

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 H. 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 H. Parker, Judge Presiding, the District James F. Bennett and Mabelle K. Bennett, appearing in person and by and through their attorney, Oscar S. Hartzel, Regulate, and the defendants, Gustave F. Krueger and Alma V. Krueger, husband and wife, appearing by and through their attorney, Allen H. Williams, Regulate, who represented to the Court that the law firm of the attorneys of record for said defendants designated as "Hovelt and Williams, Attorneys and Counselors at Law" was formerly a co-partnership, and that the same was dissolved on January 1, 1946,

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-) MAHIN O. WILLIAMS, 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, INTERVALTAK BUILDING AND LOAN
 -) ASSOCIATION, a California corporation,
 -) HENRIET M. VALTON, also known as
 -) HENRIET MARGOT VALTON, and DENNY H.
 -) VALTON, also known as DENNY HARRIS
 -) VALTON,
 -) Defendants.

and the right to represent said defendants in the above entitled cause, pursuant to the disposition agreement, was retained by said Allen M. Williams, Regulator, and the defendant, Kate J. Howell, formerly Kate Jane Marsh, and Henry Howell, husband and wife, and Arthur M. J. Maloney and Marie O. Maloney, husband and wife, appearing in person and by and through their attorney, by and through the attorney, Francis H. McKenna, Regulator, and the Court finds that the details of the following defendants, to-wit: Title Insurance and Trust Company, a California corporation, as successor to Title Guaranty and Trust Company, by merger, Trustee, pursuant to the provisions of the certain deed of Trust recorded in Book 18900, 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 20253, 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 H. 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 Counsel 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 H. Watson and Dorothy H. Watson, and upon presentation to this Court of certain affidavits as aforesaid, the details of said defendants have been ordered entered forthwith in said cause.

of said defendants, Gustave F. Krueger and Alma A. Krueger, and have stipulated in open court that the boundaries of the property and wife, by and through their attorney, Oscar S. Murray, Registrar, and the plaintiff, James F. Bennett and Matilda K. Bennett, husband and wife, by and through the attorney, Francis H. McKinnon, Registrar, and Intervenor Building and Loan Association, a California corporation, by and through their attorney, said Francis H. McKinnon, Registrar, and Arthur M. J. Maloney and Marie O. Maloney, husband and wife, formerly Matilda Jane Kuhn, and Henry Grewell, husband and wife, Allen M. Williams, Registrar, and the defendants, Matilda J. Grewell, Krueger, husband and wife, by and through their said counsel.

And the defendants, Gustave F. Krueger and Alma A. Grewell, line of possession of the defendant Grewell's property, over the period of the statute of limitations along the north- lost or destroyed, and that a certain fence line has existed for actual location of original lot corners in this area have been of the boundary lines in question in this case, and that the existed for a period of years with respect to the actual location and the Court further finds that said uncertainty has

NUMBER	CORNER
1	Northerly
2	Southerly
3	Westerly
4	Easterly

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

In evidence in this case as plaintiff's Exhibit "16", with Surveyor's Map No. B-1918, a print of which has been introduced in the office of the County Surveyor under the reference of County

said plaintiffs; exhibits "16", showing North 59' 20" West a distance

beginning at the above described corner 3, as shown on

fixed and established as follows, to-wit:

and defendants herein, shall be and the same are determined,

F. Borman and Kaitlin K. Borman, and the other various land owners

Gustave F. Krueger and Alma V. Krueger, and said plaintiffs, James

stipulation, that the boundaries of the property of said defendants,

IT IS ALSO ORDERED, ADJUDGED AND DECREED pursuant to said

property hereinafter described; and

shall be and the same is hereby amended to include all of the

IT IS HEREBY ORDERED that the complaint filed herein

Borman and Kaitlin K. Borman;

said Oscar S. Martin, attorney for said plaintiffs, James F.

by the parties appearing on said cases; now, upon the motion of

that findings of fact and conclusions of law have been made

effect the property hereinafter described, and it further appearing

way is not specifically described therein, and the same does not

is an abandoned right of way, and the location of said right of

Williams, et al, by deed recorded in Book 78, Page 309, of Deeds,

insofar described, as granted by J. L. Lanterman to Mary O.

across the land included within the limits of the boundaries here-

And the Court also finds that the purported right of way

same terms of said agreement.

back a trust deed for the balance remaining unpaid, payable on the

after mentioned, the sellers have agreed to deliver title and take

pursuant to the terms of agreement for sale of real estate herein-

the defendants, Gustave F. Krueger and Alma V. Krueger, and;

Dollars has been paid on the principal sum by the plaintiffs to

And the Court further finds that over One Thousand

and established by the Court as hereinafter described.

governmental land owners and said defendants be determined, fixed

said plaintiffs, James F. Borman and Kaitlin K. Borman, and the

California, included within the boundaries heretofore described to the property situated in the County of Los Angeles, State of California, at the time of the commencement of this action this

IT IS ALSO HEREBY ORDERED, ADJUDGED AND DECREED:

charges in said matter.

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

beginning.

201 West Long said southerly line 47 feet to the point of 479 as shown on said plat; 16", thence North 59° along said parallel line to the southerly line of said lot or a map, plat; 16", thence South 36° 39' 30" West of the northerly prolongation as shown on said County Survey- right angles from the southerly line of lot 479 of tract 1701 parallel with and distant three feet northerly measured at curved southerly line to the intersection with a line drawn is now located and established and thence southerly along said East to the curved southerly line of Alura Avenue as the same 53° 20' East a distance of 1.00 feet; thence North 36° 39' 30" North 36° 39' 30" East a distance of 50.00 feet; thence South feet; thence North 53° 20' West a distance of 6.00 feet; thence of 3.00 feet; thence North 36° 39' 30" East a distance of 139.00

38-4-22

and to be surveyed, monumented and mapped by the County Surveyor, as a Complainant 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 2nd day of September, 1943, by and between defendants, Gustave F. Krueger and Alma A. Krueger, husband and wife, as seller, and Plaintiff, James F. Bonnum and Meta A. Bonnum, 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 Plaintiff James F. Bonnum and Meta A. Bonnum's title to the property included within the boundaries hereinafore 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, claim, interest and/or equity in above described real property, and that they, and any of them, are hereby permanently 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 Plaintiff, James F. Bonnum and Meta A. Bonnum, deliver to the defendants, Gustave F. Krueger and Alma A. Krueger, a good and sufficient bond that shall run 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

DEPT: J. F. MOHRNEY, County Clerk and Clerk of the Superior Court of the State of California in and for the County of Los Angeles

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

Attest April 17th, 1946

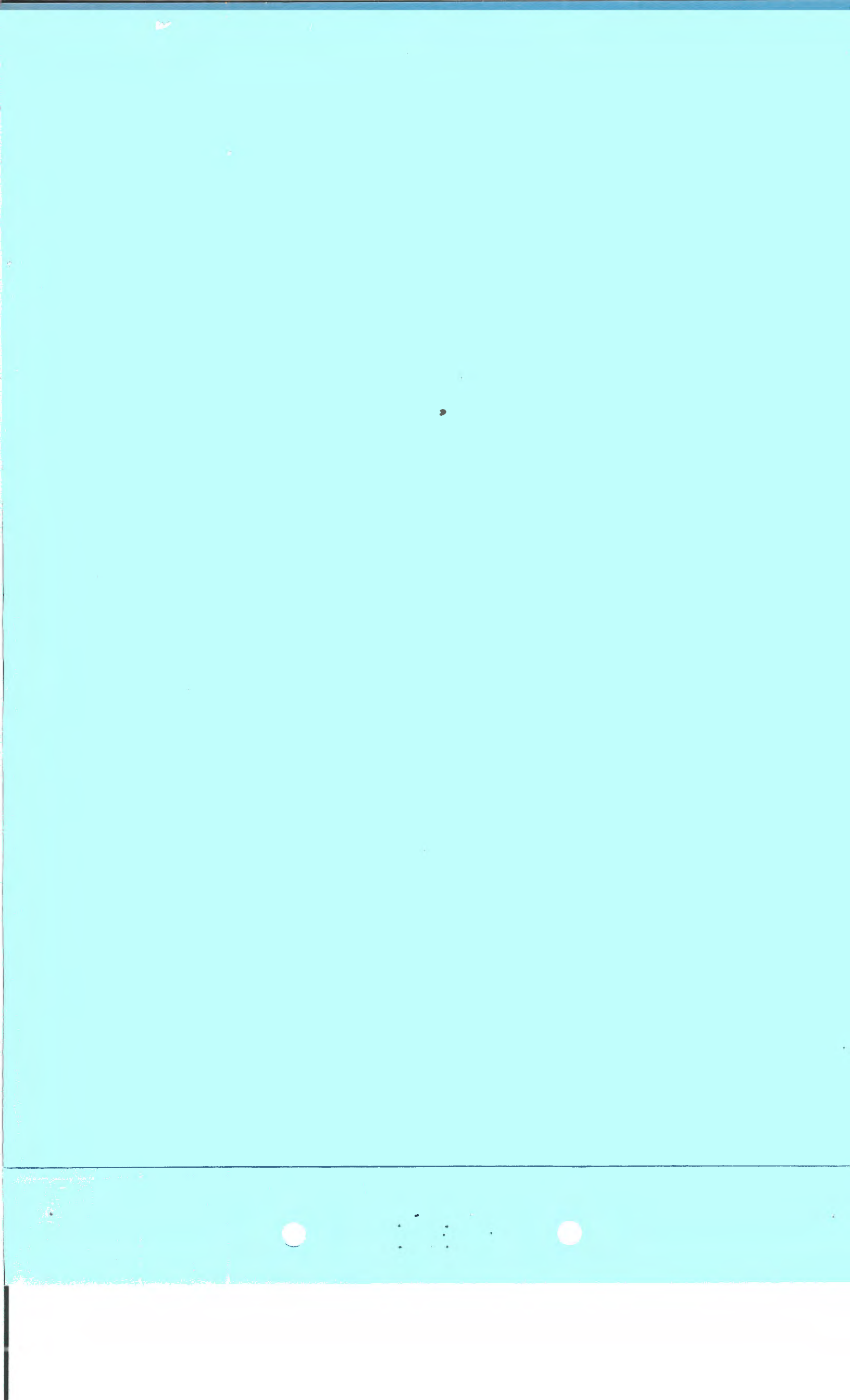
By Francis M. McKenna, Attorney for defendants Rebecca J. Crowell, formerly Rebecca Jane Ketch, and Henry Crowell; Arthur M. J. Millarney and Marie O. Millarney; and Interlocking Building and Loan Association, a California corporation.

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

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

PAT R PARKER
Judge of the Superior Court.

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.



August 14, 1945.

Report by: E. F. Hankey, Deputy County Surveyor.

S.C.C. - L.A. 50084.

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

Commissioner of the Court in the following Named Action

and

Alfred Jones - County Surveyor

JOB NO. 8403

Book 15739, Page 132.
and Alma A. Krueger by deed recorded in Official Records
Being that Parcel of Land conveyed to Gustave F. Krueger

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.

Embracing

Report of Survey

CM #8403

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.G. 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

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 delineated by Tract No. 1701. A print of this map is on file in the County Surveyor's

Graph VI of the plaintiffs' complaint. matters bearing on the location of the boundaries described in Paragraph VI of the plaintiffs' complaint. describe in chronological sequence all surveys, conveyances, and other The following sections of the report, therefore, list and of their chronology is essential in concluding the problem at hand. appearing in the public records, it is believed that an understanding way is dependent upon numerous retracement surveys and conveyances Since the process of establishing the boundaries in contro-

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

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. 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.

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

On December 13, 1921, Mark S. Collins acquired from Mrs Hershey all of lots 446 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 Mrs 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 Glenside 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.