

SW<sup>4</sup> 9-16-2W NORM HUGHES



# STANLEY M. SHARTLE

REGISTERED PROFESSIONAL ENGINEER  
REGISTERED LAND SURVEYOR

R. R. 1, BOX 33

STILESVILLE, IND. 46180

PHONE 317-539-6225

October 24, 1984

Dear Bob,

Though we have not seen each other for several years, I often remember with fondness the times when you and I worked together at the State Highway. You did a very good job there, Bob! It is doubtful that anyone has ever filled in for you on drainage problems or the other special services you performed for the Attorney General's Office.

The difficulty you encountered at the Hughes farm is the same one I ran against too. I never forgot the problem and when Mr. Hughes called unexpectedly I was able to recall much of what I did. (My earliest surveys were in 1936; my memory of almost every survey since then is acute and pretty accurate.) Until he called me I knew nothing of the trouble that was going on over the corner in question, and didn't know he had been to the Surveyor's office.

I surveyed there for Eva Wiseheart and Grace Duckworth in September 1949 and again in May 1951. I was then the County Surveyor. I needed the subject corner so I dug a large hole in S.R. 75 in line with the fence and concrete corner post on the east side of the road. No corner stone was found. There was a fence running west from the road 15.5 feet north of the search area. Thinking that fence might be on the half-section line I dug another big hole in line with it, but without finding a monument.

I consulted Mrs. Duckworth who said they put up the last fence just to contain some livestock and that it had nothing to do with section lines or property lines. I didn't doubt her probity, but I decided to restore the corner by survey methods and let it fall where it would. The west quarter corner of Section 9 was in a tilled field and the stone was gone, but the center of the section was plain. I found the stone at the southwest corner of the section and measured north to the northwest corner of the section and restored the west quarter corner by single proportionate measurement (at the halfway point) and buried a large stone plow deep for the corner. I tested the location by verifying that it was pretty well in line with the stone at the center of Section 8 and other lines and corners in that section.

From the west quarter corner of Section 9 I ran a straight line to the center of that section and drove an iron pin on that line in S.R. 75 for the southeast corner of the Southwest Quarter of the Northwest Quarter. That pin was 1.45 feet south and about 19.5 feet west of the center of the concrete corner post that was then on the east side of the road and about 17 feet south of the field fence running west from the road. The pin lined up well with the stone at the southeast corner of the West Half of the Southwest Quarter and another property corner stone set in the 1870's 1974.45 feet north of it. I used the iron pin as a basis for the two surveys mentioned and for some work in recent years. I believe the State also used it when some additional right of



way acquired in the early 1970's but no problem was discovered then. It is quite possible that any deed made from your survey was recorded after the State's purchase.

At the request of the State Highway, the County Surveyor dug for all the corner monuments in S.R. 75 from U.S.40 to Jamestown. Almost all the stones and other monuments were found and references taken. The Surveyor hired me to do most of that work and when completed, he dug out all the monuments (including my iron pin of 1949) with a backhoe so the State could install concrete monuments 24 to 30 inches long at all the corners. The pin was removed a month or two ago - not because it was thought to be in error - but so a better monument could be installed (which has now been done). I was there when the pin was pulled out; it was in excellent condition considering all the years it was there.

As to the concrete posts, in 1949 and again in 1951 the only such post in the vicinity was one on the east side of the road. The present concrete post there is surely a later replacement of the earlier post. I have never seen one on the west side.

I can understand why Mr. Hughes wants to save the cost of another survey. But, Bob, he got by real cheap when he paid only \$78 for the one you did for him. Prices have risen astronomically since then.

I hope the information herein will be of some help to you. If I can do anything further for you please let me know.

Best regards,

*Stan S.*



ARCHITECT - ENGINEER - LAND SURVEYOR - REALTOR

# ROBERT F. HUTCHINSON

## AND ASSOCIATES

TELEPHONE  
317-482-4553

20 October 1984

219 ULEN DRIVE  
LEBANON, IND. 46052

Mr. Stanley Shartle  
R. R. # 1  
Stilesville, Indiana 46180

Dear Stan:

About 13 years ago I did a survey for Norman Hughes in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 9, Township 16 North, Range 2 West.

He has been contacting me several times about this survey. When I did the survey I considered everything at the site. The point I used seemed to be the correct one. I found a fence, a rock, wire in tree. Everything seemed to indicate that the point was the correct one. (I am enclosing a copy of my survey). I went to the site and re-examined the situation and still feel that I probably had the correct point. He tells me that the Indiana State Highway used another point, about 16 feet, more or less, south of my point. He also tells me that you did a survey of the area many years before I did my survey. He also tells me that you set a metal pin, and that LATER YOU FOUND AND REMOVED THE METAL PIN. I looked at the fences on the east side of the road and believe that they are new fences and probably were set to please the owner and therefore were not the correct ones.

He also sends to me sketches like we made in Right-of Way, and also sent descriptions furnished by the State. He wants me to correct the description I made. I do not feel that I was in error. It is my considered opinion that he should have used you to survey the tract as you had done work on this before I did. I believe that survey rules state that an error is considered to be the error of the LAST SURVEYOR. That would indicate that I was in error (which I am doubting). I believe that a description should be made by you as you have more original records, earlier surveys, County information, and a lot more information that I do not have. I do not like to write a survey on OTHER INFORMATION that I did not do. If I am in error I would like to return the money he paid to me and then let you write a description based on your information. I charges him \$ 78.00 for survey, instrument work, 4 pipe and mileage. That is a pittance for a survey at this time. Local surveyor says that he doesn't leave the office for less than \$ 250. Well I am not charging that much and begin to feel that I am out of touch with reality.

Any information or suggestions will be greatly appreciated as I would like to get him appeased and off the hook.

Copies of surveys enclosed:

Sincerely, *Robert F. Hutchinson*

PS. My notes indicate that the concrete post was in line with the fence on the west. I wonder if there were two concrete posts and one could have been removed?

my notes say that Ted Davis (State Highway Dept) did some buying on this in 1971 - or 1972. no problem then!!! Why now?



## NORMAN E. HUGHES

NORMAN E. HUGHES  
R.R. 1, BOX 71  
BAINBRIDGE, IN 46105

August 2, 1984

Mr. Robert F. Hutchinson  
219 Ulen Drive  
Lebanon, Indiana 46052

Dear Mr. Hutchinson:

I have spent considerable time and effort to clear up the Question involved in the surveys on my farm south of North Salem.

I talked with Stanley Shartle about his position and he states that he found and removed the meral pin which he installed some thirty-five years ago. He had, no doubt, been informed that I was in the County Surveyor's office asking questions, and his memory was outstanding. He remembered that he had made a complete survey of the farm some thirty or thirty-five years ago. He also remembers that the fence wasn't on the line and that there was a stone marker eighty rods west in the field.

He suggests that the two of you get together to iron out the problem. I've been trying to call you for three or four days---no answer. It seems that the state is going to erect a permanent marker it uses in roadways. I cannot find any reason why this spot was quickly blacktopped over and none of the rest all the way to New Winchester.

However, in looking at the aerial maps in the ASC office, it would seem that the quarter section line may be south of the tree and post you have used. In the transfer of the acreage south of the tree, 565.65 feet is the distance mentioned along the road from the south fence. Using a 100' tape by myself, I found there to be about 581', again showing possibility of error.

I would like for you to look into this to get any needed correction now while there is a friendly owner in the old brick. I don't want to get into moving fences and such later, and do not feel it should be necessary for me to pay for a farm survey to do it.

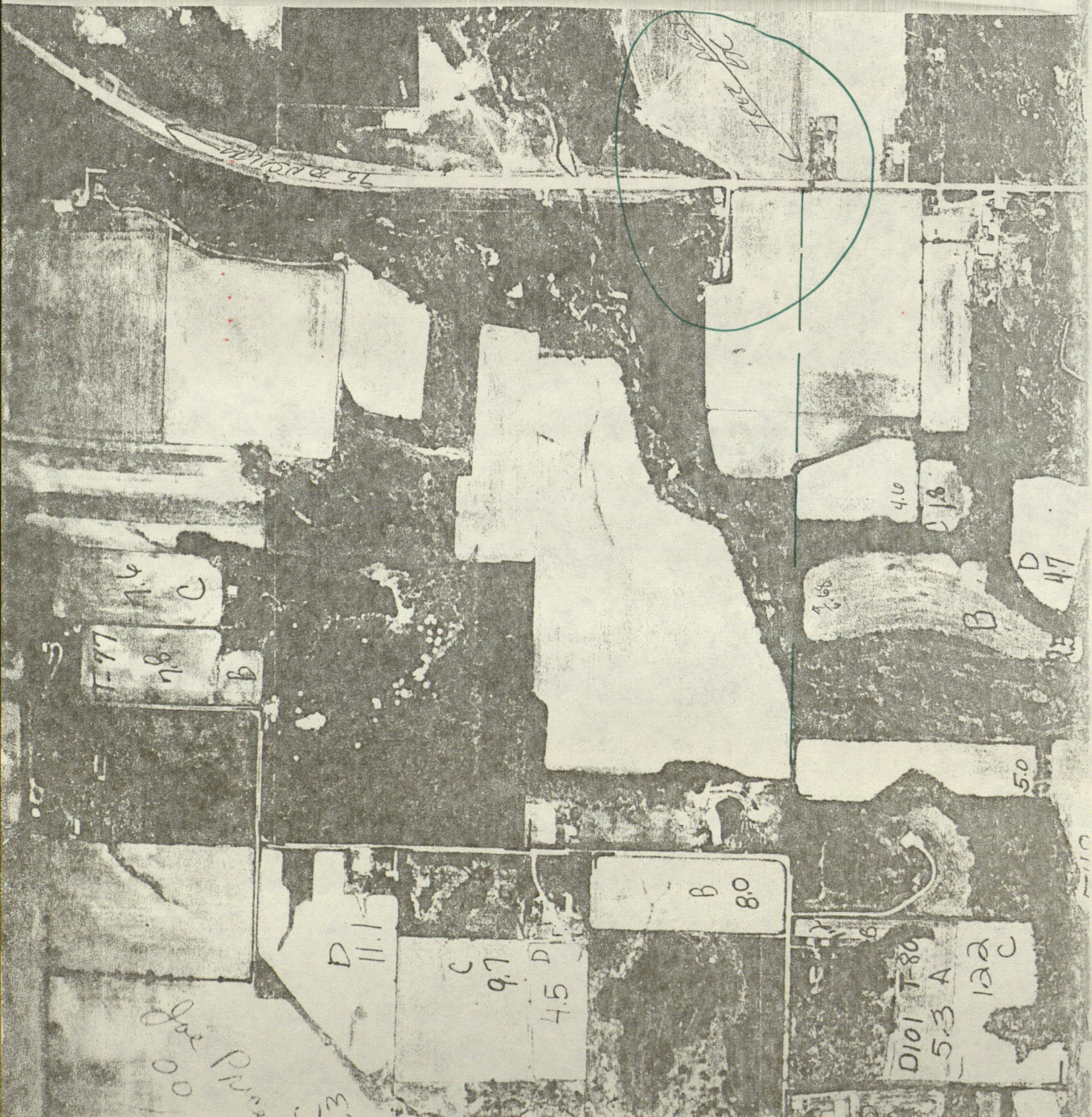
Please let me know if I can help in any way.

Sincerely,

*Norman E. Hughes*  
Norman E. Hughes

*SEE ATTACHED MAP & NOTE*







THIS IS NOT A GOOD COPY, BUT ON THE  
B16 ASC MAP, THE COUNTY ROAD TO  
THE WEST, MY SOUTH LINE ON THE WEST  
END OF THE FARM, AND THE FENCE ON  
THE EAST SIDE OF ST RD 75 ALL SEEM  
TO BE IN LINE.

THE FENCE TAKEN OUT SOUTH OF THE  
OLD END POST WAS NOT IN LINE WITH  
THE SOUTH LINE ON BACK. I HAVE NO  
WAY OF KNOWING HOW FAR OFF IT WAS  
BECAUSE THE SOUTH PART WAS ALREADY  
GONE.



# ROBERT F. HUTCHINSON

## AND ASSOCIATES

TELEPHONE  
317-482-4553

20 July 1984

219 ULEN DRIVE  
LEBANON, IND. 46052

Norman E. Hughes  
R. R. 1, Box 71  
Bainbridge, Indiana 46105

COPY

Dear Mr. Hughes:

I went to the site and rechecked all my work. I found a place in the road where someone had dug looking for a corner. I checked this point with my magnetic metal locator. I did not find anything of metal that I could accept as a corner. The fence on the east side of road is new, and the cement post is fairly new. HOWEVER, when you look at conditions on the west side of the road, there are several things that make me think that I am right. There is a tree with fence wire still in tree. There is a fence post with wire going WEST (indicating that the fence going west was the line). There is a large rock also in line with the wire in the tree and on the fence post.

I tied red ribbons on the wires, the post and sprayed rock and center of road. The right-of-way is much wider on the west side of the road than on the right side of the road. Most roads are centered between the right-of-way. In this case the road is much further east than normal. In other words the road is probably not on the quarter-quarter section line. I also checked the measurements and my measurement is still the same. The measurement by someone else is as you said it is. Knowing Stanley Shartle as well as I do, and knowing how he established section corners I feel that he did not establish a section corner in the center of the paved road In This Case.

The difference of 14 feet can be accounted for in several ways. There might have been a gate on the east side of the road, and the post was one of the gate posts. However I did not find any hinge bolts in the fence post (concrete). I also did not find any wire in the fence post to indicate any line. The fence on the west by being much older is prior evidence of intent. Many new fences are being built off the line to avoid trees, and other obstacles.

I think that my survey is valid. I did much troubleshooting for the State Highway in 1962 thru 1969. I found many such discrepancies such as this. If and when you sell this property a new survey of the whole thing will have to be made and then a perimeter survey showing dimensions of the entire property will correct any error IF ANY.

I do not know the surveyors on your sheet of paper. But I do know how they operate and that is not always good.

I feel that I will hold to my survey. If you want to have someone check it, talk to Stanley Shartle and see what he says about it.

Sincerely,

*Robert F. Hutchinson*

Robert F. Hutchinson

COPY.



NORMAN E. HUGHES

NORMAN E. HUGHES  
R.R. 1, BOX 71  
BAINBRIDGE, IN 46105

July 15, 1984

Mr. Robert F. Hutchinson  
219 Ulen Drive  
Lebanon, Ind. 46052

Dear Mr. Hutchinson:

I am becoming rather impatient, now that it's been over a month and a half since I sent you the requested documents and I have heard nothing from you in regard to the survey in question.

It seems to me that there has been quite enough time to, at least, have an answer from you as to your findings, I know that people get busy, but it seems that this has just been pushed aside for lack of desire.

I would rather not start new with another surveyor to prove the case, one way or another. That option would no doubt be expensive and time consuming. Can you, or possibly your insurance company come up with a better solution that can get underway immediately?

If this cannot be handled between us, then it will be necessary for me to go ahead by whatever means I can find. Please advise me of your thoughts.

Sincerely,

*Norman E. Hughes*

*WOULD BE GLAD TO MEET YOU ON  
THE SITE IF ADVISABLE.*



NORMAN E. HUGHES

NORMAN E. HUGHES  
R.R. 1, BOX 71  
BAINBRIDGE, IN 46105

May 26, 1984

Mr. Robert F. Hutchinson  
219 Ulen Drive  
Lebanon, Ind. 46052

Dear Mr. Hutchinson,

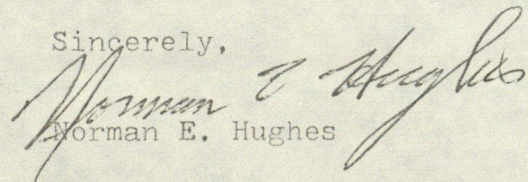
I would have thought likely that you also had a copy of the survey in question. I am sending copies of your survey, the stateengineer's sketch and their legal description for the R/W taking.

Please note in the description the 385 foot dimension with reference to your 371 foot dimension in parenthesis, this being the distance from the southeast corner of the quarter-quarter section.

In looking this over, it seems to me that they may have a case since the dividing fence across the road from the walnut tree you refer to.

This would give the owner of the brick house another 14 feet into my field unless corrected. Would appreciate your taking whatever steps necessary to correct the error.

Sincerely,

  
Norman E. Hughes



## NORMAN E. HUGHES

NORMAN E. HUGHES  
R.R. 1, BOX 71  
BAINBRIDGE, IN 46105

May 3, 1984

Mr. Robert F. Hutchinson  
P.O. Box 287  
Lebanon, Indiana 46052

Dear Mr. Hutchinson,

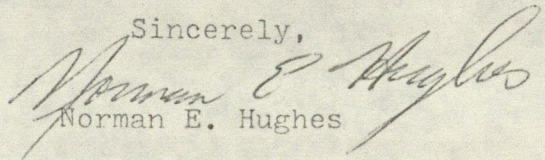
The state is taking some right-of-way on my farm south of North Salem, again.

They have discovered an error in the description on your survey of February 27, 1971. It has to do with the location of the quarter section line. They find it to be off by some 14 feet, which would be very serious if not corrected.

Please get in touch with me so that we can get this handled as soon as possible.

My address is now R R 1, Bainbridge, Ind 46105 and my telephone number is 317-522-3203.

Sincerely,

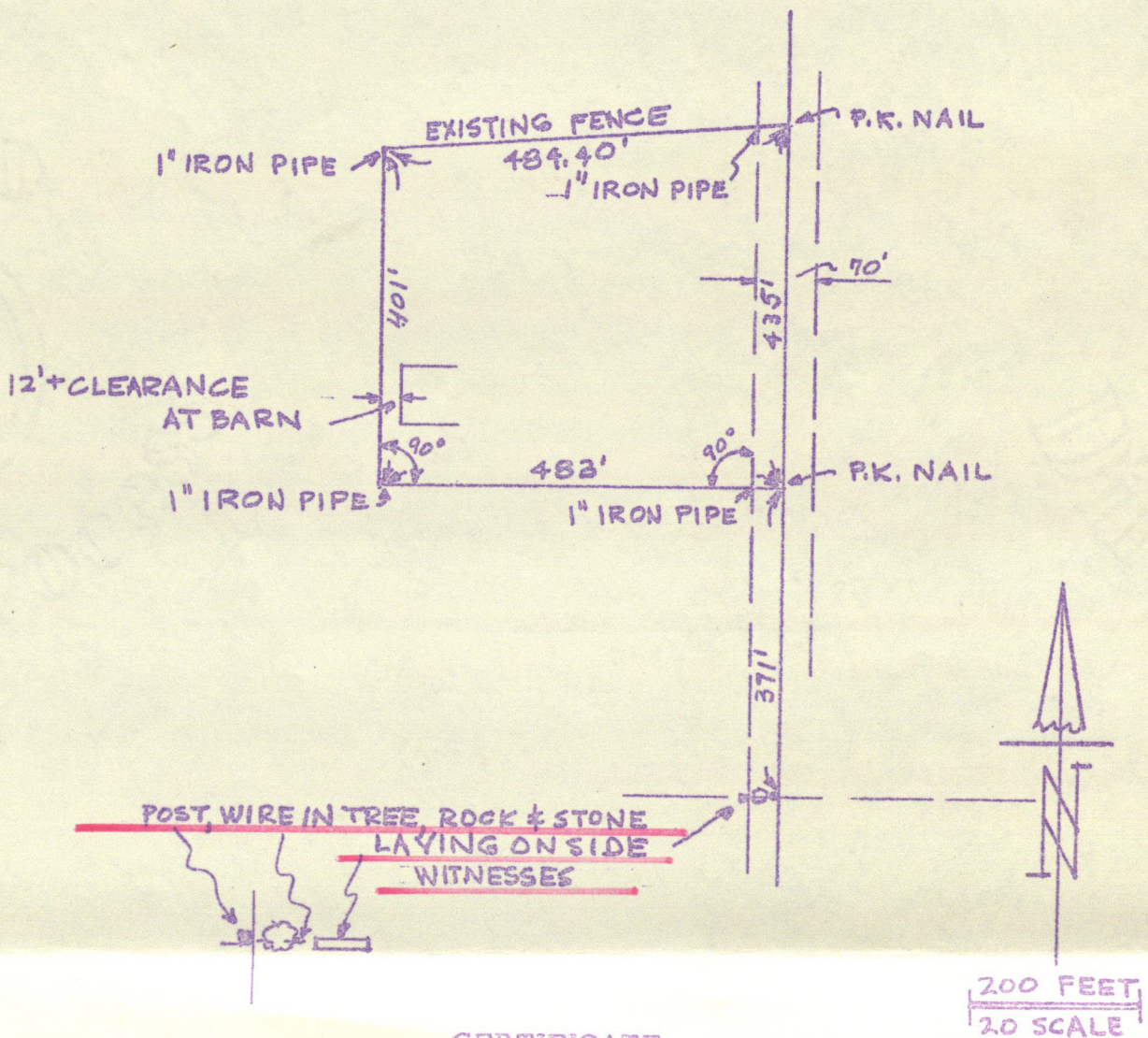
  
Norman E. Hughes



DESCRIPTION FOR NORMAN HUGHES - MARC WESTFALL  
RURAL ROUTE NORTH SALEM, INDIANA

OTTERMAN  
AGENCY

A part of the Southwest Quarter of the Northwest Quarter of Section Nine (9), Township Sixteen (16) North, Range Two (2) West of the Second Principal Meridian, situated in Eel River Township, Hendricks County, Indiana, and containing 4.64 acres, more or less, and more particularly described as follows: Beginning at a point 371 feet north of the southeast corner of the southwest quarter of the north-west quarter of section 9, township 16 north, range 2 west, and run thence west 483 feet to an iron pipe; thence north 401 feet to an iron pipe; thence easterly 484.40 feet following an existing fence to a point on the quarter-quarter section line and center of the public road (S. R. # 75); thence south 435 feet following the quarter-quarter section line and center of the public road (S. R. # 75) to the place of beginning.



CERTIFICATE

I hereby certify that the above description and plat were prepared by me from actual measurements taken or verified at the site on 27 February 1971.

*Robert F. Hutchinson*

Robert F. Hutchinson, 219 Ulen Drive, Lebanon, Indiana  
Reg. Prof. Engr. # 4524 P. O. Box 287  
Reg. Land Surveyor # 10057, Indiana Phone 482-4553





# STATEMENT

ROBERT F. HUTCHINSON  
ARCHITECT, ENGINEER & LAND SURVEYOR  
219 ULEN DRIVE, P. O. BOX 287  
LEBANON, INDIANA 46052  
482-4553

Hughes-Otterman  
Jamestown, Ind.

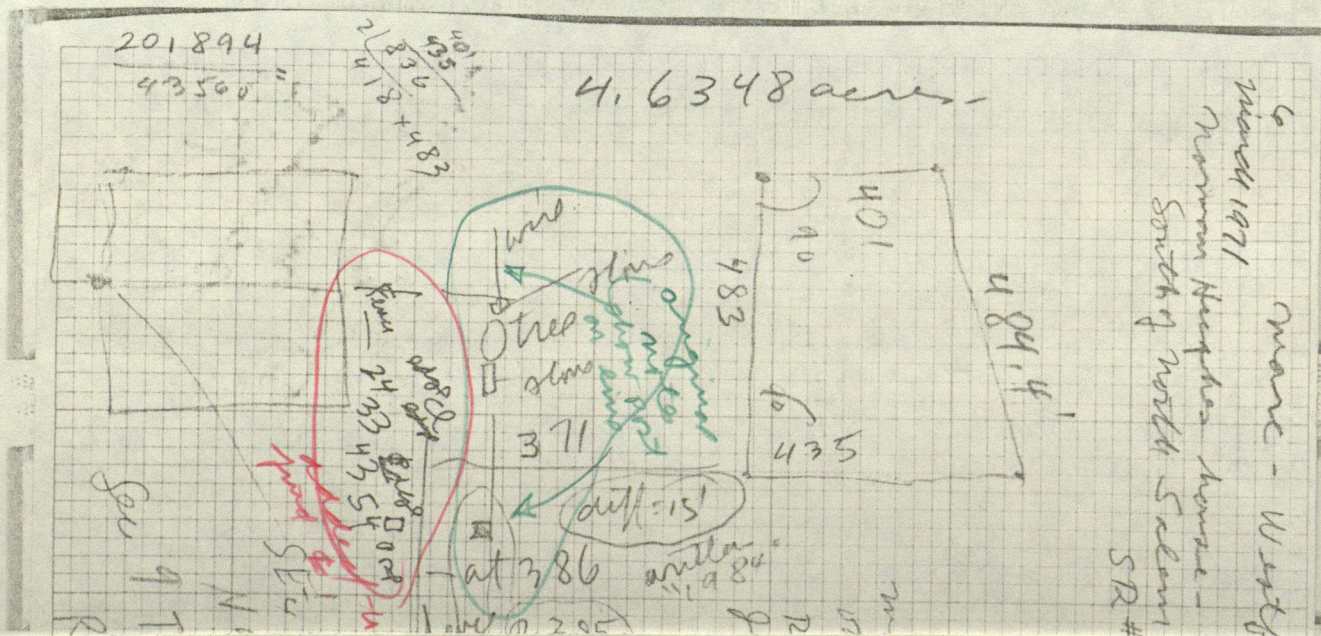
DATE: 27 February 1971

fold

*pink*  
PLEASE RETURN THIS STUB WITH YOUR CHECK

DATE	REFERENCE	CHARGES	CREDITS	BALANCE
27 Feb 1971	Survey of 4.64 acres in Hendricks County.			60 <sup>00</sup> / <sub>100</sub>
	Instrument Work			10 <sup>00</sup> / <sub>100</sub>
	4 Pipe and Mileage			8 00
				<u>78 <sup>00</sup>/<sub>100</sub></u>

PLEASE NOTIFY US PROMPTLY IF THIS STATEMENT DOES NOT AGREE WITH YOUR RECORDS. Form #PK-3 © Business Envelope Mfrs. Inc.





A part of the Southwest Quarter of the Northwest Quarter and a part of the West Half of the Southwest Quarter of Section 9, Township 16 North, Range 2 West, Hendricks County, Indiana, described as follows: Commencing at the southeast corner of said quarter-quarter section; thence North 0 degrees 27 minutes 00 seconds West 385.00 feet (371.00 feet in Deed Record 253, pages 186-187) along the east line of said quarter-quarter section to the northeast corner of the owner's land; thence South 89 degrees 23 minutes 00 seconds West 20.00 feet along the north line of the owner's land to the west boundary of S.R. 75 and the point of beginning of this description: (thence South 0 degrees 27 minutes 00 seconds East 953.00 feet along the boundary of said S.R. 75 to the south line of the owner's land; thence South 89 degrees 23 minutes 00 seconds West 20.00 feet along said south line; thence North 0 degrees 27 minutes 00 seconds West 953.00 feet to the north line of the owner's land; thence North 89 degrees 23 minutes 00 seconds East 20.00 feet along said north line to the point of beginning and containing 0.438 acres, more or less.)

Also, an easement in and to the following-described real estate, to wit: A part of the Southwest Quarter of the Northwest Quarter of Section 9, Township 16 North, Range 2 West, Hendricks County, Indiana, described as follows: Commencing at the southeast corner of said quarter-quarter section; thence North 0 degrees 27 minutes 00 seconds West 385.00 feet (371.00 feet in Deed Record 253, pages 186-187) along the east line of said quarter-quarter section to the northeast corner of the owner's land; thence North 89 degrees 23 minutes 00 seconds West 40.00 feet along the north line of the owner's land to the point of beginning of this description: thence South 0 degrees 27 minutes 00 seconds East 36.88 feet; thence North 64 degrees 32 minutes 37 seconds West 38.91 feet; thence North 0 degrees 27 minutes 00 seconds West 19.78 feet to the north line of the owner's land; thence North 89 degrees 23 minutes 00 seconds East 35.00 feet along said north line to the point of beginning and containing 0.023 acres, more or less, for the purpose of constructing a driveway for service to the owner's private property, which easement will revert to the owner upon the completion of the above designated project.

CHANGED

Subject to an easement for telephone line in favor of United Telephone Company of Indiana, Inc.

Also, subject to an easement for electric line in favor Hendricks County R.E.M.C.

60 RODS FENCE  
END SETS  
SPL ENTRANCE

Legal Description of R/W Taking

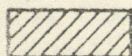


PARCEL NO. 3  
 PROJECT NO. ST-3332(2)  
 ROAD NO. S. R. 75  
 COUNTY : HENDRICKS  
 SECTION : 8, 9 AND 16  
 TOWNSHIP : 16 N.  
 RANGE : 2 W.

OWNER: HUGHES, NORMAN E.

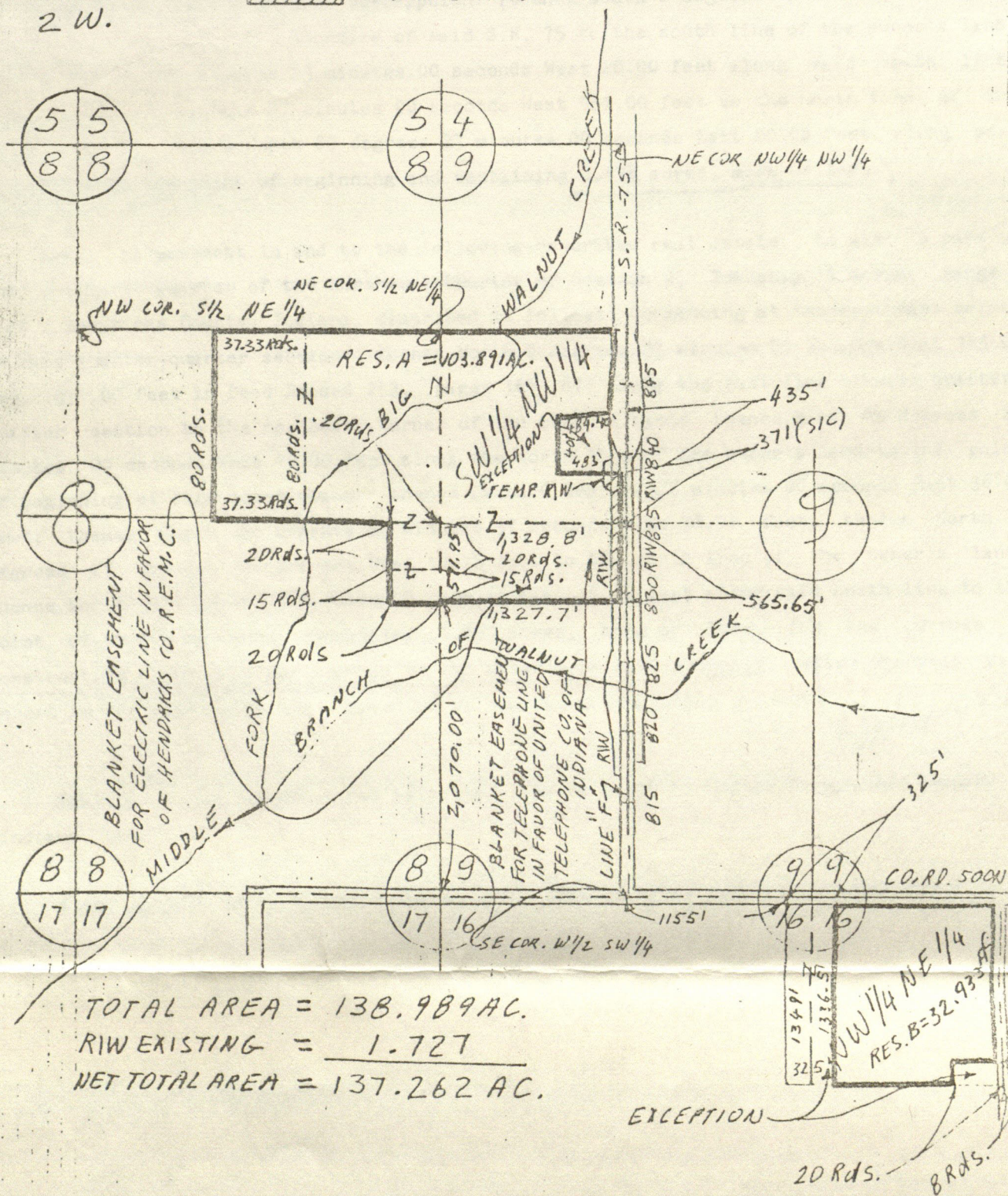
DRAWN BY: J. Kasq 4/27/83

DEED RECORD 253, PAGE 186-7, DATED 11-25-77 CHECKED BY: W. T. Myers 7-26-83



HATCHED AREA IS THE APPROXIMATE TAKING

SCALE: 1" = 1,000'



TOTAL AREA = 138.989 AC.  
 RIW EXISTING = 1.727  
 NET TOTAL AREA = 137.262 AC.