





LEGAL DESCRIPTION  
35.378 ACRES

That part of the Northeast Quarter of Section 7, Township 30 North, Range 3 West of the 2nd Principal Meridian, Jefferson Township, Pulaski County, Indiana, being that 35.384 acre tract of land shown on the plat of an original boundary survey of said tract certified by Robert L. Haworth, PS #LS20800149 on September 25, 2020 (revised December 16, 2020) as Milligan Surveying's job number P-J-7-30-3-06-20-02, more particularly bounded and described as follows:

Commencing at a railroad spike at the Northeast corner of said Section 7, said point being the POINT OF BEGINNING;

thence along the East Section line South 00°19'17" East 1327.32 feet to a PK nail with RLH washer at the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 7; thence South 89°34'31" West 1322.96 feet to a ½ inch iron pipe with RLH cap (hereafter referred to as HIP) at the Southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 7; thence North 00°26'31" West 1329.24 feet to a railroad spike at the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 7; thence along the North Section line North 89°39'29" East 449.54 feet to the Northwest corner of a 5.006 acre parcel; thence South 02°22'45" West 530.90 feet to a HIP at the Southwest corner of said 5.006 acre parcel (passing through a HIP at 20.00 feet); thence North 89°39'29" East 411.21 feet to a HIP at the Southeast corner of said 5.006 acre parcel; thence North 02°22'45" East 530.90 feet to a railroad spike on the North Section line at the Northeast corner of said 5.006 acre parcel (passing through a HIP at 510.90 feet); thence North 89°39'29" East 465.00 feet to the POINT OF BEGINNING; said described tract containing 35.378 Acres, more or less. Basis of bearings: Local ground coordinate system based on the Indiana State Plane Coordinate System, as provided by GPS measurements using INDOT InCORS data service (USA/NAD83/IN WEST) in June, September and December of 2020. The above described parcel being subject to all easements, restrictions, and rights-of-way of record.

5.006 ACRES

That part of the Northeast Quarter of Section 7, Township 30 North, Range 3 West of the 2nd Principal Meridian, Jefferson Township, Pulaski County, Indiana, being that 5.000 acre tract of land shown on the plat of an original boundary survey of said tract certified by Robert L. Haworth, PS #LS20800149 on September 25, 2020 (revised December 16, 2020) as Milligan Surveying's job number P-J-7-30-3-06-20-02, more particularly bounded and described as follows:

Commencing at a railroad spike at the Northeast corner of said Section 7; thence along the North Section line South 89°39'29" West 465.00 feet to a railroad spike at the POINT OF BEGINNING;

thence South 02°22'45" West 530.90 feet to a ½ inch iron pipe with RLH cap (hereafter referred to as HIP)(passing through a HIP at 20.00 feet); thence South 89°39'29" West 411.21 feet to a HIP; thence North 02°22'45" East 530.90 feet to the North Section line (passing through a HIP at 510.90 feet); thence North 89°39'29" East 411.21 feet to the POINT OF BEGINNING; said described tract containing 5.006 Acres, more or less. Basis of bearings: Local ground coordinate system based on the Indiana State Plane Coordinate System, as provided by GPS measurements using INDOT InCORS data service (USA/NAD83/IN WEST) in June, September and December of 2020. The above described parcel being subject to all easements, restrictions, and rights-of-way of record.

SURVEYOR'S REPORT (Original/Retracement Survey)

The record descriptions used in this survey were provided by research at the office of the Pulaski County Auditor and Recorder. The purpose of this survey is to cut out and describe 5 acres out of the Northeast Quarter of the Northeast Quarter. Survey data shown hereon is a local ground coordinate system based on the Indiana State Plane Coordinate System, as provided by GPS measurements using INDOT InCORS data service (USA/NAD83/IN WEST). (Bearing and distance relationships to found monumentation on the adjoining properties is shown on the attached plat for the purpose of establishing a history of monumentation; however, this plat does not represent a survey of said adjoining properties.)

There may be differences with deed dimensions when compared with measured dimensions along the boundary lines shown hereon. In cases where the magnitude of these differences is less than the Theoretical Uncertainty stated in the following report and less than the uncertainty identified for the reference monumentation discussed in the following report, the differences may be considered insignificant and are shown only for the purposes of mathematical closure and are therefore not discussed below. When such differences are greater than said uncertainties or are the result of title discrepancies, they are generally discussed in more detail below as may be necessary for clarity of the lines established or reestablished this survey.

Unless otherwise noted on the attached plat or in the following report, there is no evidence of occupation along the boundary lines of the subject tract. When fences or other lines of occupation are shown on the plat, they have been located only at the ends or specific locations noted; therefore, for the purposes of this survey, such lines are assumed to run straight between said locations, but in actuality may slightly vary from such straight line.

SURVEY DATA UTILIZED FROM THE FOLLOWING SOURCES:

Copies of the surveys, plats, and information referenced either below or on the attached plat, were obtained from files and information at the following offices:

Pulaski County Surveyor's Office, Pulaski County Auditor's Office, and Pulaski County Recorder's Office.

SEAL



*[Signature]*  
12/28/2020

Revised: December 16, 2020  
Field Work Completed on: Dec. 4, 2020  
Date: September 28, 2020  
Requested By: Buz Wright  
Owner: Lubliner, Evelyn R. Living Trust

This Instrument Prepared Under the Direct Supervision of:  
Robert L. Haworth, Registered Land Surveyor #LS20800149  
204 B North Main Street, Monticello, Indiana 47960  
(574) 583-3087

OWNER: JAMES MILLIGAN

MILLIGAN SURVEYING



## THEORY OF LOCATION

In accordance with the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code, the following observations and opinions are submitted with reference to the uncertainties in the locations of the lines and corners established on this survey as a result of:

- 1) Variance caused by the availability and condition of record monuments;
  - NW Corner Section 7-30-3W; Railroad spike found 0.2 feet below grade; Pulaski County Surveyor references; location held.
  - NE Corner NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 7-30-3W; Iron pipe found 0.3 feet below grade; evidence of previous survey.
  - N  $\frac{1}{4}$  Corner Section 7-30-3W; Railroad spike found 0.3 feet below grade; evidence of previous survey; location held.
  - NW Corner NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 7-30-3W; Railroad spike found 0.3 feet below grade; evidence of previous survey; location held.
  - NE Corner Section 7-30-3W; Railroad spike found 0.3 feet below grade; Pulaski County Surveyor references; location held.
  - SE Corner NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 7-30-3W; PK nail set at mid-point of the East line of the NE  $\frac{1}{4}$ ; calculated location.
  - E  $\frac{1}{4}$  Corner Section 7-30-3W; Railroad spike found 0.2 feet below grade; approximate centerline of ditch; evidence of previous survey; location held.
  - SE Corner Section 7-30-3W; Iron rod in concrete found at grade; Pulaski County Surveyor references; location held.
  - S  $\frac{1}{4}$  Corner Section 7-30-3W; Reading deep; evidence of previous survey; location held.
  - SW Corner Section 7-30-3W; Iron rod in concrete found at grade; Pulaski County Surveyor references; location held.
  - W  $\frac{1}{4}$  Corner Section 7-30-3W; Iron pipe set; mid-point of West Section line.

- 2) The existing deeds and plats of record;
  - No uncertainties

- 3) The occupation or possession lines (fences, etc.) as related to the deed and surveyed lines;
  - South and West lines of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  approximate fence line.

- 4) The relative positional accuracy of measurements;  
The relative positional accuracy of the lines and corners of this survey due to measurements is within the specifications for rural survey. For this survey about 8 inches.

## NOTES :

### THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

This is a professional opinion concerning the location of the property boundaries hereon, based on the appropriate boundary law principles governed by the facts gathered and evaluated during the course of this survey.

- 1) Subsurface and environmental conditions were not examined or considered as a part of this survey. No statement is made concerning the existence of overhead or underground containers or facilities that may affect the use or development of this tract.
- 2) No attempt was made as part of this survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility, public service facility, or utility service lines to the property.
- 3) No excavations were made during the course of this survey to locate underground utilities and/or structures. Before design or construction is begun, locations should be obtained from the appropriate agencies.
- 4) Not every document of record reviewed and considered as a part of this survey is noted hereon. The plat and survey were prepared based upon research of the public records to determine the last deed of record for source of title for the subject and adjoining properties and is therefore subject to any statements of facts revealed by examination of prior deeds or other documents that may exist that would affect this parcel.
- 5) Since the date of this survey conditions may have occurred that are beyond the knowledge or control of the undersigned surveyor and may have altered the validity and circumstances shown or noted hereon.
- 6) In most cases the boundary markers and monuments have temporarily been made to attract notice by use of a red flag, red ribbon or orange spray paint. The various depths and sizes of markers and monuments used for this survey may be discussed in the report where applicable.
- 7) The horizontal survey data shown hereon is based on control points established at the nearest found section corners.
- 8) Principle used from the 1973 Manual of Surveying Instructions to help establish the original legal survey corners.
- 6-12. In order to carry out the provisions of the laws relating to resurveys, the surveyor must understand the meaning of the term "bona fide rights" and under what circumstances it will be held that such rights have been impaired by a resurvey. The Act of March 3, 1909, (35 Stat. 845), as amended June 25, 1910, (36 Stat. 884; 43 U.S.C. 772) reads in part as follows : "That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement." The rights of claimants are to be similarly protected under the provisions of the Act of September 21, 1918, (40 Stat. 965; 43 U.S.C. 773).
- 6-13. Bona fide rights are those acquired in good faith under the law.
- 6-15. Under fundamental law the corners of the original survey are unchangeable. Even if the original survey was poorly executed, it still controls the boundaries of land patented under it. The surveyor should neither rigidly apply the rules for restoration of lost corners without regard to effect on location of improvements nor accept the position of improvements without question regardless of their relation or irrelation to existing evidence of the original survey. Between these extremes will be found the basis for determining whether improved lands have been located in good faith or not.
- 6-16. It may be held generally that the entryman has located his lands in good faith if such care was used in determining his boundaries as might be expected by the exercise of ordinary intelligence under existing conditions. The relationship of the lands to the nearest corners existing at the time the lands were located is often defined by his fencing, culture, or other improvements.

## Land Surveyor Certificate

I, Robert L. Haworth, a Registered Land Surveyor of the State of Indiana do hereby certify that the attached plat and legal description were prepared under my direct supervision, and to the best of my knowledge and belief was executed in accordance with "Title 865, Article 1, Chapter 12, Section 1 through 30 of Indiana Administrative Code."

SIGNATURE:

SEAL



12/28/2020

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law Robert L. Haworth."

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