FILED

IN THE DISTRICT COURT OF MCPHERSON COUNTY, KANSAS
1975 APR 18 PM 4:29

BEN HANDLIN AND C. DARLENE HANDLIN,

-VS-

WAYNE LINDH AND LUCILLE LINDH, Plaintiffs,)
Case No. 15,354

Defendants.)

FINDINGS OF FACT

- 1. Plaintiffs are the record owners of the East Half (E/2) Northeast Quarter (NE/4) of Section Ten (10), Township Seventeen (17), Range Five (5), McPherson County, Kansas, and defendants are the record owners of the West Half (W/2) Northeast Quarter (NE/4) of Section Ten (10), Township Seventeen (17), Range Five (5), McPherson County, Kansas.
- 2. About 1891 a public road with a 60-foot right of way was established by the County Commissioners of McPherson County, Kansas, on the dividing line between the two tracts which road was maintained until about 1936 or 1937 when it was abandoned by the County.
- 3. A large hedge had been planted along the west line of said road and the west ditch of said road was used as a drainage of a low area in the west half of said quarter.
- 4. Because of the strip or land lying to the east of the hedge and ditch was so narrow it was inconvenient for the owners of the west half to farm such land and by agreement of the then adjoining owners, the owners of the east half farmed the land up to the hedge and ditch principally to keep down the weeds.
- 5. At all times Olaf Thompson, James Loder and the family of James Loder, deceased, recognized the center of the old abandoned road as being the true dividing line between the properties and none of them ever claimed or asserted otherwise. These persons