

CORNER RECORD

Corner SE Cor 23 T. 15 R. 10E P.M.M. Park County

Southeast corner of section 23, T1S, R10E, PMM Park County, Montana

The field notes of the fraudulent 1873 Baker and Thomas survey of fractional T1S, R10E, PMM, north of the Yellowstone river state that a sandstone, 16 x 10 x 5 inches, marked with notches, was set 11 inches in the ground. There is no evidence to indicate that this stone was set, or that the south line of the southeast 1/4 of section 23 was run. Refer to my plat on the reverse side of this corner record for my survey in this area and my notes on the original work.

At my determination for this point (my point 218), as shown on the reverse, I set a 1 inch diameter iron post, 20 inches long in mortar in a hole drilled into the underlying rock and 15 inches in the ground, with a 2 13/16th inch diameter brass tablet marked

T1S R10E PMM
2003

XLIII 1853S
VS

218

CHARLES R. SWART SURVEYOR

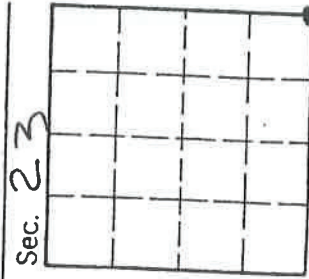
I set a 5 1/2 foot steel fence post with a black and white boundary marker sign near the monument.

CERTIFICATION

I, CHARLES R. SWART,
certify that this Corner Record correctly represents work performed
by me in compliance with the "Corner
Recordation Act" (70-20101 et seq., M.C.A.)
Charles R. Swart
Signature of Surveyor & Seal
Date: 30 Sept 2003 Reg. No. 1853S

SKETCH OF CORNER

Office of Clerk and Recorder, County of Park, This "corner
record" was filed for record on October 1, 2003 @ 10:32 AM 31113
was noted on the cross-index plat and is assigned page No. 137, in
book No. One Donna Johnson
716 file County Official



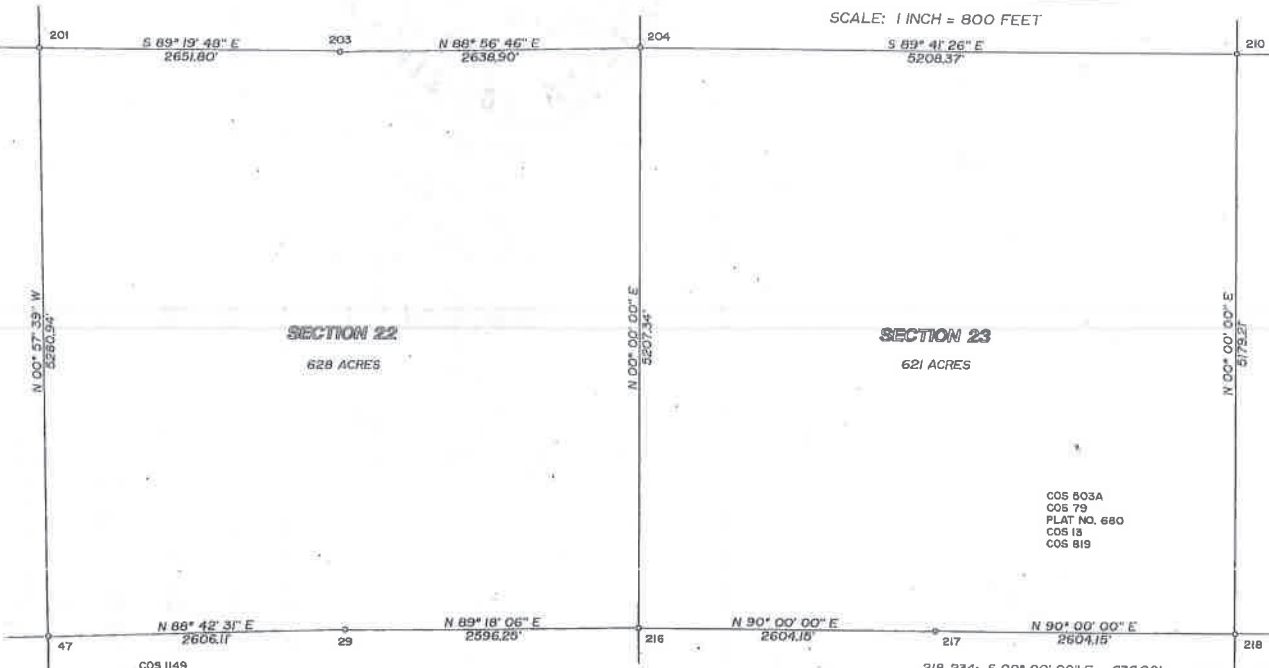
Cross Index No. R21 T. 15 R. 10E PMM
Adopted July 1, 1981, Montana Board of Professional Engineers & Land Surveyors

• - corner this sheet

CERTIFICATE OF SURVEY NO. _____

A SURVEY OF THE SOUTH LINE OF SECTION 23 AND THE EAST LINE OF SECTION 26 IN TIS, RIOE, PMM, NORTH OF THE YELLOWSTONE RIVER PARK COUNTY, MONTANA

POINT 201: NORTHWEST CORNER OF SECTION 22 AT THIS POINT I FOUND A 6 INCH X 4.5 FT TREATED CORNER POST AT THE INTERSECTION OF FENCES WEST AND SOUTH. THE ALUMINUM MONUMENT CITED IN CORNER RECORD I-106 IS SLIGHTLY NORTHEAST OF THE CORNER POST.



POINT 47: SOUTHWEST CORNER OF SECTION 22 I FOUND A FENCE INTERSECTION OF OLD FENCE LINES NORTH, EAST, AND SOUTH WITH A NEW TREATED CORNER POST. CORNER RECORD I-34 CITES AN OLD CEDAR POST AND NOTES THE LOCATION OF THREE IRON REFERENCE MONUMENTS. I FOUND THE THREE REFERENCE MONUMENTS, AND ESTABLISHED THE LOCATION OF POINT 43 FROM THEM.

POINT 29: SOUTH 1/4 CORNER OF SECTION 23 AT THIS POINT I FOUND A RAILROAD TIE CORNER POST WITH OLD FENCES NORTH AND WEST. A RED CEDAR POST THAT WAS POSSIBLY THE ORIGINAL CORNER POST IS LYING NEARBY. THE MONUMENT CITED IN CORNER RECORD I-65 IS TWO FEET SOUTH OF THE TIE POST. IN MY OPINION THE CORNER POST, WHICH IS IN LINE WITH THE OLD FENCES NORTH AND WEST, IS A MORE PROBABLE LOCATION THAN THE POINT CITED IN THE CORNER RECORD.

THIS SURVEY WAS FOR THE PURPOSE OF DETERMINING THE SOUTH LINE OF SECTION 23 AND THE EAST LINE OF SECTION 26 NORTH OF THE YELLOWSTONE RIVER. NO PARCELS WERE CREATED. THIS SURVEY WAS COMMISSIONED BY DAVID W. VIERS.

I, CHARLES R. SWART, a Land Surveyor registered under the laws of the State of Montana, have personally performed the survey shown on this plat.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 4th day of September, A.D. 2003.

Montana Registration No. 18535

POINT 204: POSSIBLE NORTHWEST CORNER OF SECTION 23 AT THIS POINT I FOUND A 6 INCH X 6 FT OLD RED CEDAR POST AS CITED IN CORNER RECORD I-71 WITH AN OLD FENCE WEST, A NEW JACK FENCE NORTH AND AN OLD FENCE RUNNING SOUTH FOR 40.4 FEET TO A NEW CORNER POST, AT WHICH POINT AN OLD FENCE RUNS EAST. THE FENCE WEST HAS SEVERAL OFFSETS, AND THE LOCATION OF THE SECTION CORNER MIGHT FALL AT ANY POINT ON THE 40.4 FOOT SECTION OF THE OLD NORTH-SOUTH FENCE. IN THIS SURVEY I AM CONCERNED WITH THE EASTING OR DEPARTURE OF THIS SECTION CORNER, AND THE LOCATION OF THE OLD RED CEDAR CORNER GIVES A SATISFACTORY POSITION FOR THIS VALUE, IN MY OPINION.

POINT 203: NORTH 1/4 CORNER OF SECTION 22 AT THIS POINT I FOUND THE IRON PIPE CITED IN CORNER RECORD I-69, WHICH NOTES THE REPLACEMENT OF THE MARKED STONE CITED IN CORNER RECORD I-32. I FOUND THE MARKED STONE LYING NEARBY. THIS STONE IS A GREY PORPHYRY BOULDER 16 1/4" LONG, WITH ONE END BEING 7 1/2" WIDE AND 5" THICK AND THE OTHER BEING 5" WIDE AND 4 1/2" THICK. A LARGE 3/4" WITH AN OPEN "4" AND A DIAGONAL SLASH AT THE BOTTOM OF THE "4" IS MARKED ON THE LARGE END OF THE BOULDER. MARKED STONES WERE COMMONLY SET WITH THE LARGE END IN THE GROUND FOR STABILITY, AND A CLOSED "4" WILL NORMALLY BE FOUND ON STONES SET BY SURVEYORS. IF THIS STONE WERE SET 12" IN THE GROUND ONLY A PART OF THE "4" WOULD BE VISIBLE. THIS POINT IS IN AN OLD EAST-WEST FENCE LINE. ALTHOUGH APPARENTLY ACCEPTED FOR MANY YEARS, THE LACK OF CONFORMITY WITH THE RECORD 1873 DESCRIPTION AND THE UNUSUAL WORKMANSHIP INDICATE TO ME THAT THIS IS NOT AN ORIGINAL MONUMENT.

POINT 210: NORTHEAST CORNER OF SECTION 23 AT THIS POINT I FOUND AN OLD 7 INCH X 6 FT RED CEDAR CORNER POST WITH OLD FENCES RUNNING WEST AND NORTH. THIS POST IS TILTED NORTHWEST AT 45° FROM THE VERTICAL. THE WITNESS MONUMENT CITED IN CORNER RECORD I-63 IS TWO FEET EAST OF THE POST. A NEW TREATED FENCE POST HAS BEEN SET ON THE EAST SIDE OF THE WITNESS MONUMENT, AND A NEW WIRE FENCE RUNS SOUTH FROM THIS NEW POST. I SET A 3/8 INCH X 8 INCH IRON SPIKE IN THE BASE OF THE TILTED POST AS MY DETERMINATION FOR THE ORIGINAL LOCATION OF THE POST.

SURVEY PROCEDURE

IN MY OPINION THE SOUTH LINE OF SECTION 23 WAS NEVER RUN IN THE 1873 SURVEY. AN EXAMINATION OF THE CORNER RECORDS FOR TIS RIOE NORTH OF THE YELLOWSTONE RIVER SHOWS NO RECOVERED MONUMENTS THAT CAN BE TAKEN AS ORIGINAL 1873 MONUMENTS. THE 1873 FIELD NOTES OF BAKER AND THOMAS SHOW THAT ONE PARTY WORKED TWO DAYS AND THE OTHER PARTY WORKED FOUR DAYS. IT IS NOT POSSIBLE THAT THE AMOUNT OF SURVEY LINES MEASURED AND THE NUMBER OF MONUMENTS SET AS RECORDED IN THE FIELD NOTES COULD HAVE BEEN ACCOMPLISHED IN THAT AMOUNT OF TIME.

THERE IS LITTLE DOUBT THAT AT LEAST A RECONNAISSANCE SURVEY WAS MADE, SINCE THE SHIELDS RIVER IS LOCATED ON THE 1873 PLAT. THE INACCURACY OF SOME TERRAIN CALLS AND THE ABSENCE OF OTHERS, AS ON THE SOUTH LINE OF SECTION 23, POINT TO A LACK OF SUBSTANTIAL FIELD WORK THAT IS EXPECTED FOR THE PURPOSE OF GRANTING PATENTS. A PATENTEE EXPECTED TO HAVE A SURVEY THAT NOT ONLY DEFINED THE ACREAGE OF A PARCEL, BUT ALSO PROVIDED SUBSTANTIAL MONUMENTS THAT DEFINED THE PARCEL ON THE GROUND.

THE CALL TO THE YELLOWSTONE RIVER ON THE EAST LINE OF SECTION 26 IS A TERRAIN CALL; AND YIELDS TO THE BEARING CALL ALONG THE SOUTH LINE OF SECTION 23. IN THE ABSENCE OF EVIDENCE THAT THE SOUTH LINE OF SECTION 23 WAS RUN, THE LINE SHOULD BE ESTABLISHED BY FOLLOWING THE FOOTSTEPS OF THE ORIGINAL SURVEYOR, AS THESE FOOTSTEPS WOULD HAVE EXISTED HAD THE LINE ACTUALLY BEEN RUN.

THE SURVEY MUST BE CONSTRUCTED SO THAT EXISTING AND ACCEPTED CORNERS AND LINES ARE HONORED. TO ACCOMPLISH THIS, I HELD THE LOCATION OF THE NORTHWEST CORNER OF SECTION 23 AS DESCRIBED IN MY NOTE FOR POINT 204, AND THE NORTHING OR LATITUDE FOR THE SOUTHEAST CORNER OF SECTION 23 AS DEFINED BY AN ANCIENT RED CEDAR POST AND BARBED WIRE FENCE RUNNING EAST-WEST ON THE WEST SIDE OF THE SHIELDS RIVER. THE 1873 FIELD NOTES STATE THAT THE SURVEYOR RAN FROM THE WEST ALONG THE SOUTH LINE OF SECTIONS 22 AND 23, AT WHICH POINT HE RAN NORTH ALONG THE EAST LINE OF SECTION 23. THE FIELD NOTES ALSO STATE THAT THE SECOND PARTY STARTED AT THE SOUTHWEST CORNER OF SECTION 23 AND RAN NORTH TO THE NORTHWEST CORNER OF SECTION 23.

I DETERMINED MY BEARINGS BY A SERIES OF SOLAR OBSERVATIONS AT THE SOUTHWEST CORNER OF SECTION 23. A DUE SOUTH LINE FROM POINT 204 (EASTING OF NORTHWEST CORNER OF SECTION 23) INTERSECTED THE ANCIENT FENCE AT POINT 216, WHICH I MONUMENTED AS THE SOUTHWEST CORNER OF SECTION 23. FROM THIS POINT A LINE DUE EAST INTERSECTED THE LINE DUE SOUTH FROM POINT 210 (NORTHEAST CORNER OF SECTION 23) AT POINT 216, WHICH I MONUMENTED AS THE SOUTHEAST CORNER OF SECTION 23. I SET A MONUMENT AT THE MID-POINT (POINT 217) OF THE SOUTH LINE OF SECTION 23 (LINE 216-218) AS THE SOUTH ONE-QUARTER CORNER OF SECTION 23.

THE EAST LINE OF SECTION 26 NORTH OF THE YELLOWSTONE RIVER RUNS DUE SOUTH FROM THE SOUTHEAST CORNER OF SECTION 23. AS A MARKER ON THIS LINE I SET A MONUMENT DUE SOUTH OF THE SOUTHEAST CORNER OF SECTION 23 AT A DISTANCE OF 636.00 FEET. THIS POINT IS APPROXIMATELY 150 FEET NORTH OF CONVICT GRADE ROAD.

MONUMENTATION

POINT 216 (SOUTHWEST CORNER OF SECTION 23), POINT 217 (SOUTH 1/4 CORNER OF SECTION 23), POINT 218 (SOUTHEAST CORNER OF SECTION 23), AND POINT 234 (POINT ON THE EAST LINE OF SECTION 26): AT EACH OF THESE POINTS I SET A ONE INCH DIAMETER IRON POST WITH A 2 13/16 INCH DIAMETER BRASS TABLET STAMPED

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AND WITH THE POINT NUMBER AND THE SECTION LOCATION. THE IRON POSTS AT POINTS 216 AND 217 ARE 30 INCHES LONG WITH A 3/8 INCH X 6 INCH BAR FOOT, SET 25 INCHES IN THE GROUND. THE IRON POST AT POINT 218 IS 20 INCHES LONG, AND IS SET IN MORTAR IN A HOLE DRILLED INTO THE UNDERLYING ROCK. THE BRASS TABLET IS 5 INCHES UP. THE IRON POST AT POINT 234 IS 32 INCHES LONG, SET 25 INCHES IN THE GROUND. THE BOTTOM OF THE POST IS WEDGED IN A HOLE DRILLED INTO THE UNDERLYING ROCK, AND A MORTAR ANCHOR WAS POURED AROUND THE LOWER SECTION OF THE POST.

I SET A 5 1/2 FOOT STEEL FENCE POST WITH A BLACK AND WHITE BOUNDARY MARKER SIGN NEAR EACH IRON POST MONUMENT.

Examined and accepted for filing.

Ed Schilling _____ Date _____
Chairman, Park County Commission

I, DENISE NELSON, Clerk and Recorder of Park County, Montana, do hereby certify that this instrument was filed in my office at _____ o'clock _____ M. this _____ day of _____, A.D. 2003, and recorded as Certificate of Survey No. _____, Records of the Clerk and Recorder, Park County, Montana.

Clerk and Recorder