Avenue, bounding the area now in controversy. The field notes of their survey are recorded in Road Department Field Book No. F.O. 560.

Their work consisted principally of recovering and retracing the lines between center line monuments shown on County Surveyor's Maps

Nos. 8571 and 8528 hereinabove mentioned.

At the conclusion of construction operations a number of substantial tie or reference points were set in curbs and sidewalks to facilitate future recovery or reestablishment of the center line monuments previously set by the County Surveyor.

Their field notes indicate substantial agreement in both angular and linear measurements with those of the County Surveyor.

- - - - -

On March 12, 1934, the defendants' Mullaney acquired from Mark S. Collins the northwesterly 50 feet of Lot 450, Tract No. 1701, by deed recorded April 19, 1934, in Book 12739, Page 134, Official Records in the Office of the County Recorder.

The description contained in this conveyance is as follows:
"The westerly 50 feet of Lot 450, of Tract 1701, as per map recorded in Book 22, Pages 178 and 179 of Maps, in the office of the County Recorder of said County."

- - - - -

On April 12, 1934, defendant Estella J. Crowell, formerly Estella Jane Marsh, acquired from D. Beulah Toby the northwesterly 50 feet of Lot 449, Tract No. 1701, by deed recorded July 12, 1934, in Book 12854, Page 205, Official Records in the office of the County Recorder.

The description contained in this conveyance is as follows:
"The westerly 50 feet of Lot 449 of Tract 1701, as per map recorded in Book 22, Pages 178 and 179 of Maps, Los Angeles County Records."

- - - - -

On March 15, 1937, defendants Watson acquired from the Estate of Delia A. Bradley, deceased, the Southeasterly 50 feet of Lot 456, Tract No. 1701, by deed recorded April 22, 1937, in Book 14922, Page 113, Official Records in the office of the County Recorder.

The description contained in this conveyance is as follows:
"The Easterly one-half of Lot 456 of Tract 1701 in the County of Los Angeles, State of California, as per map recorded in Book 22, Pages 178 and 179 of Maps, Records in said County."

On April 11, 1938, defendants Krueger acquired from John L. Strauss and Sarah B. Strauss the southeasterly 50 feet of Lot 449, Tract No. 1701, by deed recorded April 20, 1938, in Book 15739, Page 132, Official Records in the office of the County Recorder.

The description contained in this conveyance is as follows: "That portion of Lot 449, Tract No. 1701, as per map recorded in Book 22, Pages 178 and 179, of Maps, in the office of the County Recorder of said County, described as follows:"

"Beginning at the most Easterly corner of said Lot 449; thence South $36^{\circ}40'$ West, along the Southeasterly line thereof, 196.51 feet to the most Southerly corner of said Lot 449; thence North $53^{\circ}20'$ West along the Southwesterly line thereof, 50 feet; thence North $36^{\circ}40'$ East, parallel with the above mentioned Southeasterly line and the Northeasterly prolongation thereof, 216.81 feet more or less, to the curved Northeasterly line of said Lot 449; thence Southeasterly along said Northeasterly line, on a curve concave to the Northeast, having a radius of 500 feet, a distance of 53.96 feet, more or less to the point of beginning."

This description is identical with the description contained in paragraph VI of the plaintiffs' complaint and is the one used by the County Surveyor in prosecuting the Court's order in establishing the boundaries in controversy in this action.

- - - - -

In 1941 C. E. Hughes, a licensed surveyor, established the boundaries of the Southeasterly 50 feet of Lot 450, Tract No. 1701. The field notes and map of this survey have not been made public records.

In June, 1941, Mr. Hughes was contacted by a Deputy from the County Surveyor's Office concerning the procedure used by him in establishing his client's lines.

According to Mr. Hughes, his survey was based on the center lines of Montrose, Glenada, and Altura Avenues, as established by the County Surveyor and later referenced by the County Road Department as

previously described in this report.

It appears that he established the most northerly corner of Lot 450 at record distance (4.01 feet) northwesterly from the point of compound curve in the northeasterly line of Lot 450. The most easterly corner of said lot was established proportionally between the most northerly corner of Lot 450 and Glenada Avenue. The most southerly corner of the lot was established by proportionate measurement on a straight line between the most easterly corner of Lot 450 and the most southerly corner of Lot 455 previously established by him at record distance (19.81 feet) southeasterly from the point of curve in the southwesterly line of Lot 455.

He then established the northwesterly line of the southeasterly 50 feet of Lot 450 parallel with the southeasterly line of said lot allowing for proportional frontage on Altura Avenue.

The methods employed by Mr. Hughes in his survey appear to have been consistent with accepted practice, especially since the property he was surveying was unimproved and was not marked along either the Northwesterly or Southeasterly boundaries by lines of possession.

Along the Southwesterly boundary of his survey, however, his line fell approximately 3 feet southwesterly of an existing rock wall, marking the line of possession along the northeasterly line of the southeasterly 50 feet of Lot 455.

- - - - -

In April, 1941, as a result of the Hughes survey, several property owners in the district contacted the County Surveyor concerning certain apparent discrepancies between record title boundaries and possessory lines, particularly within the area in controversy.

This office made an investigation and report on the situation, a copy of which is appended hereto.

In brief, this Office recommended that the property owners through joint action retain the services of a licensed land surveyor or registered civil engineer to make a comprehensive survey and map of the area, on which would be indicated the relative discrepancies

between possession and lines of record title. It was further suggested that through transfer of deeds the lines of title be shifted to fit corresponding lines of possession.

- - - - -

Acting in accordance with the proposal advanced by the County Surveyor, a number of property owners in the block in December, 1944, retained the services of W. A. Smith, a licensed land surveyor to prosecute the plan.

The map of his survey is now in the County Surveyor's Office for examination under temporary reference number R.S. 1334.

On the face of this map the boundaries of 14 parcels are shown which, presumably, are located in agreement with the desires of the adjacent property owners involved.

Defendants Watson have already adjusted their northwesterly and southeasterly boundaries to Smith's lines by exchange of quitclaim deeds with adjoining owners.

Similarly, defendants Crowell have adjusted their northwesterly boundary to Smith's line by quitclaim deed.

The location of, and County Recorder's reference to, the above mentioned quitclaim deeds are indicated on the face of County Surveyor's Map No. B-1915, which is the map of our survey made pursuant to the Court order in the present action.

Upon completion of our examination of Smith's map and survey, it will be transmitted to the County Recorder for filing.

ANALYSIS OF SURVEY MADE BY COUNTY SURVEYOR

The survey of the southeasterly 50 feet of Lot 449, Tract No. 1701, made by the County Surveyor on July 2nd and 5th, 1945, pursuant to the Court's order, was based generally on the center lines of Montrose and Altura Avenues as originally monumented by this Department and later perpetuated and referenced by the County Road Department, as hereinabove described.

Our procedure in establishing the boundaries of the parcel described in Paragraph VI of the plaintiffs' complaint was as follows:

The point of compound curve in the northeasterly line of Lot 450 was first established by running $S.55^{\circ}40'W.$ 35.00 feet along the radial line from the location of the County Surveyor's monument in the center line of Altura Avenue, as replaced from County Road Department reference ties. This course and distance corresponds with the record shown on the map of Tract No. 1701.

The most easterly corner of Lot 449 was then set in the southwesterly line of Altura Avenue, 4.01 feet northwesterly from the point of compound curve in the northeasterly line of Lot 450 in accordance with the record shown on the map of Tract No. 1701.

The southeasterly line of Lot 449 was established by running in a direct line from the most easterly corner thereof as above described, to a tack in a lead plug in the northeasterly sidewalk in Montrose Avenue set by W. A. Smith on the southwesterly prolongation of the line between Lots 455 and 456, per R.S. 1334.

The most southerly corner of Lot 449 was established in the above mentioned southeasterly line at proportional distance between the most easterly corner of said lot and the northeasterly line of Montrose Avenue, as determined from the County Surveyor's center line shown on County Surveyor's Map No. 8571.

The southwesterly line of Lot 449 was established by running northwesterly from the most southerly corner thereof above described on a course parallel with the center line of Montrose Avenue shown on

County Surveyor's Map No. 8571.

The most westerly corner of the parcel described in Paragraph VI of the plaintiffs' complaint was established in the above mentioned southwesterly line of Lot 449, a distance of 50.00 feet northwesterly from the most southerly corner thereof as above described.

The most northerly corner of the parcel described in Paragraph VI of the plaintiffs' complaint was established in the southwesterly line of Altura Avenue, at the intersection of a line run parallel with the southeasterly line of Lot 449 passing through the most westerly corner of said parcel hereinabove described.

It should be noted that the legal description contained in Paragraph VI of the plaintiffs' complaint is the same as that appearing of record in Book 15739, Page 132, Official Records in the office of the County Recorder.

In establishing the boundaries thereof in the manner above described, our location represents a true and correct retracement of the lines of record title as they appear in the records on file in the office of the Los Angeles County Recorder.

On the map of our survey (County Surveyor's Map No. B-1915) we have shown the relationship between the lines of record title and possessory lines and adjacent structures bearing on the controversy at issue. We have also shown the location of Parcel 2 described in Paragraph 2 of the plaintiffs' second cause of action. It should be noted that the call distance to the point of beginning in this description is omitted in the complaint. It has been presumed, however, that it was the intent thereof to commence at the most westerly corner of the parcel described in Paragraph VI of the Plaintiffs' first cause of action.

RELATIONSHIP BETWEEN TITLE AND POSSESSION

From an examination of County Surveyor's Map No. B-1915, it is apparent that the plaintiffs' dwelling encroaches on the property

of defendants Crowell.

The amount of this encroachment is approximately 8.5 feet.

- - - - -

The southeasterly line of the plaintiffs' property, as described in Paragraph VI of the complaint, clears the dwelling of defendants Mullaney by approximately 1.0 foot at the most northerly corner thereof.

- - - - -

The southwesterly line of the plaintiffs' property, as described in Paragraph VI of the complaint, falls along a rock and concrete wall marking the line of possession between the plaintiffs, and defendants Watson.

- - - - -

Defendants Crowells' dwelling encroaches approximately 9.0 feet onto the property adjoining them on the northwest. However, this encroachment has been rectified by an additional acquisition by defendants Crowell of a strip of land approximately 10 feet in width as described in Book 22077, Page 93, Official Records in the office of the County Recorder. This instrument was recorded June 13, 1945.

- - - - -

The southeasterly boundary of the property of defendants Mullaney is marked by a concrete wall constructed apparently to the line of Hughes' survey previously described in this report. No encroachment therefore exists between the property of defendants Mullaney and the property adjoining them on the southeast.

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

From an analysis of surveys, maps and records hereinabove set forth in chronological sequence, it is found that the street center lines which afforded basic control for the establishment by the County Surveyor of the boundaries now in controversy are in substantial agreement with the location of dedicated streets shown on the map of Tract No. 1701. The street center lines, thus established, in substantially their original locations, provide the best available control for use in surveying the boundaries of real property in Tract No. 1701.

- - - - -

The evidence of an erroneous re-survey by a person unknown to the County Surveyor in the block in question is supported by the stakes found by the County Surveyor in 1923, set presumably at the mid-points in the southwesterly boundaries of Lots 456 and 457 (County Surveyor's Map No. 8571).

Since the record indicates that Lots 448 to 457 inclusive were conveyed intact to Mark S. Collins on December 13, 1921, (Official Records Book 785, Page 65), it would appear that any subdivision thereof took place between that date and the date in 1923 that the County Surveyor recovered the above mentioned stakes. It is possible that Mr. Collins could throw some light on the identity of the surveyor who made the re-survey, provided that such information is considered necessary in this action.

Calculations using the recovered location of these stakes indicate that in addition to being out of position, the alleged re-survey was out of true orientation in a counter-clockwise direction by approximately 2.57 feet per hundred. This condition would tend to throw the northerly corners of the lots fronting on Altura Avenue more than 10 feet northwesterly of their correct positions.

The differential between title and possessory lines shown on County Surveyor's Map No. B-1915 conclusively supports the contention that possession along the lines in controversy was based on the alleged re-survey.

It appears from records in the County Recorder's Office that the property owners between the northwesterly line of the property of defendants Crowell in Lot 449, and the westerly boundary of Tract No. 1701, have by transfer of quit-claim deeds, adjusted their title to correspond with lines of possession. It further appears that there is no discrepancy between possession and title along the southeasterly boundary of the property of defendants Mullaney in Lot 450.

The adjustments by quit-claim deed, above described, have thrown a surplus of approximately 11 feet into the overall width of the properties of plaintiffs Bozman, and defendants Mullaney and Crowell, measuring from Mullaney's southeasterly line to the northwesterly line of the strip conveyed to defendants Crowell by quit-claim deed recorded in Book 22077, Page 93, Official Records in the office of the County Recorder.

The northwesterly boundary of the strip of land described as Parcel 2 in Paragraph 2 of plaintiffs' second cause of action follows, for all practical purposes, the line of possession between the properties of Plaintiffs Bozman and Defendants Crowell, with the exception of where it diverges from the wire fence at the northeasterly end thereof.

Furthermore, for all practical purposes, the plaintiffs' southwesterly boundary corresponds with a rock and concrete wall marking possession between the property described in Paragraph VI of the plaintiffs' complaint and that of defendants Watson.

- - - - -

It would appear that the most practical way to terminate the controversial issue over boundary location in this action would be through compromise.

If such a course is pursued, it is recommended:

(1) That a strip of land lying on the northwesterly side of, and adjacent to, the parcel described in Paragraph VI of the plaintiffs complaint be added to the property of the plaintiff. The northwesterly

boundary of this parcel should be made to correspond with the present line of possession in a location closely related to the northwesterly boundary of the strip of land described as Parcel 2 in Paragraph 2 of the plaintiffs' second cause of action. Near the northeasterly terminus of the northwesterly boundary just described, this line should be offset southeasterly to fit the location of the wire fence shown on County Surveyor's Map No. B-1915. This is to provide sufficient clearance between the boundary and the cypress hedge for driveway purposes on the property of defendants Crowell.

The line hereinabove described is shown in red running through points designated A-B-C-D-E and F, on the print of County Surveyor's Map No. B-1915 transmitted herewith.

(2) That a compromise line be established between the plaintiffs' property and that of defendants Mullaney, which would equally divide the existing strip lying between the true line of title and the line of possession along this boundary.

A line meeting these requirements is delineated in red running from point G to point H on the above mentioned print of County Surveyor's Map No. B-1915.

(3) That the line between the plaintiffs' property and that of defendants Watson remain unchanged since the present line of possession is in substantial agreement with the line of title.

(4) That if the legal counsel for the parties to this action concur in, and pursue the above recommendations, the County Surveyor be notified relative thereto and instructed to set substantial boundary monuments to mark the final lines of agreement, and be reimbursed for the cost thereof.

(5) That the County Surveyor be paid in full for expenses incurred up to date amounting to \$217.19, less \$100.00 which has already been paid.

APPENDICES

Copy of

Report on Surveys at Montrose

Prepared in the Office of the Los Angeles County Surveyor

June 24, 1941

June 24, 1941

Mr. Alfred Jones
County Surveyor
Los Angeles County

Subject: Surveys at Montrose

Dear Sir:

In accordance with the request contained in your communication of April 14, 1941, I have made an investigation relative to certain apparent discrepancies between surveys in a portion of Tract No. 1701, M.B.22-178-179.

This matter was called to your attention by Mrs. Herbert Watson, 2501 Montrose Avenue, and Mrs. Herschel Bradford, 2463 Montrose Avenue, Montrose, who were referred to you by Supervisor Jessup's Office.

My study of this problem consisted of the following phases:

1. A field investigation to determine in particular the physical characteristics and cause of the discrepancies.
2. Investigation of records in the Departments of County Surveyor, County Road Commissioner, County Assessor and County Recorder having a bearing on the case, and including a study of the chronological sequence of various surveys in the locality.
3. Personal contacts with Mrs. Watson, Mrs. Bradford, Mrs. Bertha A. Kennedy and Mr. John L. Mullaney. (See Figure No. 1 for assessed ownerships.)
4. Personal contact with a local surveyor, Mr. C. E. Hughes (L.S. No. 2222), residing at 1244 Moncado Drive, Glendale, who recently staked the easterly one half of Lot 450, Tract No. 1701.

As the County Surveyor has no legal authority to make surveys in connection with controversies over property boundaries of privately owned land, the sources of my conclusions are therefore confined entirely to the record, local testimony, and field inspection.

It appears from my investigation that a greater portion of the area embraced by Lots 446 to 457 inclusive, Tract No. 1701, (see Figure No. 1) contains discrepancies in varying amounts up to 8 or 10 feet between possessory lines and lines of title. The exact amount of these discrepancies can be determined by careful survey only. This report must, therefore, be confined to generalities or approximation so far as actual values are concerned. From a field investigation it appears that the lines of possession of Lots 453 to 457 and their subdivisions, are approximately 1.8 to 3.6 feet easterly of the lines of title where they intersect the northerly line of Montrose Avenue (see Figure No. 2). Furthermore the position of these lines of possession appear to be torqued in a counter clockwise direction to an extent that at the most northerly corner of Lot 450 the line of possession along the westerly side of said lot is some 8 or 10 feet westerly of the title location for same. Due to this condition it appears that the occupied boundary along the back lot lines has been placed from 3.0 to 5.0 feet northerly of a position consistent with record title. The extent of this condition within the affected area was not determined by me due to lack of sufficient field data. From evidence on the ground and through informa-

tion gained from personal contacts, I am of the opinion that the source of this condition originated through a re-staking survey in which an insufficient number of record corners were recovered to re-establish the lot lines in their respective positions according to the original subdivision.

A partial verification of this opinion is the existence of an old 2" x 2" white stake at the northwesterly corner of the Watson property as occupied. This stake is similar to one a surveyor might set in making a lot survey, although its age would not appear to date back to the original tract survey which was made in the year 1913. Possession lines along the backs of the adjacent properties appear to be consistent with this old stake, which makes it probable that several abutting properties were staked simultaneously at the time this old stake was set. I was unable to determine the identity of the surveyor who made the survey in question, however, I did receive information which leads me to believe that at one time a local subdivider owned several of the lots within the area, and that he hired a surveyor to set the corners of certain record lots and the 50 foot subdivisions thereof shown in Figure No. 1. I also received information that led me to believe these lines as restaked were indicated to prospective purchasers as the true lot lines.

The following is a brief digest of surveys embracing this area, chronologically arranged:

- | | |
|---------------|--|
| Jan. 1913 | E. T. Wright surveyed Tract No. 1701, M.B. 22-178 and 179, and C. S. 8625. |
| May-July 1923 | County Surveyor made retracement survey of Montrose Avenue from Ocean View Boulevard to Pennsylvania Avenue - C. S. 8571. |
| Dec. 1924 | County Surveyor made retracement survey of Altura Avenue and Florencita Avenue (now Glenada Avenue) through Lot 6, Block A, Crescenta Canada - C. S. 8528. |
| May-Oct. 1926 | County Road Department made numerous street center line retracement surveys in the Montrose area which included Montrose Avenue from Glenada Avenue to Rosemont Avenue, Glenada Avenue from Montrose Avenue to Altura Avenue, Altura Avenue from Glenada Avenue to Rosemont Avenue, and Mayfield Avenue from Altura Avenue to Rosemont Avenue. (Road Department Field Book F. C. 560-1 to 81.) |
| 1941 | C. E. Hughes (L.S. 2222) surveyed and staked the boundaries of the easterly one half of Lot 450, Tract No. 1701. |

The street center line surveys by the County Surveyor in 1923 and 1924 were made in conformity with original field notes and center line layout map loaned to the Department by the Wright Engineering Company. A print of Wright's layout map is filed as C. S. 8625.

At the conclusion of this survey the County Surveyor buried iron pipes in concrete on street center lines at the following intersections and curve transition points: (1) Montrose Avenue at the westerly line of Tract No. 1701, (2) Montrose Avenue at the beginning of curve opposite Lot 455, (3) Montrose and Glenada (formerly Florencita), (4) Glenada and Altura, (5) Point of compound curve in Altura Avenue opposite most southerly corner of Lot 424, and (6) Point of compound curve in Altura Avenue opposite the northerly line of Lot 450. In addition to these monuments the County Surveyor set a 1" x 2" stake at the center

line intersection of Altura and Mayfield. (See Figure No. 1.)

The survey by the County Road Department in 1926 recovered all of the above monuments and referenced them to leads and tacks set in the curbs. It appears from my field investigation that these Road Department reference points are still in excellent condition.

The C. E. Hughes survey of the easterly one half of Lot 450 was based entirely on the center lines of Montrose Avenue, Glenada Avenue and Altura Avenue as referenced by the County Road Department. According to Mr. Hughes, he established the northwesterly corner of Lot 450 at record distance (4.01 feet) northwesterly from the P.C.C. in the southerly right-of-way line of Altura Avenue. The northeasterly corner of Lot 450 was established proportionally between the northwest corner of Lot 450 and Glenada Avenue. The southeast corner of Lot 455 was established at record distance (19.81 feet) easterly from the beginning of curve in Montrose Avenue. The southeast corner of Lot 450 was then established by proportion on a straight line between the northeast corner of Lot 450 and the southeast corner of Lot 455. The westerly line of the easterly one half of Lot 450 was established parallel with the easterly line of Lot 450 allowing for proportional frontage on Altura Avenue. He further claims that he checked the position of the easterly line of Lot 450 by completing a tie therefrom to the southeast corner of Lot 452 established proportionally along Glenada Avenue. This tie was made along the back line of Lots 451 and 452. It would appear that the method employed by Mr. Hughes in staking Lot 450 is in accordance with accepted practice, especially in view of the fact that Lots 451 and 452 are unimproved and no possessory line exists along the westerly line of either lot.

In order to satisfy myself that the conflict in boundaries was due to a local condition and not caused by a flaw in the records or an error in County surveys, the following office investigation was made:

1. A traverse was calculated embracing each individual lot from Lot 446 to Lot 457 inclusive, using courses and distances shown on the record map.

2. Center line bearings and distances adjoining the block, as shown on County Surveyor's Maps 8571 and 8528, were compared against the originals as shown on the E. T. Wright layout map (C. S. 8625).

3. County Road Department angles and distances adjacent to the block were compared against the bearings and distances delineated on C. S. 8571 and C. S. 8528.

4. A comparison of street frontages of Lots 449 to 457 inclusive, Tract No. 1701, as shown on the record map was made against the corresponding frontage computed from County Surveyor's center line surveys adjoining said lots.

This office investigation definitely concluded that no flaw in either the record or subsequent County surveys exists.

Supporting further the theory that a wholesale restaking survey of a portion of the involved area was made prior to the year 1923, is the appearance of several notations on C. S. 8571 showing the recovery of four 2" x 2" stakes along the northerly line of Montrose Avenue between Florencita Avenue and the westerly boundary of Tract No. 1701.

The 2" x 2" stake found at 26+51.44 appears to be approximately in its correct location. The offset to this stake should be shown 54.85 feet instead of 57.00 on C. S. 8571 to be consistent with the field notes. However, the stakes found at stations 24+23.42, 24+73.44 and 25+23.16 appear to have been set from 2.0 to 2.5 feet easterly of their correct locations.

The counter clockwise torque between the lines of occupation and lines of title appears to be very close in relationship with the amount represented by the offsets from the center line of Montrose Avenue to the 2" x 2" stakes found at 24+23.42 (offset 53.30 feet) and 25+23.16 (offset 55.87 feet) on C. S. 8571. This places the ratio of torque at 2.57 feet per hundred. This amount carried from Montrose Avenue to Altura Avenue along the westerly line of Lots 450 and 455 calculates approximately 10.2 feet at the Altura Avenue end, the torqued line being westerly of the title line at this point. The field investigation disclosed approximately this condition existing between occupation and title lines at the northwest corner of Lot 450.

As a considerable portion of the area involved in the discrepancy is occupied, and the possessory lines have been acquiesced in by adjoining owners for a number of years, and furthermore it appearing that certain purchasers were sold property represented as bounded by certain stakes or lines of occupation, I am of the opinion that the possessory lines under these circumstances would stand the test of the courts even though they do not conform strictly with the lines of title. However, recognition of the lines of occupation by adjoining owners does not necessarily alter the location of the title lines from their respective positions shown on Tract No. 1701. Considerable future difficulty could be saved the property owners in the area through adjustment of their title to the possessory lines. Under present circumstances, if one of the owners who is occupying to the erroneous lines desires to sell and he displays his possessory lines to the purchaser as being the lines called for in the deed, he assumes the liability of becoming a defendant in a misrepresentation suit.

It appears that an economical solution of the problem would be for the owners of the involved properties acting jointly to proceed somewhat in the following manner:

1. Employ a licensed land surveyor or a registered civil engineer to make a survey and map showing accurately the extent and magnitude of the discrepancies between possessory and title lines. The map should be filed with the County Recorder as a "Record of Survey" and should contain sufficient information to permit the preparation of legal descriptions to possessory lines based on some known record corner.

2. The owners should then convey their respective properties in accordance with present record title to some one individual acting as trustee in order to place all of the property involved under one ownership. It might be found advantageous to employ a title company or a bank to act as trustee.

3. As a final step, the trustee would convey to each owner a parcel of land described by metes and bounds, the boundaries of which would fall along the lines of possession as now recognized between adjacent owners. This procedure would adjust the title of each property involved to fit the various improvements now existing along all of the boundary lines and should prove a satisfactory and economic means of solution so far as the property owners are concerned.

Mr. Alfred Jones - Page No. 5

In case a cooperative settlement of this kind cannot be worked out, each property owner will undoubtedly be compelled at some future date to proceed individually with a solution of his respective problem.

The cost of an adjustment of this kind through individual effort will, no doubt, be considerably greater than that necessitated by the above proposal involving joint participation by all property owners within the area.

Yours truly,

H. I. COMLY
Locating Engineer

By E. T. Mankey
Ass't Locating Engr.

ETM:S
Attach.

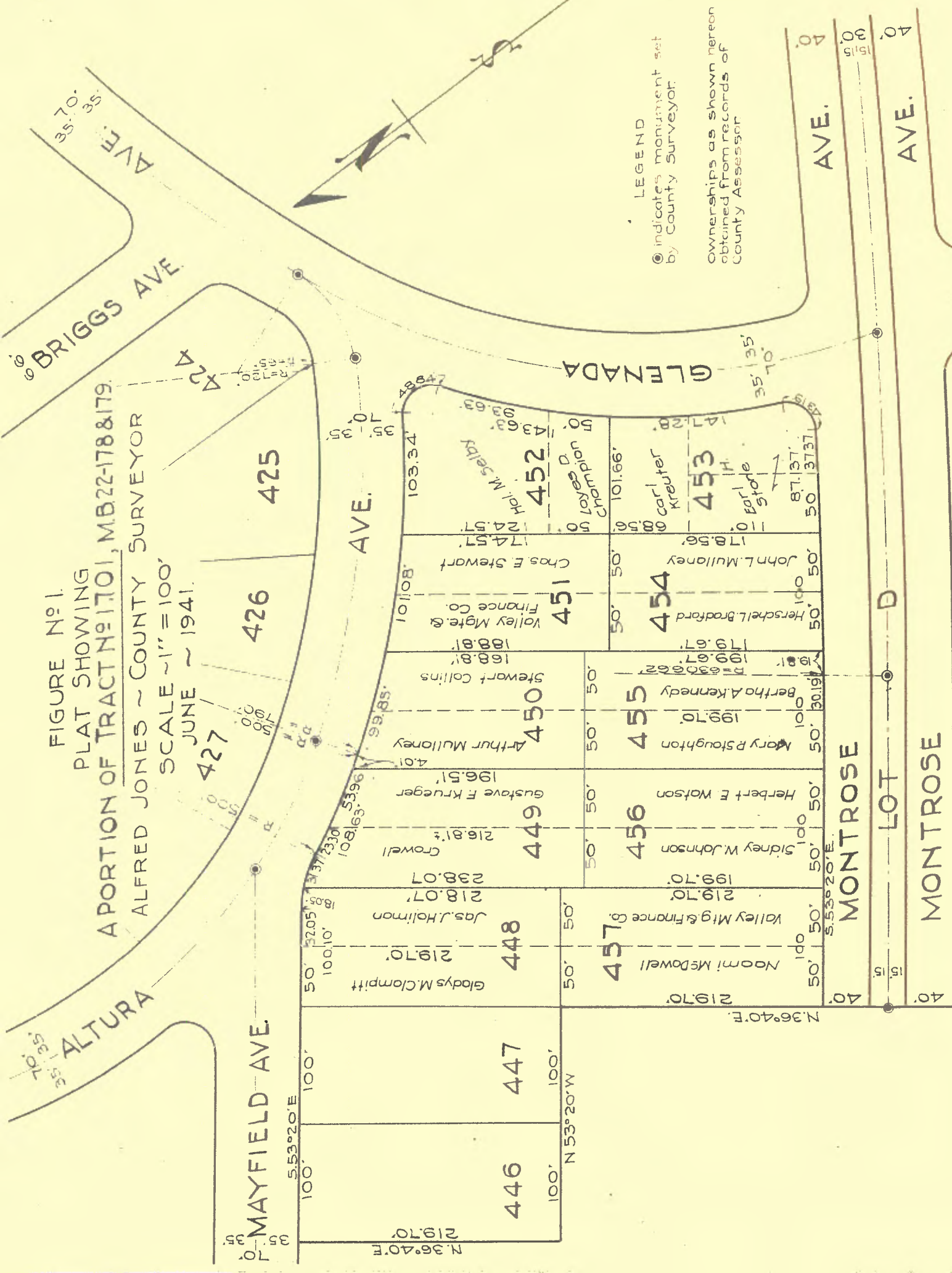


FIGURE No. 2
 SKETCH SHOWING MONTROSE AVE.
 FRONTAGES LOTS 454 TO 457 INCL.
 TRACT No. 1701 M.B. 22-178 & 179.
 ALFRED JONES - COUNTY SURVEYOR
 NOT TO SCALE
 JUNE ~ 1941.

