

Filed in my office this 1 day of October 2005

STATE OF MINNESOTA  
COUNTY OF SHERBURNE

Ramona Dosbler  
Sherburne County Clerk/Treasurer  
by [Signature]  
Deputy Auditor/Treasurer

DISTRICT COURT  
TENTH JUDICIAL DISTRICT

No. 05-2074  
STATE OF MINNESOTA }  
COUNTY OF SHERBURNE } SS  
**FILED**

In the Matter of the Application of )  
David ~~[Name]~~ )  
to Register the Title to Certain Land )

SEP 13 2005

APPLICATION

PATRICIA A KUKA  
COURT ADMINISTRATOR  
By [Signature] [Signature] [Signature]

To the Judges of the above named Court:

STATE OF MINNESOTA )  
COUNTY OF ANOKA )

Applicant hereby applies to register the title to the land described in this Application and solemnly swears that the contents of this Application are true to the best of Applicant's own knowledge, except as to those matters stated on information and belief, and that as to those matters Applicant believes them to be true.

A. Name: David ~~[Name]~~  
Address: 30838 Highway 169, Princeton, MN 55371.

Applicant is 18 years of age or older and is not under any legal incapacity.

B. Applicant is not married.  
Applicant has never been divorced.

C Description of land, situated in Sherburne County, Minnesota, is as follows

That part of the Northeast Quarter of the Northwest Quarter of Section 16, Township 35, Range 26, Sherburne County, Minnesota described as follows:

Beginning at a point on the north line of said Northeast Quarter of the Northwest Quarter, a distance of 2523 84 feet easterly of the Northwest corner of said Section 16, said point being on the westerly right of way line of U.S Highway No. 169, as located in 1962; thence southerly deflecting 90 degrees 42 minutes 56 seconds in the Southwest quadrant from the North line of said Northeast Quarter of the Northwest Quarter and along said westerly right of way line, a distance of 139 feet; thence west parallel with the North line of said Northeast Quarter of the Northwest Quarter, a distance of 300 feet; thence north parallel with said westerly right of way line, a distance of 139 feet to the North line of said Northeast Quarter of the Northwest Quarter; thence east along the North line of said

State of Minnesota, County of Sherburne  
Certified to be a true and correct copy of the  
original on file and of record in my office.  
Dated: SEP 13 2005  
Patricia A. Kuka, Court Administrator  
By [Signature] Deputy

Example 3

Northeast Quarter of the Northwest Quarter, a distance of 300 feet to the point of beginning.

Subject to an easement for driveway purposes over the East 12 feet thereof.

Also subject to the right of way of U.S. Highway No. 169, parcel 330F, according to Document No. 111358.

The estimated market value of record description of the subject property, exclusive of improvements, according to the last official assessment is \$169,800.00.

- D Estate or interest claimed in the dominant estate is in fee simple and is subject to homestead.
- E The land is occupied by Applicant.
- F The land is encumbered by the following liens and interests, recorded and unrecorded:
  - (1) A Mortgage in favor of Chase Manhattan Mortgage Corporation, a New Jersey corporation, dated August 6, 2004, recorded August 17, 2004, as Document No. 560839, in the original amount of \$162,800.00.
  - (2) A reservation of all minerals and mineral rights to the State of Minnesota pursuant to a Judgment dated December 24, 1956, recorded November 15, 1957, as Inst. No. 87250
  - (3) An easement in favor of the State of Minnesota for highway purposes, together with the following rights, to-wit: to acquire all trees, shrubs, grass and herbage within the right of way therein to be taken, and to keep and have the exclusive control of the same; also to take the right of access to said highway from the owners whose lands front thereon in the manner and to the extent hereinafter particularly set out; also to construct slopes upon and remove materials from the lands specifically mentioned in the Petition to be taken for those purposes as provided in the plans and specifications which are on file in the office of the Commissioner of Highways at Saint Paul, Minnesota; and also the right to waste, dispose of and place gravel, stone, clay, dirt, sand and other materials on the lands specifically mentioned in the Petition to be taken for those purposes; and also to extinguish cattle pass and cattle lane rights in the land described under Parcel 304E; also to acquire easements over the lands specifically described therein to be used for the construction of drainage ditches; and further, that the Commissioner of Highways, on behalf of the State of Minnesota, disclaims any right to erect and maintain snow fences on any of the tracts therein involved over and across the following described tracts:

The north 115 feet of the east 300 feet of that part of the northeast quarter of the northwest quarter (NE1/4 NW1/4) of section 16, township 35 north, range 26 west, lying west of Trunk Highway No. 169 as now located;

which lies easterly of a line run parallel with and distant 110 feet westerly of the following described line:

Beginning at a point on the north line of said section 16, distant 5 feet west of the north quarter corner thereof; thence run southerly at an angle of 89°00' with said north section line (measured from east to south) for 55 feet; and there terminating,

containing 0.05 acre, more or less;

Together with all right of access, being the right of ingress to and egress from all that portion of the above described tract, not acquired herein, to Trunk Highway No. 169, except that the abutting owner shall retain the right of access northerly of the point of termination of the above described line; and

All right of access, being the right of ingress and egress from the following described tract, to Trunk Highway No. 169:

The south 100 feet of the north 215 feet of the east 300 feet of that part of the northeast quarter of the northwest quarter (NE1/4 NW1/4) of section 16, township 35 north, range 26 west, lying west of Trunk Highway No 169 as now located,

as created in that certain Final Certificate dated October 29, 1969, recorded December 2, 1969, as Document No 111358.

- (4) An easement for driveway purposes over the East 12 feet of the record description of the subject property as created in that certain deed dated February 9, 1978, recorded February 17, 1978, as Document No. 146412
- (5) An easement for driveway purposes over the East 12 feet of that part of North Half of the Northwest Quarter of Section 16, Township 35, Range 26 described as follows:

Commencing at the intersection of the westerly right-of-way line of US Highway #169 with the North line of said Section 16, said point being 2521.24 feet East of the Northwest corner of said Section 16; thence South deflecting 90 degrees 16 minutes in the southwest quadrant from the North line of said Section 16 and along said westerly right-of-way line a distance of 1150 feet; thence West parallel with the North line of said Section 16 a distance of 300.0 feet; thence North parallel with said westerly right-of-way line a distance of 115.0 feet to the North line of said Section 16; thence East along the North line of said Section 16 a distance of 300.0 feet to the point of beginning

Said easement shall run with and be appurtenant to: That part of the North Half of the Northwest Quarter of Section 16, Township 35, Range 26 described as follows:

Commencing at the intersection of the westerly right-of-way line of US Highway #169 with the North line of said Section 16, said point being 2521.24 feet East of the Northwest corner of said Section 16; thence South deflecting 90 degrees 16 minutes in the Southwest Quadrant from the North line of said Section 16 and along said westerly right-of-way line a distance of 215.0 feet to the actual point of beginning of the tract of land to be hereby described, thence continuing south

along said westerly right-of-way line a distance of 100.0 feet; thence West parallel with the North line of said Section 16 a distance of 300.0 feet; thence parallel with said westerly right-of-way line a distance of 100.0 feet; thence East parallel with the North line of said Section 16 a distance of 300 feet to the actual point of beginning.

as created in that certain deed dated February 21, 1983, recorded June 3, 1983, as Document No. 175278.

- (6) An easement over that part of the North Half of the Northwest Quarter of Section 16, Township 35, Range 26, Sherburne County, Minnesota, described as follows:

Commencing at the intersection of the Westerly right-of-way line of U.S. Highway No. 169 with the North line of said Section 16, said point being 2521.24 feet East from the Northwest corner of said Section 16; thence South deflecting 90 degrees 16 minutes in the Southwest quadrant from the North line of said Section 16 and along said Westerly right-of-way line a distance of 115.0 feet to the actual point of beginning of the tract of land to be hereby described; thence continuing South along said Westerly right-of-way line a distance of 100.0 feet; thence West parallel with the North line of said Section 16 a distance of 300.0 feet; thence North parallel with said Westerly right-of-way line a distance of 100.0 feet; thence East along the North line of said Section 16 a distance of 300.0 feet to the actual point of the beginning. Subject to an easement for driveway purposes over the East 12 feet thereof and together with an easement for driveway purposes over the East 12 feet of all tracts lying North of the above described tract, South of the North line of Section 16 and West of the Westerly right-of-way line of U.S. Highway No. 169.

as created in that Contract for Deed dated March 27, 1961, recorded March 30, 1966, as Document No. 103094 and deed dated June 16, 1966, recorded June 22, 1966, as Document No. 103630.

- (7) Russel [REDACTED] retains an interest in the non-record description portion of the subject property and holds a vendee's interest in a Contract for Deed, dated March 27, 1961, recorded March 30, 1966, as Document No. 103094. Russel [REDACTED] assigned his vendee's interest in said Contract for Deed pursuant to an Assignment dated September 28, 1962, recorded March 30, 1966, as Document No. 103095. Russel [REDACTED] never deeded out his vendee's interest in said Contract for Deed.

G. Applicant seeks adjudication terminating or modifying the following liens or interests.

- (1) An easement for driveway purposes over the East 12 feet of the subject property as created or purportedly created in the documents shown above at Items F.(4), F.(5), and F.(6). Applicant seeks to have the Court adjudicate that the right of E. John [REDACTED] and Patricia [REDACTED], Russel [REDACTED], Steve [REDACTED], Willis [REDACTED] and all persons unknown to Applicant, who have the right to travel over the East 12 feet of the subject property, is limited to said East 12 feet and that no additional rights to travel over and

across the land described above have been procured by said parties, known or unknown. Applicant states upon information and belief that said parties have been encroaching onto the subject property beyond the 12 feet easement described herein as shown on the Certificate of Survey, prepared by Rick M. Blom, Registration No 21729, of John Oliver & Associates, dated November 1, 2004.

An additional problem with the purported easement in favor of the parcel owned by [REDACTED] is that the attempted grant of the easement, as shown by a deed dated August 7, 1962, recorded August 10, 1962, as Document Number 95668, is invalid since the grantor to Bruss's predecessor in title did not then hold title to the record description of the subject property and could not grant an easement over it.

A third problem with the easement is that it failed to grant use of the right of access to U.S. Highway No. 169 that was reserved to the record description of the subject property.

H. The title to the land is subject to the following other defects:

- (1) The record legal description of the Property does not accurately describe the Property as occupied. Applicant states, upon information and belief that the property described above may have been improperly monumented or surveyed. Applicant occupies approximately 24.00 feet of the northerly portion of the property owned by E. John [REDACTED] and Patricia [REDACTED], as described in that certain deed dated September 27, 1968, recorded October 2, 1968, as Doc. No 108646. An examination of the Certificate of Survey, prepared by Rick M. Blom, Registration No. 21729, of John Oliver & Associates, dated November 1, 2004, show an encroachment of the structure located on the land described above onto the property owned by E. John [REDACTED] and Patricia [REDACTED], by approximately 7.5 feet.
- (2) A potential conflict in boundary line legal descriptions may exist regarding the north and western boundary lines of the subject property with regard to the property excepted from a deed dated May 2, 1959, recorded September 2, 1959, as Inst. No. 90497 and a deed dated December 16, 1964, recorded December 31, 1964, as Document No. 100429.

I. Applicant desires to fix and establish the north, south, east and west boundary lines of the land. The name and address of owner of lands affected by the determination of boundaries is listed below:

E. John [REDACTED] and Patricia [REDACTED] [as tenants in common]  
30828 Highway 169 N.W.  
Princeton, MN 55040.

Your Applicant notes that the interest of E. John [REDACTED] and Patricia D. [REDACTED] is subject to the interest of Russel [REDACTED] in a contract for deed dated March 27, 1961, recorded March 30, 1966, as Document No. 103094

Steve [REDACTED]  
30822 Highway 169 N W  
Princeton, MN 55040

Willis [REDACTED]  
30816 Highway 169 N.W.  
Princeton, MN 55371


Raymond [REDACTED] and Jeanine [REDACTED]  
12505 - 312<sup>th</sup> Ave  
Princeton, MN 55371

Michael [REDACTED] and Linda [REDACTED]  
30720 Highway 169  
Princeton, MN 55371


State of Minnesota  
Attn: Office of the Attorney General  
State Capitol  
75 Rev Dr Martin Luther King Jr. Boulevard  
St. Paul, MN 55155

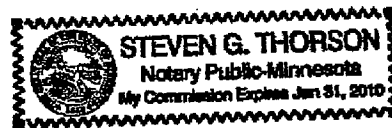
All other persons unknown to Applicant retaining the right to travel over the easterly 12 feet of the subject property

Applicant requests the Court to adjudicate that Applicant is vested with the title to the estate or estates in the lands as described in this Application, and that the Court direct the Registrar of Titles to register the same in Applicant's name, and for such other relief as the Court finds appropriate.

  
David R. Knoertzer, Applicant

Subscribed and sworn to before me on  
August 15, 2005  
by David R. Knoertzer, a single person.

  
Notary Public



[Notary seal]

Office of the County Recorder  
Sherburne County, MN

**Doc. No. 601705**

Certified filed and/or recorded on

10-07-2005 at 12 10


Michelle Ashe, County Recorder

By  Deputy Fee \$ 46 00



601705

Approved for filing:



David W. [unclear]

Examiner of Titles

8-22-05

Attorney for Applicant:  
Steven G Thorson, #12252X  
Timothy D. Erb, #031531X

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