

# *Boundary Re-Establishment Case Discussions*

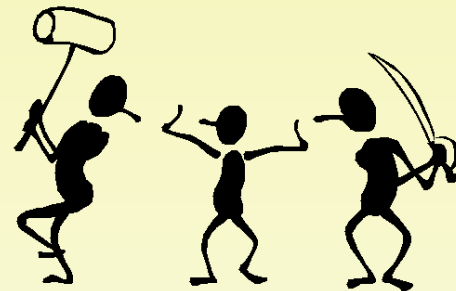
Mentoring Mondays. 29 August 2022

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715-896-3178



# Rules of Construction (RoC)

## Evaluation framework (aka *Order of Importance of Conflicting Elements*)

*Right of possession (unwritten rights)*

*Senior right (in case of overlap)*

*Written intentions of the parties (description)*

*Call for survey*

*Call for monuments; adjoiner*

*Direction/distance*

*Area/Coordinates*

If elements conflict, RoC indicates their relative weight

Not strict; guidelines

Description wording can change order

If higher elements are lost, lesser elements carry greater weight.

In Sep 1978, Francis Hutch acquired by warranty deed:

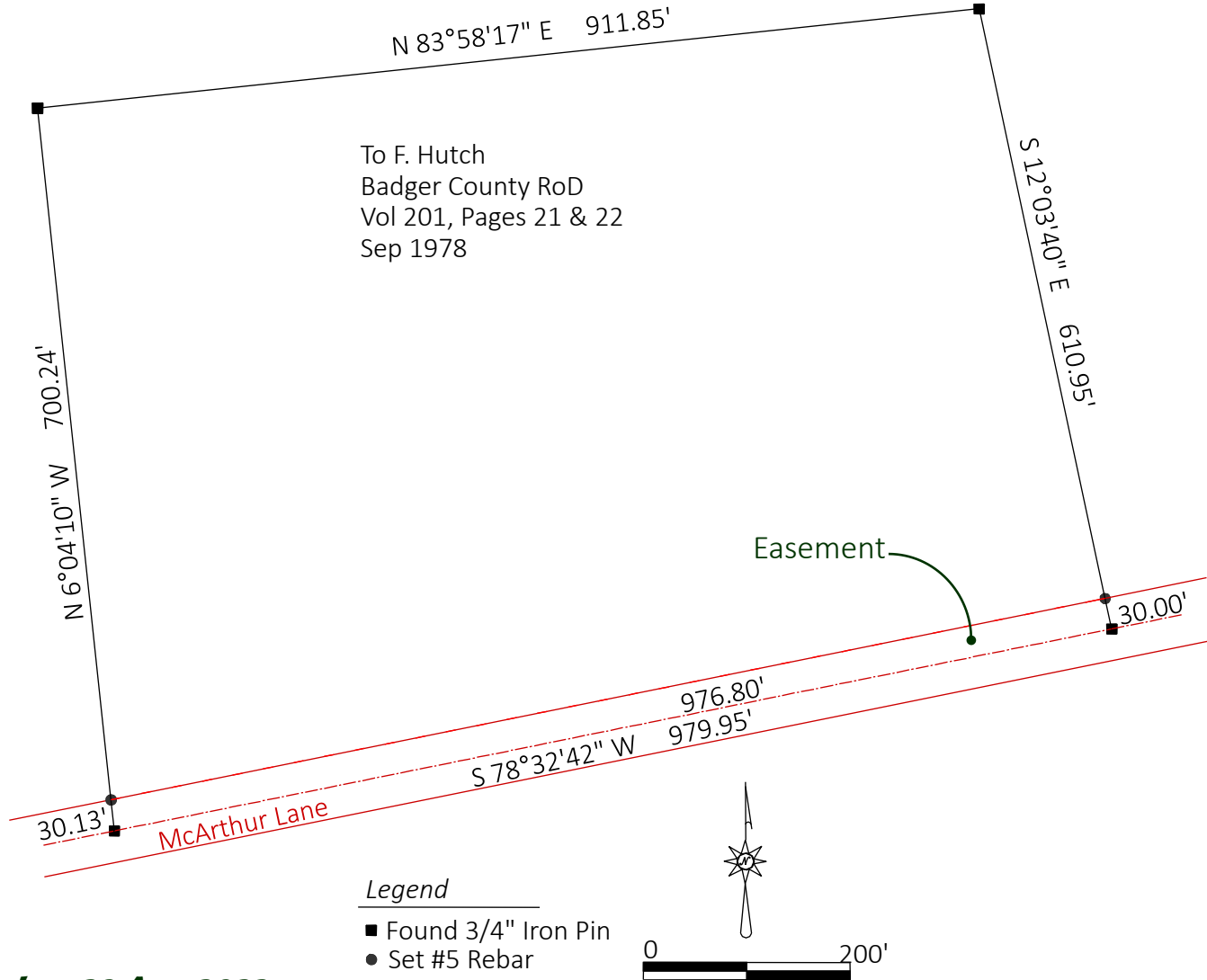
*A parcel located in the northwest quarter of Section 28, Township 3 North, Range 4 West, 4th Meridian, Grant County, Wisconsin, described as follows:*

*Commencing at the northeast corner of said section, thence south along the section line 1138.6 ft to a point; thence S 78°33.1' W to a three-quarter inch iron pin at the point of beginning; thence continuing S 78°33.1' W, 979.6 ft to a three-quarter inch iron pin; thence N 6°03.0' W, 700.5 ft to a three-quarter inch iron pin; thence N 84°00.0' E, 912.3 ft to a three-quarter inch iron pin; thence S 12°02.1' W, 611.2 ft returning to the point of beginning. Containing 14.2 acres, more or less. Subject to a 30 ft wide public street easement parallel with the southerly boundary thereof.*

*Deed was recorded on pages 21-22, volume 201, Badger Co Register of Deeds.*

## 1980s

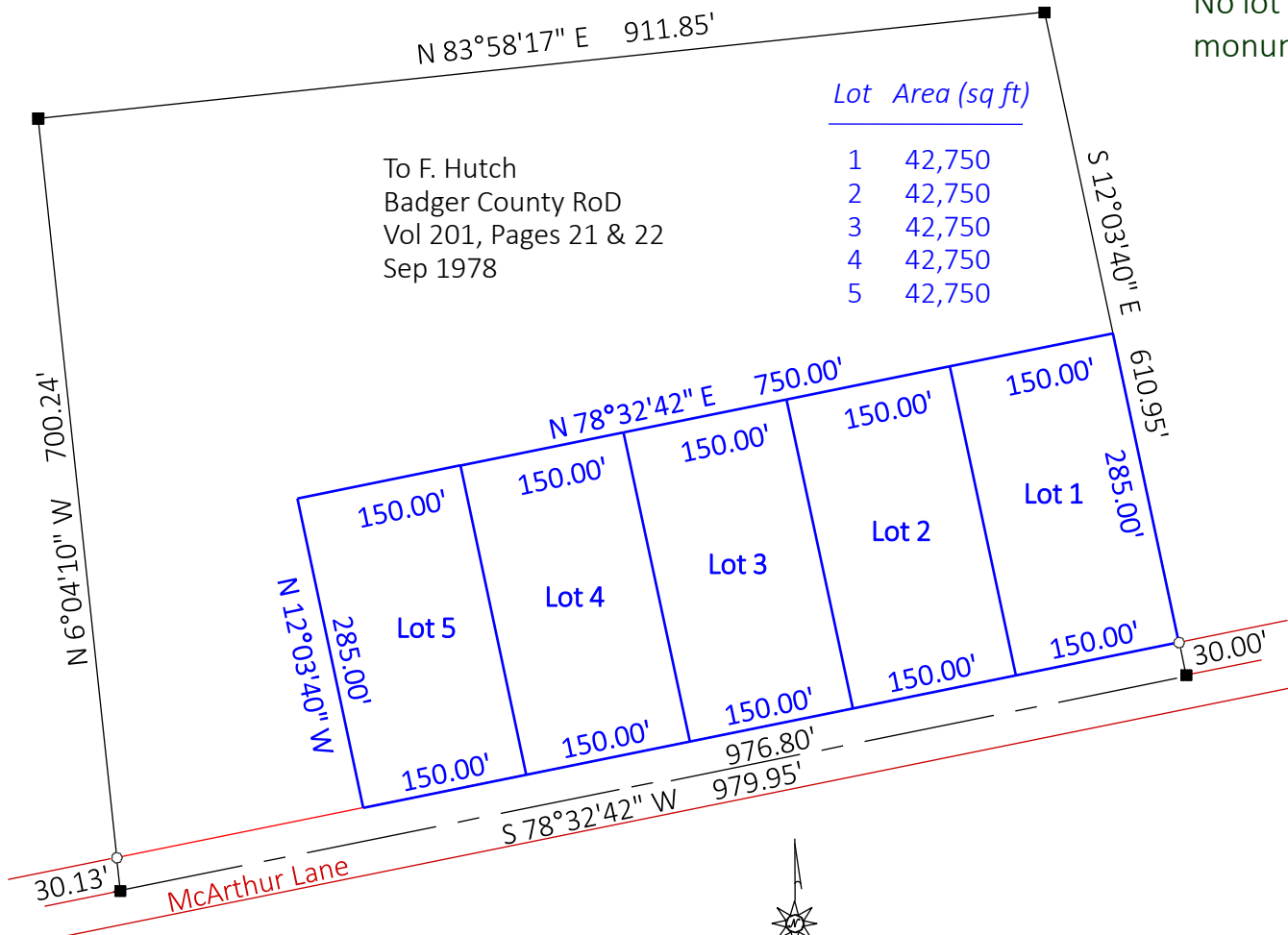
*Resurvey in prep for partial subdivision*





## Case A

### Unrecorded Preliminary Plat



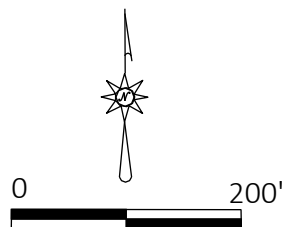
To F. Hutch  
 Badger County RoD  
 Vol 201, Pages 21 & 22  
 Sep 1978

Lot	Area (sq ft)
1	42,750
2	42,750
3	42,750
4	42,750
5	42,750

No lot corner monuments were set

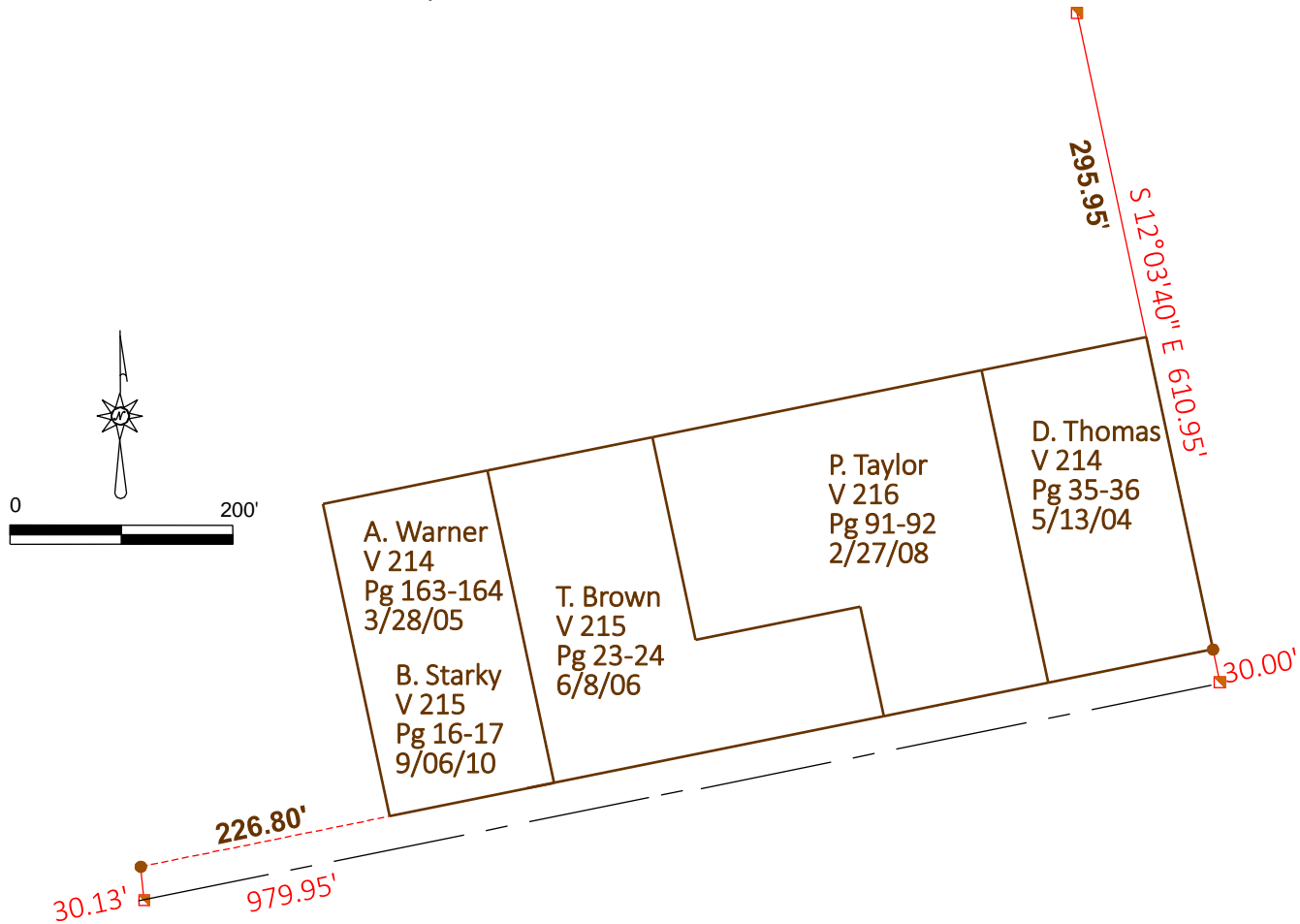
Legend

- Found 3/4" Iron Pin
- Set #5 Rebar



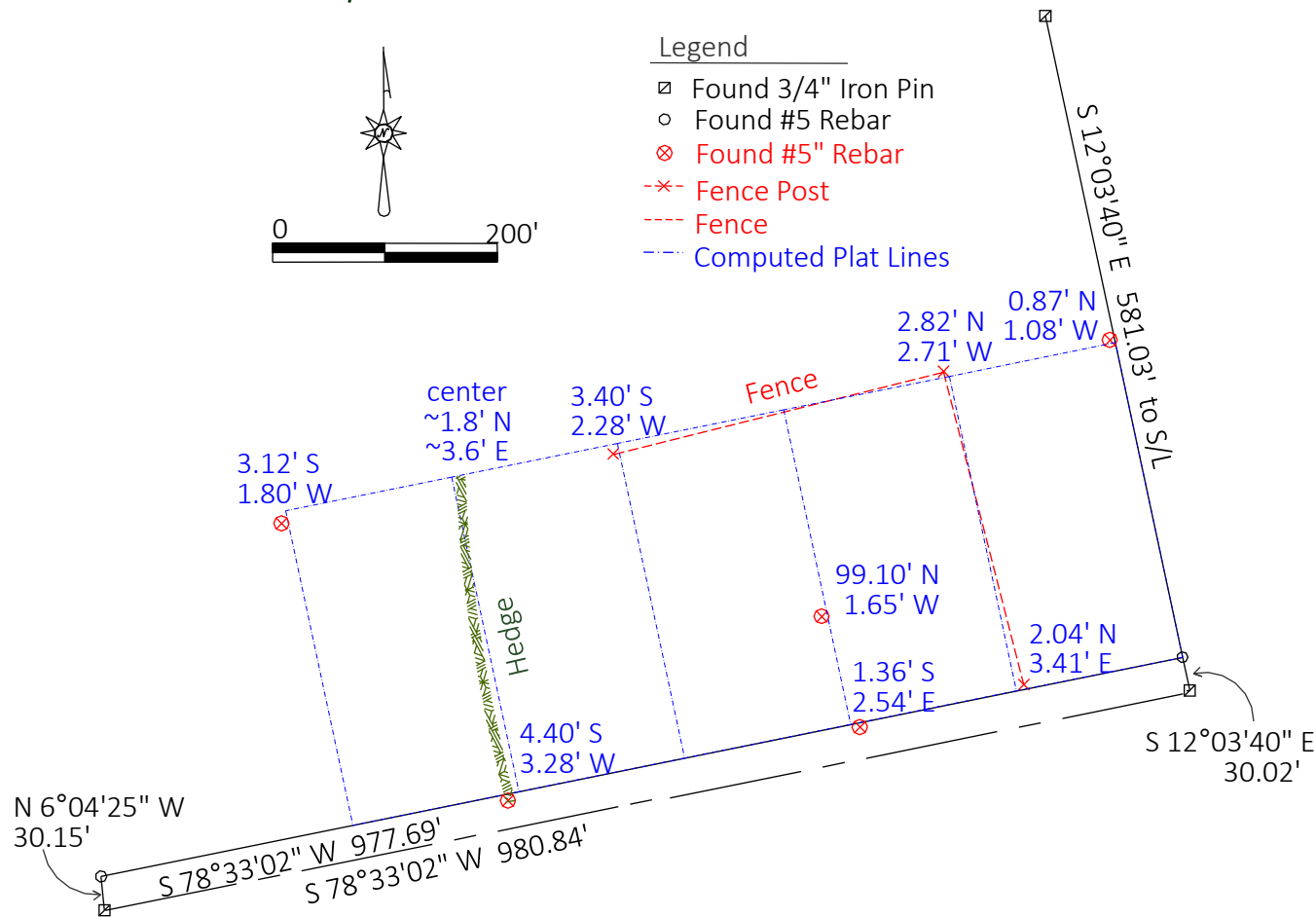
## Case A

### *Metes & Bounds Descriptions*



## Case A

*Evidence overlaid on plat lines*





### Case A

#### *Questions:*

1. What role(s) do the monuments have?
2. What role does the preliminary plat have?
3. Do junior and senior rights exist? If so, list the parcels, by current owner, from most to least senior.
4. Do the parcels have reversionary rights in McArthur Lane?
5. Are there any encroachments?
6. Are there any other issues that may/probably will arise?

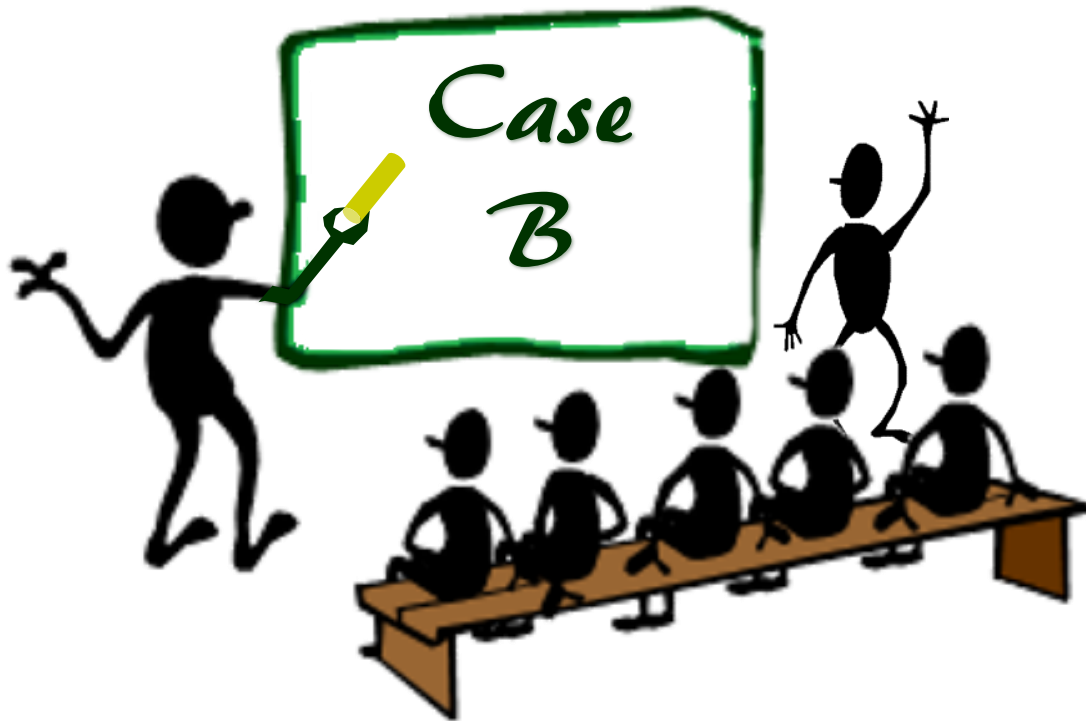
### Case A+

#### *Question:*

Part of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section Thirty-four (34), Township Five (5) North, Range Eight (8) East, in the Town of Montrose, Dane County, Wisconsin, more particularly described as follows: Lot One (1), Block "B" of Duchsingers Second Addition to the Village of Belleville, Dane County, Wisconsin, according to the unrecorded plat thereof and more particularly described as follows: Commencing at a point 20 rods 19 links North of a point that is 26 links East of the East side of the steel tube at the Northeast corner of the wagon bridge, that crosses the Sugar River, on the West side of the Southeast 1/4 of Section 34, thence North from said point 3 rods and 20 links, thence East 8 rods, thence South 3 rods and 20 links, thence West 8 rods to place of beginning.

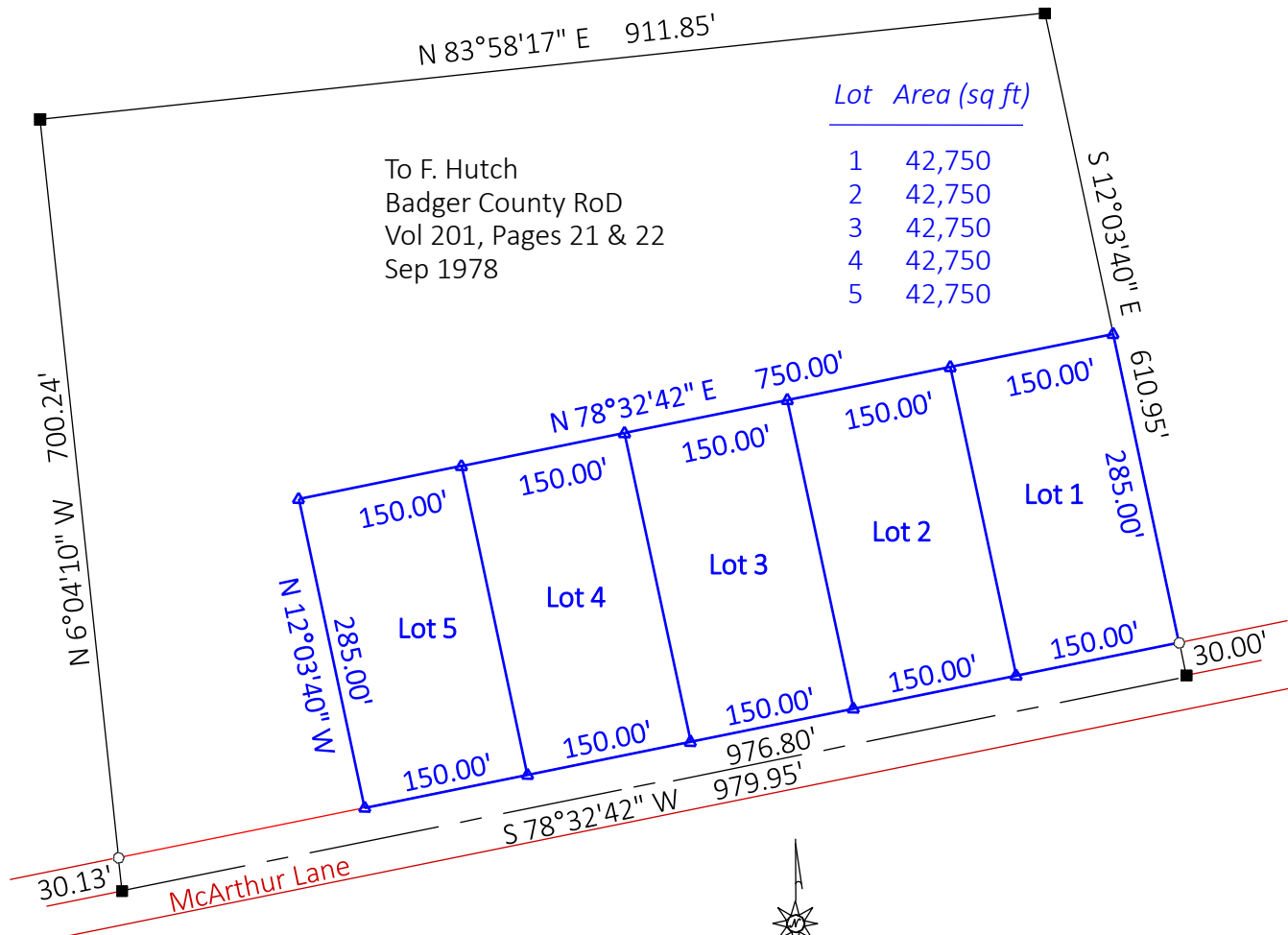
Recorded in Dane County, 1992

*What about the information on the plat?*



## Case B

Recorded Plat - 1980s

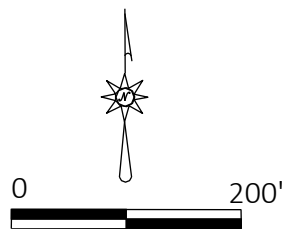


To F. Hutch  
 Badger County RoD  
 Vol 201, Pages 21 & 22  
 Sep 1978

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Legend

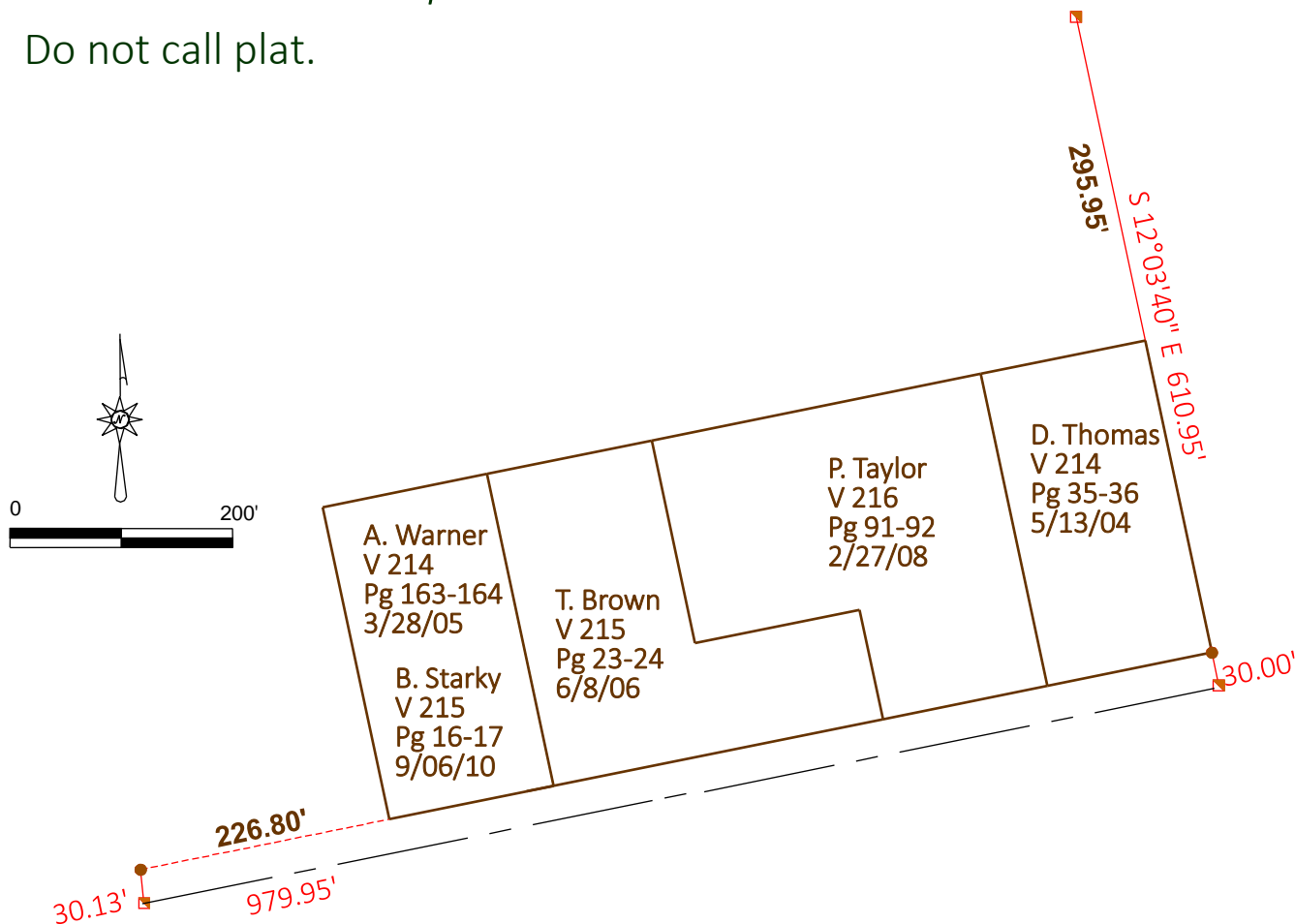
- Found 3/4" Iron Pin
- Set #5 Rebar
- ▲ Set #5 Rebar



## Case B

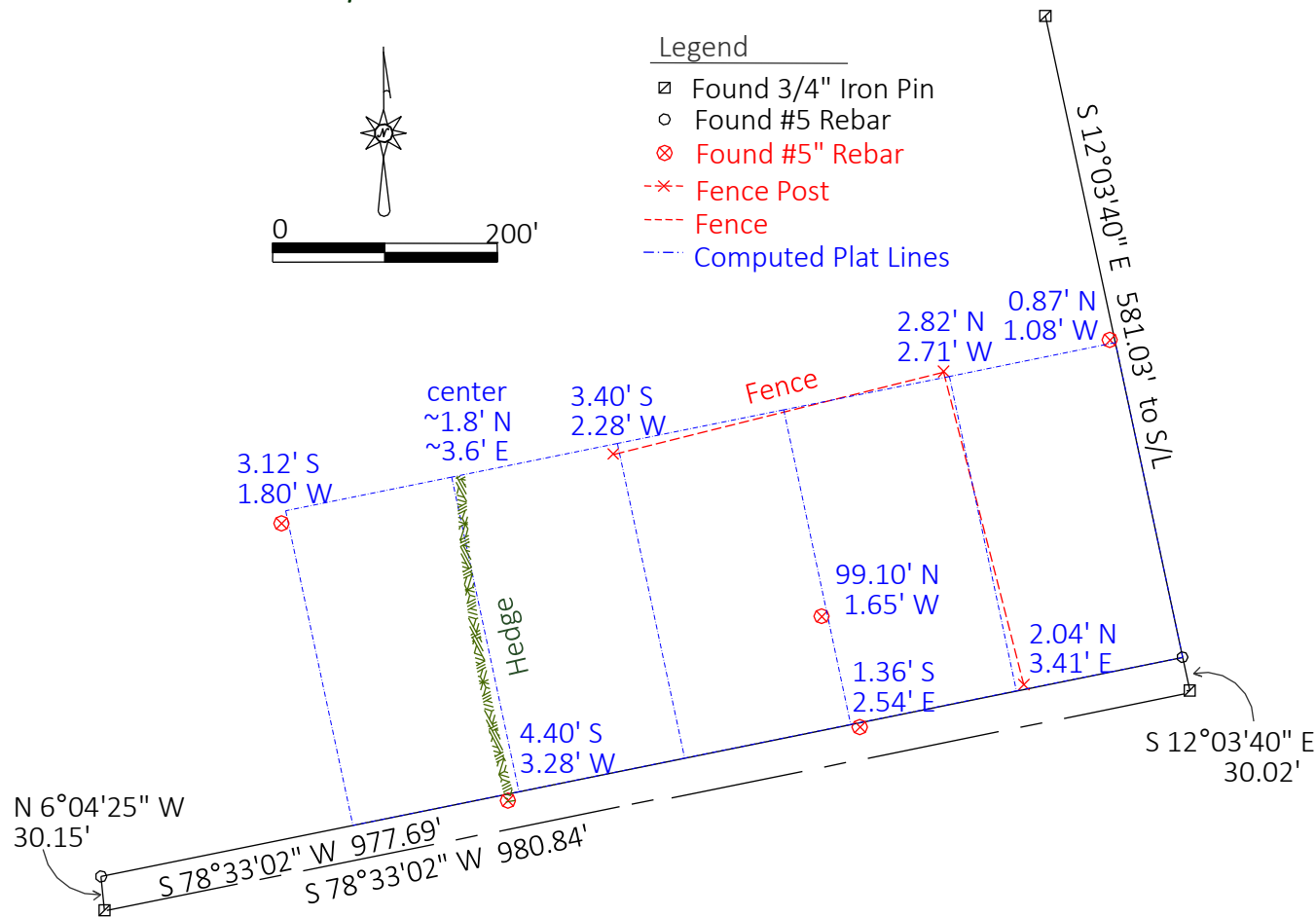
### *Metes & Bounds Descriptions*

Do not call plat.



## Case B

*Evidence overlaid on plat lines*



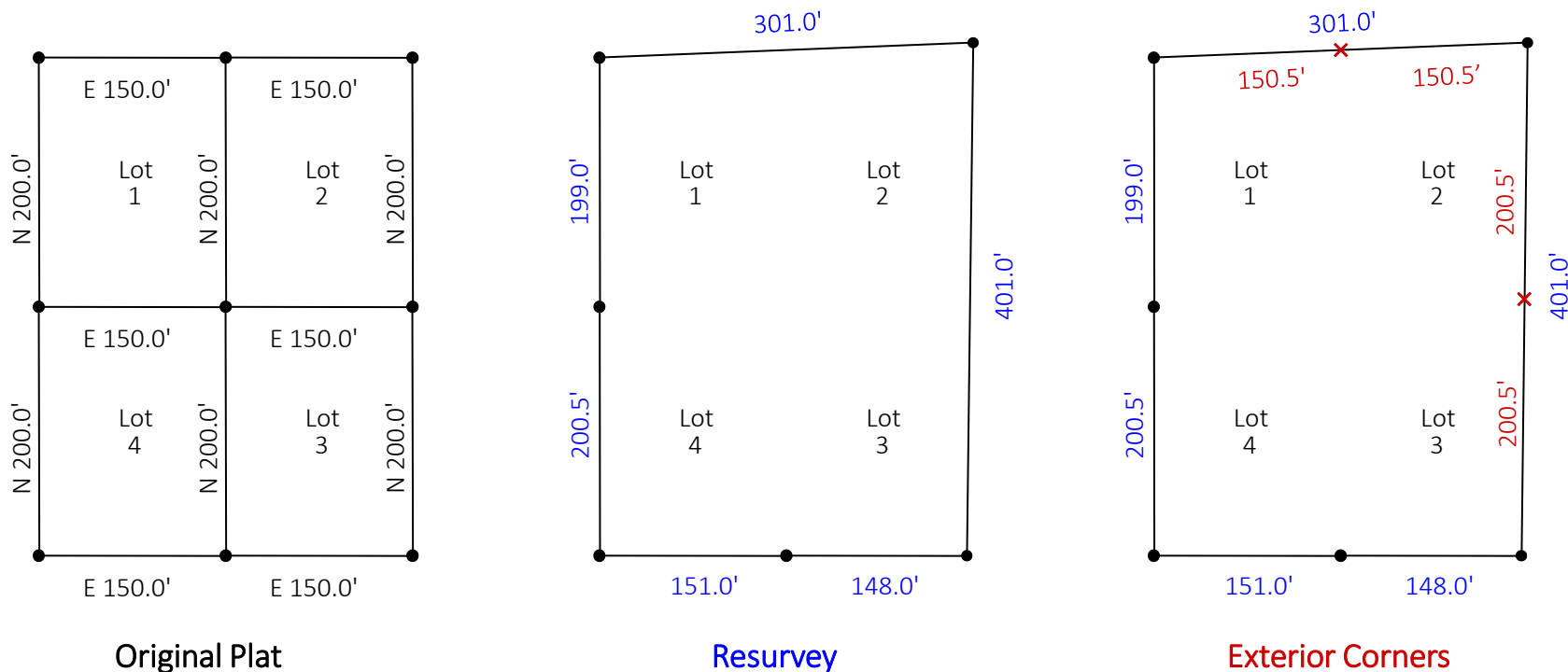
### Case B

#### *Questions:*

1. What role(s) do the monuments have?
2. What role does the plat have?
3. Do junior and senior rights exist? If so, list the parcels, by current owner, from most to least senior.
4. Do the parcels have reversionary rights in McArthur Lane?
5. Are there any encroachments?
6. Are there any other issues that may/probably will arise?

## Bonus Question

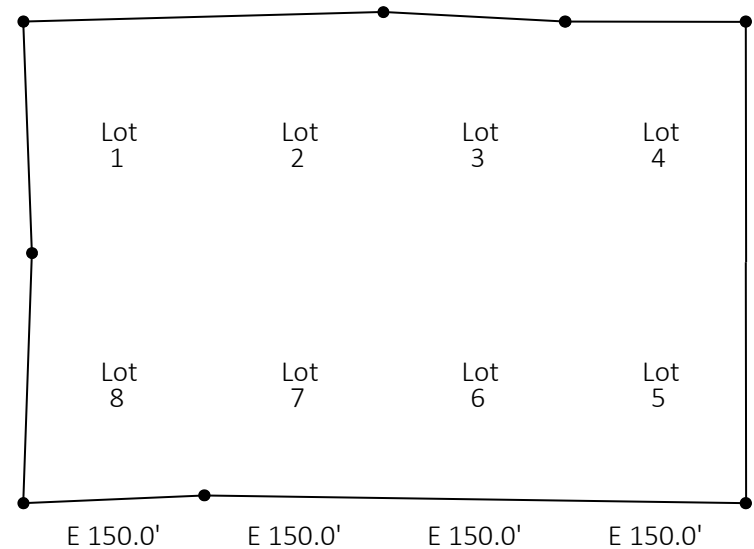
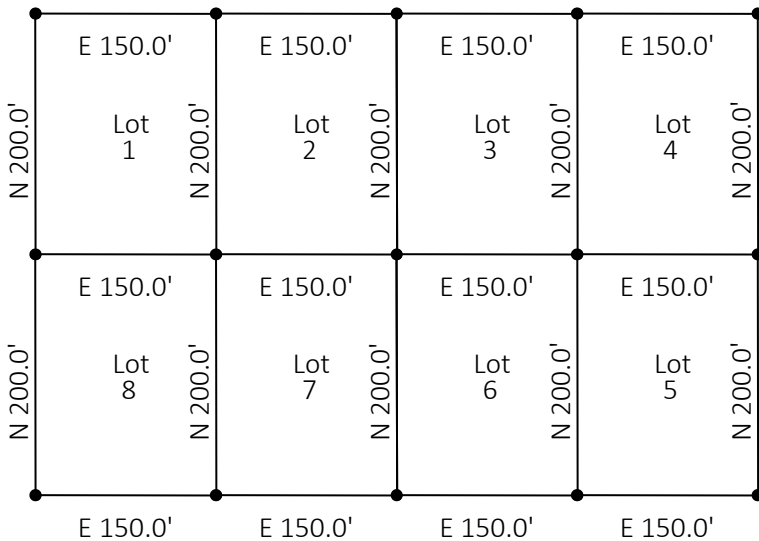
*Using only record and remeasured values, how would you set the interior lot corner?*





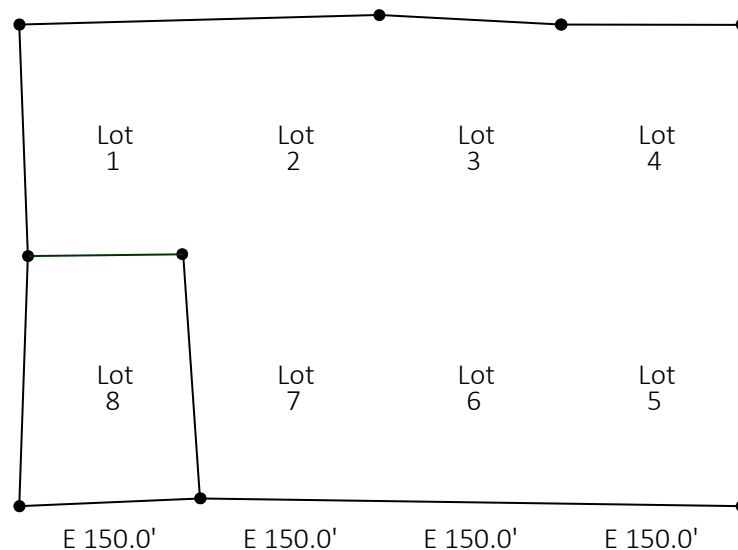
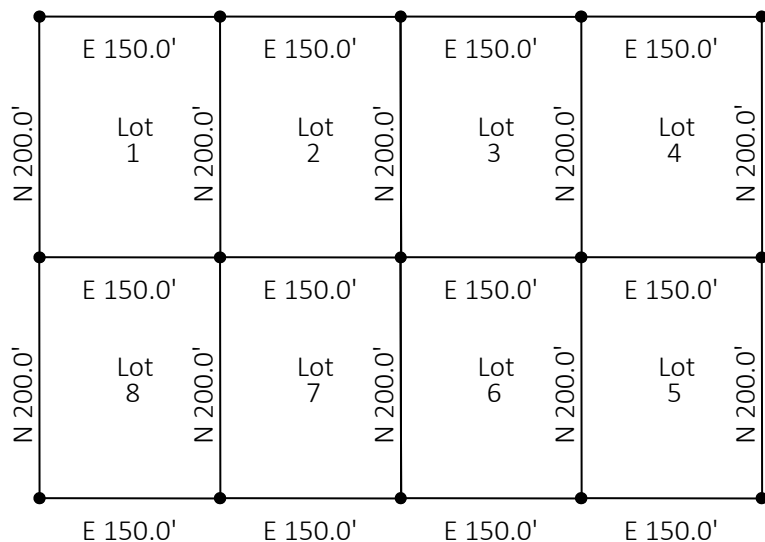
## Bonus Question

*Using only record and remeasured values, how would you set the interior lot corners?*



## Bonus Question

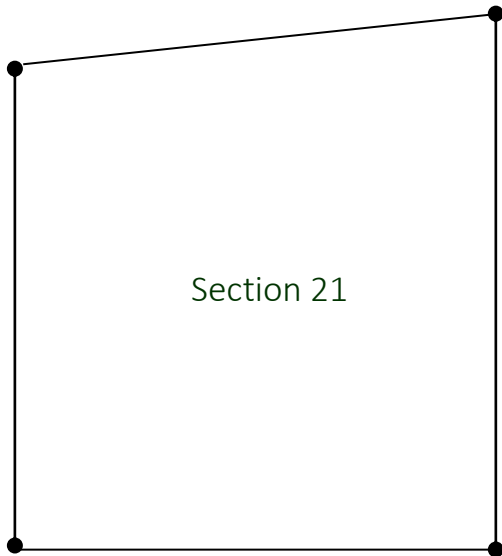
*Using only record and remeasured values, how would you set the interior lot corners?*



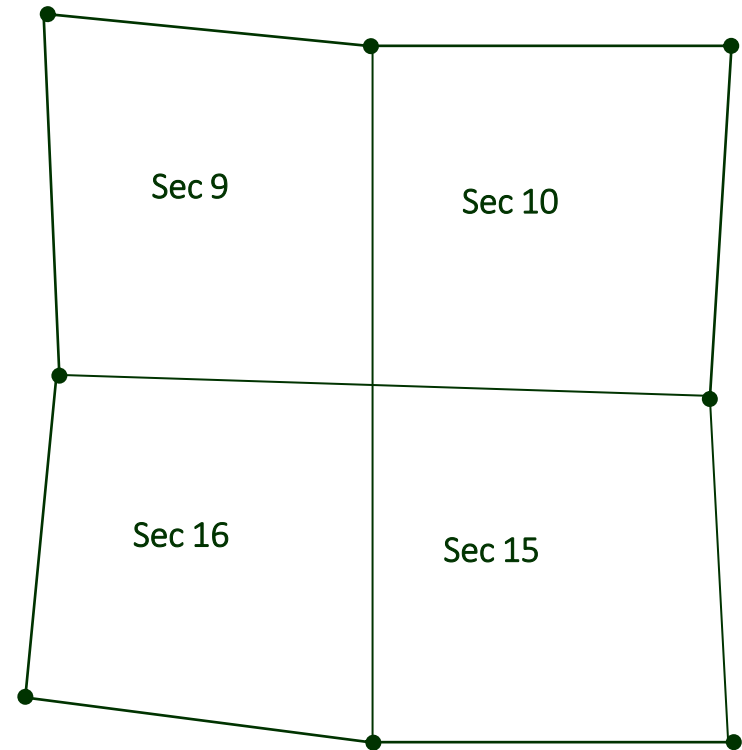
## Bonus Question

*How would you set:*

- (a) Sec 21 C1/4 corner monument
- (b) Corner common to four interior Sections



(a) Subdividing a Section



(b) Lost Corner