



*Tammy H. [unclear]*

ORIGINAL

DIRECT   
INDIRECT   
NUMERICAL

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**  
**JACKSON COUNTY, KANSAS**

**Assignment of Fence Viewers**

Now on this 22 day of April, 2013, the County Commissioners of Jackson County, Kansas, who are Ed Kathrens, Janet Zwonitzer and William Elmer, sitting as fence viewers hereby make the following observations concerning a complaint for a fence viewing filed in the Office of the Jackson County Clerk by Tate Maxwell on March 25, 2013.

The fence viewers hereby note upon the complaint being made by Tate Maxwell for a fence viewing that notice was duly given that there would be a viewing at the location of the intersection of 238<sup>th</sup> Road and V Road on April 15, 2013 at 2:00 p.m., and notice was duly mailed to Marc S. Parry and Sonja E. Parry who are the owners of the following described real estate, to-wit:

**(Marc and Sonja Parry property)**

**Tract 1:** A tract of land located in the North Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Northwest corner of said Southwest Quarter, Thence South 0°28'02" West along the West line of said Southwest Quarter 655.25 feet to the True Point of Beginning; Thence North 89°46'06" East parallel to the North line of said Southwest Quarter 846.11 feet, Thence South 0°28'02" West parallel to the West line of said Southwest Quarter 514.77 feet, Thence South 89°45'19" West parallel to the South line of the North Half of said Southwest Quarter 846.11 feet to the West line of said Southwest Quarter, Thence North 0°28'02" East along said West line 514.96 feet to the POINT OF BEGINNING.

**Tract 2:** A tract of land located in the North Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Northwest corner of said Southwest Quarter, Thence South 0°28'02" West along the West line of said Southwest Quarter 1170.21 feet to the True Point of Beginning; Thence North 89°45'19" East parallel to the South line of the North Half of said Southwest Quarter 846.11 feet, Thence North 0°28'02" East parallel to the West line of said Southwest Quarter 514.77 feet, Thence North 89°46'06" East parallel to the North line of said Southwest Quarter 482.18 feet, Thence South 0°42'37" West parallel to the East line of said Southwest Quarter 664.70 feet to a point on the South line of the North Half of said Southwest Quarter which is South 89°45'19" West 1320.35 feet from the Southeast corner of the North Half of said Southwest Quarter, Thence South 89°45'19" West along said South line 1325.47 feet to the Southwest corner of the North Half of said Southwest

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Not in Minutes as a Resolution

Quarter, Thence North  $0^{\circ}28'02''$  East along the West line of said Southwest Quarter 150.00 feet to the POINT OF BEGINNING.

and that notice was duly mailed to Tate Maxwell who is the owner of the following described real estate, to-wit:

**(Tate Maxwell property)**

**Tract 1:** A parcel of land located in the South Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Southeast corner of said Southwest Quarter, Thence South  $89^{\circ}44'29''$  West along the South line of said Southwest Quarter 1649.23 feet to the True Point of Beginning; Thence continuing South  $89^{\circ}44'29''$  West along said South line 503.00 feet, thence North  $0^{\circ}15'31''$  West 383.00 feet, Thence North  $86^{\circ}09'17''$  East 297.79 feet, Thence North  $89^{\circ}04'53''$  East 205.81 feet, Thence South  $0^{\circ}15'31''$  East 404.00 feet to the POINT OF BEGINNING, and subject to any easements of records.

**Tract 2:** A parcel of land located in the South Half of the Southwest Quarter of Section 33, Township 6 South Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Southeast corner of said Southwest Quarter, Thence South  $89^{\circ}44'29''$  West along the South line of said Southwest Quarter 1062.00 feet to the True Point of Beginning; Thence continuing South  $89^{\circ}44'29''$  West along said South line 587.23 feet, Thence North  $0^{\circ}15'31''$  West 404.00 feet, Thence South  $89^{\circ}04'53''$  West 205.81 feet, Thence South  $86^{\circ}09'17''$  West 297.79 feet, Thence South  $0^{\circ}15'31''$  East 383.00 feet to the South line of said Southwest Quarter, Thence South  $89^{\circ}44'29''$  West along said South line 488.00 feet to the Southwest corner of said Section 33, Thence North  $0^{\circ}27'20''$  East 1320.16 feet to the Northwest corner of the South Half of said Southwest Quarter, Thence North  $89^{\circ}45'19''$  East along the North line of the South Half of said Southwest Quarter 1586.09 feet to a point which is South  $89^{\circ}45'19''$  West 1060.00 feet from the Northeast corner of the South Half of said Southwest Quarter, Thence South  $0^{\circ}47'49''$  West 1319.90 feet to the POINT OF BEGINNING, and subject to any easements of record.

Thereupon, on April 15, 2013, 2009 at 2:00 p.m. the fence viewers arrived at the location and proceeded to view a partition fence running East and West dividing the above two described properties.

The fence viewers proceeded to receive testimony from Tate Maxwell and also received testimony from Marc S. Parry and Sonja E. Parry and then proceeded to view the above described properties.

After a review of the existing fence line area, the fence viewers found that Marc S. Parry and Sonja E. parry are assigned and shall maintain the West Half of the partition fence between the above described properties, and Tate Maxwell is assigned and shall maintain the East Half of the partition fence between the above described properties.

The fence viewers further find that the partition fence of Marc S. Parry and Sonja E. Parry which is the West Half of the existing partition fence shall be maintained by the Parry's as a legal fence in accordance with K.S.A. 29-105, which states, to-wit:

"A barbed-wire fence, of not less than three wires, with the third wire from the ground not less than 44 inches nor more than 48 inches from the ground, and the bottom wire not more than 24 inches nor less than 18 inches from the ground, with the center wire equidistant, or nearly so, between upper and lower wires. All such wires shall be well stretched and barbed, barbs to average not more than nine inches apart and such barbed wire shall be composed of two wires not smaller than No. 13, or one wire not smaller than No. 9, or wires having not less than 950 pounds breaking strength. All such wires shall be securely fastened to posts, which shall not be more than two rods apart and not less than 20 inches in the ground, and set in a workmanlike manner or the posts may be not more than 48 feet apart, with slats placed perpendicularly, not more than 12 feet apart, between the posts and fastened to the wires by staples, or with holes in the slats. Suspension fences shall not be subject to the requirements of this section."

The fence viewers further find that Marc S. Parry and Sonja E. Parry will need to upgrade or bring up to standards the West Half (W ½) of the partition fence by no later than July 30, 2013.

The fence viewers further find that the East Half of the partition fence as maintained by Tate Maxwell is an adequate fence in accordance with Kansas law and Tate Maxwell shall maintain said fence in accordance with Kansas law..

The fence viewers further find they are not making a determination as to the location of the partition fence on the property line as between the above two described tracts of real estate.

**IT IS THE JUDGMENT AND ASSIGNMENT OF THESE FENCE VIEWERS** as

follows, to-wit:

**Marc S. Parry and Sonja E. Parry are assigned and shall maintain the West Half of the partition fence dividing the following described tracts of real estate, tot-wit:**

**(Marc and Sonja Parry property)**

**Tract 1: A tract of land located in the North Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Northwest corner of said Southwest Quarter, Thence South 0°28'02" West along the West line of said Southwest Quarter**

655.25 feet to the True Point of Beginning; Thence North 89°46'06" East parallel to the North line of said Southwest Quarter 846.11 feet, Thence South 0°28'02" West parallel to the West line of said Southwest Quarter 514.77 feet, Thence South 89°45'19" West parallel to the South line of the North Half of said Southwest Quarter 846.11 feet to the West line of said Southwest Quarter, Thence North 0°28'02" East along said West line 514.96 feet to the POINT OF BEGINNING.

**Tract 2:** A tract of land located in the North Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Northwest corner of said Southwest Quarter, Thence South 0°28'02" West along the West line of said Southwest Quarter 1170.21 feet to the True Point of Beginning; Thence North 89°45'19" East parallel to the South line of the North Half of said Southwest Quarter 846.11 feet, Thence North 0°28'02" East parallel to the West line of said Southwest Quarter 514.77 feet, Thence North 89°46'06" East parallel to the North line of said Southwest Quarter 482.18 feet, Thence South 0°42'37" West parallel to the East line of said Southwest Quarter 664.70 feet to a point on the South line of the North Half of said Southwest Quarter which is South 89°45'19" West 1320.35 feet from the Southeast corner of the North Half of said Southwest Quarter, Thence South 89°45'19" West along said South line 1325.47 feet to the Southwest corner of the North Half of said Southwest Quarter, Thence North 0°28'02" East along the West line of said Southwest Quarter 150.00 feet to the POINT OF BEGINNING.

and

(Tate Maxwell property)

**Tract 1:** A parcel of land located in the South Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Southeast corner of said Southwest Quarter, Thence South 89°44'29" West along the South line of said Southwest Quarter 1649.23 feet to the True Point of Beginning; Thence continuing South 89°44'29" West along said South line 503.00 feet, thence North 0°15'31" West 383.00 feet, Thence North 86°09'17" East 297.79 feet, Thence North 89°04'53" East 205.81 feet, Thence South 0°15'31" East 404.00 feet to the POINT OF BEGINNING, and subject to any easements of records.

**Tract 2:** A parcel of land located in the South Half of the Southwest Quarter of Section 33, Township 6 South Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Southeast corner of said Southwest Quarter, Thence South 89°44'29" West along the South line of said Southwest Quarter 1062.00 feet to the True Point of Beginning; Thence continuing South 89°44'29" West along said South line 587.23 feet, Thence North 0°15'31" West 404.00 feet, Thence South 89°04'53" West 205.81 feet, Thence South 86°09'17" West 297.79 feet, Thence South 0°15'31" East 383.00 feet to the South line of said Southwest Quarter, Thence South 89°44'29" West along said South line 488.00 feet to the Southwest corner of said Section 33, Thence North 0°27'20" East 1320.16 feet to the Northwest corner of the South Half of said Southwest Quarter, Thence North 89°45'19" East along the North line of the South Half of said Southwest Quarter 1586.09 feet to a point which is South 89°45'19" West 1060.00 feet from the Northeast corner of the South Half of said Southwest Quarter, Thence South 0°47'49" West 1319.90 feet to the POINT OF BEGINNING, and subject to any easements of record.

and

Tate Maxwell is assigned and shall maintain the East Half of the partition fence dividing the following described tracts of real estate, to-wit:

(Marc and Sonja Parry property)

**Tract 1:** A tract of land located in the North Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Northwest corner of said Southwest Quarter, Thence South 0°28'02" West along the West line of said Southwest Quarter 655.25 feet to the True Point of Beginning; Thence North 89°46'06" East parallel to the North line of said Southwest Quarter 846.11 feet, Thence South 0°28'02" West parallel to the West line of said Southwest Quarter 514.77 feet, Thence South 89°45'19" West parallel to the South line of the North Half of said Southwest Quarter 846.11 feet to the West line of said Southwest Quarter, Thence North 0°28'02" East along said West line 514.96 feet to the POINT OF BEGINNING.

**Tract 2:** A tract of land located in the North Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Northwest corner of said Southwest Quarter, Thence South 0°28'02" West along the West line of said Southwest Quarter 1170.21 feet to the True Point of Beginning; Thence North 89°45'19" East parallel to the South line of the North Half of said Southwest Quarter 846.11 feet, Thence North 0°28'02" East parallel to the West line of said Southwest Quarter 514.77 feet, Thence North 89°46'06" East parallel to the North line of said Southwest Quarter 482.18 feet, Thence South 0°42'37" West parallel to the East line of said Southwest Quarter 664.70 feet to a point on the South line of the North Half of said Southwest Quarter which is South 89°45'19" West 1320.35 feet from the Southeast corner of the North Half of said Southwest Quarter, Thence South 89°45'19" West along said South line 1325.47 feet to the Southwest corner of the North Half of said Southwest Quarter, Thence North 0°28'02" East along the West line of said Southwest Quarter 150.00 feet to the POINT OF BEGINNING.

and

(Tate Maxwell property)

**Tract 1:** A parcel of land located in the South Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Southeast corner of said Southwest Quarter, Thence South 89°44'29" West along the South line of said Southwest Quarter 1649.23 feet to the True Point of Beginning; Thence continuing South 89°44'29" West along said South line 503.00 feet, thence North 0°15'31" West 383.00 feet, Thence North 86°09'17" East 297.79 feet, Thence North 89°04'53" East 205.81 feet, Thence South 0°15'31" East 404.00 feet to the POINT OF BEGINNING, and subject to any easements of records.

**Tract 2:** A parcel of land located in the South Half of the Southwest Quarter of Section 33, Township 6 South Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Southeast corner of said Southwest Quarter, Thence South 89°44'29" West along the South line of said Southwest Quarter 1062.00 feet to the True Point of Beginning; Thence continuing South 89°44'29" West along said South line 587.23 feet, Thence North 0°15'31" West 404.00 feet, Thence South 89°04'53" West 205.81 feet, Thence South 86°09'17" West 297.79 feet, Thence South 0°15'31" East 383.00 feet to the South line of said Southwest Quarter, Thence South 89°44'29" West along said South line 488.00 feet to the Southwest corner of said Section 33, Thence North 0°27'20" East 1320.16 feet to the Northwest corner of the South Half of said Southwest Quarter, Thence North 89°45'19" East along the North line of the South Half of said Southwest Quarter 1586.09 feet to a point which is South 89°45'19" West 1060.00 feet from the Northeast corner of the South Half of said Southwest Quarter, Thence South 0°47'49" West 1319.90 feet to the POINT OF BEGINNING, and subject to any easements of record.

The fence viewers further find that the partition fence of Marc S. Parry and Sonja E. Parry which is the West Half of the existing partition fence shall be maintained by the Parry's as a legal fence in accordance with K.S.A. 29-105, which states, to-wit:

"A barbed-wire fence, of not less than three wires, with the third wire from the ground not less than 44 inches nor more than 48 inches from the ground, and the bottom wire not more than 24 inches nor less than 18 inches from the ground, with the center wire equidistant, or nearly so, between upper and lower wires. All such wires shall be well stretched and barbed, barbs to average not more than nine inches apart and such barbed wire shall be composed of two wires not smaller than No. 13, or one wire not smaller than No. 9, or wires having not less than 950 pounds breaking strength. All such wires shall be securely fastened to posts, which shall not be more than two rods apart and not less than 20 inches in the ground, and set in a workmanlike manner or the posts may be not more than 48 feet apart, with slats placed perpendicularly, not more than 12 feet apart, between the posts and fastened to the wires by staples, or with holes in the slats. Suspension fences shall not be subject to the requirements of this section."

The fence viewers further find that Marc S. Parry and Sonja E. Parry will need to upgrade or bring up to standards the West Half (W ½) of the partition fence by no later than July 30, 2013.

The fence viewers further find that the East Half of the partition fence as maintained by Tate Maxwell is an adequate fence in accordance with Kansas law and shall be maintained in accordance with Kansas law.

This Order of assignment of portions of the partition fence includes the responsibility to erect, maintain and repair, if necessary, said portions of the partition fence should it need to be erected, repaired and rebuilt.

**IT IS SO ORDERED.**



Attest:

*Kathy Mick*  
 \_\_\_\_\_  
 Kathy Mick,  
 Jackson County Clerk

Fence Viewers

*Ed Kathrens*  
 \_\_\_\_\_  
 Ed Kathrens, Commissioner  
*Janet Zwonitzer*  
 \_\_\_\_\_  
 Janet Zwonitzer, Commissioner  
*William Elmer*  
 \_\_\_\_\_  
 William Elmer, Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
JACKSON COUNTY, KANSAS

**NOTICE OF FENCE VIEWING**

To: Tate Maxwell, Owner  
16942 238<sup>th</sup> Road  
Holton, Kansas, 66436

(Tate Maxwell property)

**Tract 1:** A parcel of land located in the South Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Southeast corner of said Southwest Quarter, Thence South 89°44'29" West along the South line of said Southwest Quarter 1649.23 feet to the True Point of Beginning; Thence continuing South 89°44'29" West along said South line 503.00 feet, thence North 0°15'31" West 383.00 feet, Thence North 86°09'17" East 297.79 feet, Thence North 89°04'53" East 205.81 feet, Thence South 0°15'31" East 404.00 feet to the POINT OF BEGINNING, and subject to any easements of records.

**Tract 2:** A parcel of land located in the South Half of the Southwest Quarter of Section 33, Township 6 South Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Southeast corner of said Southwest Quarter, Thence South 89°44'29" West along the South line of said Southwest Quarter 1062.00 feet to the True Point of Beginning; Thence continuing South 89°44'29" West along said South line 587.23 feet, Thence North 0°15'31" West 404.00 feet, Thence South 89°04'53" West 205.81 feet, Thence South 86°09'17" West 297.79 feet, Thence South 0°15'31" East 383.00 feet to the South line of said Southwest Quarter, Thence South 89°44'29" West along said South line 488.00 feet to the Southwest corner of said Section 33, Thence North 0°27'20" East 1320.16 feet to the Northwest corner of the South Half of said Southwest Quarter, Thence North 89°45'19" East along the North line of the South Half of said Southwest Quarter 1586.09 feet to a point which is South 89°45'19" West 1060.00 feet from the Northeast corner of the South Half of said Southwest Quarter, Thence South 0°47'49" West 1319.90 feet to the POINT OF BEGINNING, and subject to any easements of record.

TO: Marc S. and Sonja E. Parry  
24042 V Road  
Holton, Kansas, 66436

(Marc and Sonja Parry property)

**Tract 1:** A tract of land located in the North Half of the Southwest Quarter of Section 33, Township 6 South, Range 16 East of the 6<sup>th</sup> P.M., Jackson County, Kansas, described as follows: Commencing at the Northwest corner of said Southwest Quarter, Thence South 0°28'02" West along the West line of said Southwest Quarter 655.25 feet to the True Point of Beginning; Thence North 89°46'06" East parallel to the North line of said Southwest Quarter 846.11 feet, Thence South 0°28'02" West parallel to the West line of said Southwest Quarter 514.77 feet, Thence South 89°45'19" West parallel to the South line of the North Half of said Southwest Quarter 846.11 feet to the West line of said Southwest Quarter, Thence North 0°28'02" East along said West line 514.96 feet to the POINT OF BEGINNING.