

SURVEYOR'S REAL PROPERTY REPORT

June 13, 1994

PART OF LOT 25
CONCESSION 7
PART OF LOT 17
REGISTERED PLAN 53 AND
PART OF ROAD ALLOWANCE BETWEEN CON. 7 & 8
TOWNSHIP OF PITTSBURGH
COUNTY OF FRONTENAC
DESIGNATED AS PARTS 3 AND 4 ON PLAN 13R9874

This Report Was Prepared For:

SANDRA BESWETHERICK

KALDEWAY SURVEYING LTD. accepts no
responsibility for use by other parties.

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SURVEY REPORT SUMMARY

(To Accompany Plan of Survey Dated June 13, 1994.)

1. DESCRIPTION OF LAND

Part of Lot 25
Concession 7
Part of Lot 17
Registered Plan 53 and
Part of Road Allowance between Concessions 7 & 8
Township of Pittsburgh
County of Frontenac
designated as PARTS 3 and 4 on Plan 13R9874.

2. REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY

None.

3. ENCROACHMENTS

A hydro pole is situate on the southeastern boundary of the subject property at a distance of 43.7 feet from the bend therein. A guy wire extends to a distance of 25.2 feet northwest of the southeastern limit of the subject property.

4. COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS

NOT certified by this report.

5. ADDITIONAL REMARKS

Situate on the subject property is a one storey vinyl clad dwelling with attached garage at the east side. The building is situate a minimum of 134.88 feet from the northwestern limit of the travelled township road, a minimum of 127.96 feet from the western boundary of the property and a minimum of 195.42 feet from the eastern boundary. The building is situate approximately 45 feet from the northern limit of the road allowance between Concessions 7 and 8.

The road allowance between Concession 7 and 8 was closed by By-law No. 118, which has not been registered in the Registry Office. This road allowance and the portion of the former travelled road designated as PART 4 on Plan 13R9874 appear not to have been deeded by the Township of Pittsburgh.

KALDEWAY SURVEYING LTD.



Martin H. Kaldeway
Ontario Land Surveyor
#1448

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This plan and statement together represent the opinion of KALDEWAY SURVEYING LTD. as to the current location of the property boundaries taking into account previous surveys in the area, existing survey monuments, boundary evidence, deeds to subject and adjacent lands, related documents and verbal evidence. The Surveyor's Real Property Report (SRPR) has been prepared in accordance with accepted proper land survey practices and the standards and guidelines of the Association of Ontario Land Surveyors.

The purpose of the SRPR is to determine the extent of the property title, to demark those boundaries on the ground and to relate certain property improvements to those boundaries. No attempt has been made to locate all the features on the property (i.e. sidewalks, trees, interior fences, utility connections servicing the property etc.) unless they have some bearing on the extent of the property. For this reason the use of this SRPR should be limited to the transfer or mortgage for which it was prepared. DO NOT USE THIS PLAN FOR CONSTRUCTION, SITE PLANNING OR RELATED USES.

Although the plan shows, by heavy outlines, our opinion of the limits of your ownership, there are many restrictions and encumbrances which will affect your use and enjoyment of this property. Later in this report there will be an explanation of the rights and easements unique to this property, if applicable. Restrictions and title encumbrances (if any) will be highlighted by your lawyer, (however, neither your lawyer nor surveyor can attempt to point out all the restrictions to the use and activities enjoyed with ownership of real property). We strongly advise that if you intend to change the use, activities, structures or lot grading you should first consult your lawyer and/or surveyor.

In this report we have referred to the "current opinion". Please be aware that the SRPR is a dated report. The validity of the report diminishes with time and is accelerated by factors such as new fences, structures added or demolished, survey monuments disturbed or removed, street widenings, service easements and so on.

PROPERTY REGISTERED UNDER THE REGISTRY ACT

This property is registered under the Registry Act.

The Registry Act is basically a system for the storage, indexing and maintenance of documents related to property. As long as the deed or other documents are in the correct format and properly executed, it must be accepted by the Registry Office. For that reason there is no onus on the Registry Office to prove that the land described in the deed is the actual size and shape of the real property. That responsibility lies with the purchaser and vendor and may be demanded by other parties with an interest in the land, most commonly the mortgage lender.

The two main reasons for inconsistency between the deed and the actual property are (1) incorrect or inaccurate description and (2) occupational or prescriptive rights gained or lost on the ground.

Firstly, the incorrect description usually came about because until about 1973 there was no requirement to survey the land before preparing a new description. This meant that property was often subdivided simply by describing it in the deed without actually having the new property lines professionally established on the ground. As a result some wide variances between deed and actual measurements occurred. In other instances, standards by which old registered plans were surveyed have resulted in inaccuracies in the recording of measurements on those plans when measured by current standards.

Secondly and unique to the Registry system is the concept of adverse possession (sometimes referred to as occupation) and prescriptive rights. Even though the property may have been correctly described and measured, over the years a boundary may change due to changes in the fenced or occupied boundary and certain rights may have been gained or lost because of long continued use. But please note that a change in extent of title through adverse possession is notoriously difficult to establish since the possession must have been (1) open and notorious, (2) to the exclusion of the rightful owner, (3) with the full knowledge and consent of the rightful owner, and (4) for an uninterrupted period of at least 10 years. (For a right-of-way or easement the limitation period is 20 years.) In the final analysis, this will usually be determined either in a court of law or by a quit claim deed from the rightful owner.

These two factors work to erode the reliability of the description in the deed so that the actual size of and interests in the property, generally referred to as the "extent" of title, can only be determined by a land survey.

It should be pointed out here that the Registry Office is also not responsible for maintaining the "quality" of the title to the land. The quality of title can be eroded by things not directly related to the land such as divorce, death, mortgage, default, assignment of interests, inadvertent transfer or rights and interests, etc. The quality of title is determined and protected by your lawyer.

The result is that, while the bulk of the responsibility in a land transaction under the registry system rests with the purchaser (caveat emptor), the faults in title can be determined by your lawyer (quality) and surveyor (extent) and a recommendation on whether to correct the faults or disregard the flaws can be made.