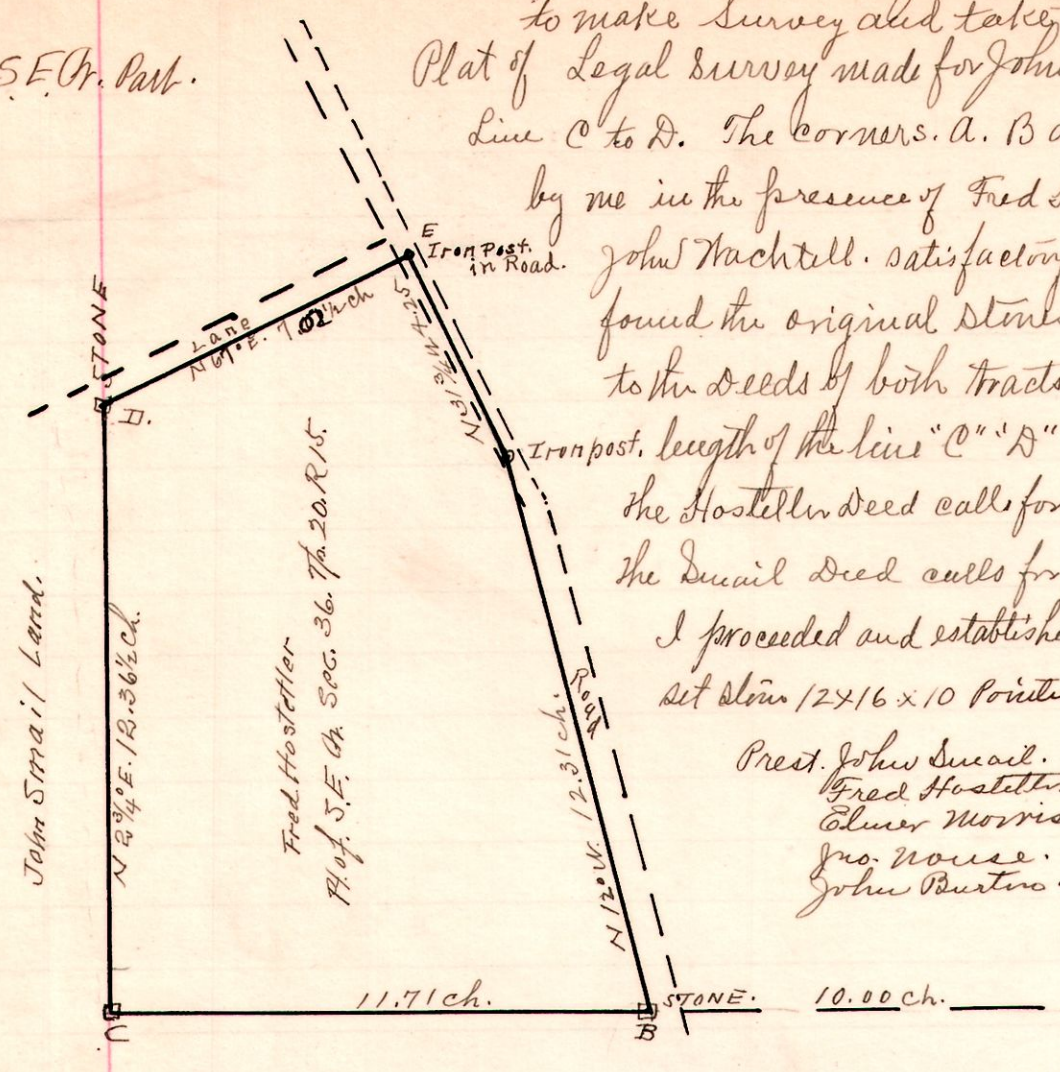


15 20 36 S.E. Cr. Part.



Dec. 5, 1911, Met at John Smails at 9 o'clock A.M. and proceeded to make survey and take testimony. Plat of Legal Survey made for John Smail & Fred Hostetter to determine Line C to D. The corners A, B and C were established on May 2, 1911 by me in the presence of Fred Hostetter, John Smail, H.S. Parsons and John Wachtell. satisfactory to all parties interested as A+C. I found the original stones. The point "D" being in dispute I referred to the deeds of both tracts and find that the deeds differ as to the length of the line "C" "D" and one deed gives no distance "D" to "E". The Hostetter deed calls for 50 1/2 rods. C to D + 26 1/2 Rods. D to E. The Smail Deed calls for 48 2/3 rods C to D + no distance gives D to E. I proceeded and established corner D. in accordance with the following testimony

set down 12x16 x 10 pointed & marked at top. Hardhead. Ref. Apple 24.559° E 58' 1/2". Same is 56° W 34' 1/2" from a stone claimed by Smail " " N 67° E 76' " from present old fence. Pres. John Smail. Fred Hostetter. Oliver Morrison. Jno. House. John Burton. Geo. House. John Burton. W.L. Ridenbach Co Surveyor.

S.E. Cor. Sec. 36. Established May 2, 1911. from original STONE. Witness. Dug & found Orig. Stone in good Condition 4" under surface.

Testimony of F. G. Odell - Sworn - Q. Did you ever own this Smail farm? Yes. A. You may state what you know where this line (pointing to line C.D. was at that time. Ans. Down there at the south end it was even with the 8 acre tract south of the Road. and at this end ("D") I can not tell just where. There was a lane through here and a fence I think on each side. Mr Thompson had one end and I had one. I think Mr. Thompson built the south end of the west fence. Q. Then was the west side of the lane, the line. Ans. Yes. as we understood it or as near as we could build it. Q. Had you at any time any controversy as to this line? Ans. No. none. Q. Did you ever know or hear anything about a corner stone at this end. Ans. No. never heard of one. I think the lane came out below the apple tree. and not sure. things are changed around here. While I had it we set the fence which was satisfactory don't recollect if it came out further east or west than this fence. about 2 or 3 years after I had it I got my Bro. the right it through for me so I could get fence straight. Signed F. G. Odell.

Eduwin Thompson, age 43 - Sworn. - Q. What do you know about a line here if anything? Ans. I don't know much about a line here. There was a lane came a cross here and the lane came out east of that old apple tree and south of the orchard on the North side. Q. Which side of the lane was claimed or considered as the line if any? Ans. The understanding we always had was the west side of the lane and the lane was on our ground. now that lane came along here and came out above the tree and turned in that lane (walking to place on ground). Q. How do you locate that lane now? Ans. By these two old apple trees, we kept up all of the east fence and the south end of the west fence. and everything was always satisfactory and agreeable before. Q. Did you ever know or hear anything about a corner stone here. No we never knew or heard of one. Signed Eduwin Thompson.

John House, age 62 Sworn. Do you know anything about a line or lane here? Ans. I have known this place for about 45 years. and my recollection is just what Mr. Thompson said. I traveled this lane many a time. it run right along these two trees where this old ridge is. I lived about 1/4 mile frome nearly all my life and went through here often. but when the other road was opened the lane was abandoned. Q. (Pointing to a stake set by myself County Surveyor on May 2, 1911.) How far would you say that this stake from the line where the West side of the lane was? Ans. It is very near the place, as near as I can tell it is very close. Signed John House.

John Burton age 62. Sworn. I lived here about 8 years ago. or so Odell owned it and the fence was where it is now and was recognized as the line as far as I know. I remember that an old fence stood there about 1000 from this fence. there was that old ridge