

FILED  
08-25-2021  
Dunn Co. Circuit Court  
Dunn County, WI  
2021CV000199  
Honorable Luke M.  
Wagner  
Branch 3

STATE OF WISCONSIN

CIRCUIT COURT

DUNN COUNTY

IN RE:

Lot One (1) of Certified Survey Map No. 4357 as recorded in Volume 21 of Certified Survey Maps, page 127, Document No. 624978. Being part of the NE 1/4 of the NW 1/4 of Section 36, Township 29 North, Range 13 West, Town of Sherman, Dunn County, Wisconsin.

GARY BRANDT  
VICKI BRANDT  
E5087 760th Ave  
Menomonie, WI 54751

Case No. \_\_\_\_\_

Case Code: 30405 (Other Real Estate)

Petitioners/Owners.

**NOTICE OF APPLICATION TO VACATE CERTIFIED SURVEY MAP  
PURSUANT TO WIS. STATS. §§ 236.34(4) and 236.40 through 236.42**

TO: GARY BRANDT  
VICKI BRANDT  
E5087 760th Ave  
Menomonie, WI 54751

DAVID W. CHRISTIANSON  
E5688 69th Ave  
Menomonie, WI 54751

-and DAVID W. CHRISTIANSON  
E5605 550th Ave  
Menomonie, WI 54751

TOWN OF SHERMAN  
c/o Ashley Score, Clerk/Treasurer  
N12457 County Road F  
Boyceville, WI 54725

**PLEASE TAKE NOTICE** that Petitioner/Owner Gary Brandt and Vicki Brandt, through their attorney, Tony R. Schrader, will apply to the above Court, at the Courthouse located at 615 Stokke Parkway in the City of Menomonie, Dunn County, Wisconsin, on a date at least three (3) weeks after satisfying the notice provisions of Wis. Stats. § 236.41 as follows:

For an order vacating the following Certified Survey Map pursuant to Wis. Stats. §§ 236.34(4) and 236.40 Through 236.42:

**Lot One (1) of Certified Survey Map No. 4357 as recorded in Volume 21 of Certified Survey Maps, page 127, Document No. 624978. Being part of the NE 1/4 of the NW 1/4 of Section 36, Township 29 North, Range 13 West, Town of Sherman, Dunn County, Wisconsin.**

For any further order deemed necessary to carry forth the order to vacate;

Dated this 25th day of August, 2021.



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TONY R. SCHRADER  
State Bar No. 1053047  
Attorney for Plaintiff  
E4641 473rd Ave  
Menomonie, WI 54751  
tony@tonyschraderlaw.com  
715-523-9409

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08-25-2021  
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**AFFIDAVIT OF GARY BRANDT IN SUPPORT OF APPLICATION TO VACATE  
CERTIFIED SURVEY MAP NO. 4357 LOCATED IN THE TOWN OF SHERMAN**

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STATE OF WISCONSIN    )  
  )ss.  
DUNN COUNTY            )

GARY BRANDT, being sworn on this the 10th day of August, 2021,  
swears and affirms as follows:

1. My name is GARY BRANDT. I am an adult and I reside in the Town of Sherman, Dunn County, Wisconsin, at the property commonly known as E5087 760th Avenue, which is my homestead.

2. In the summer of 2017, my neighbor, David W. Christianson, and I had communications regarding the potential sale of some of his land adjacent to, and to be added to, my homestead.

3. Those communications led us to contact Wisconsin land surveyor, Daniel J. Fedderly ("Surveyor"). Christianson and I had verbal communications with the Surveyor regarding our understanding of the proposed transaction but did not reduce that understanding to writing.

4. Eventually, the Surveyor created and recorded the subject CSM, to wit:

**Lot One (1) of Certified Survey Map No. 4357 as recorded in Volume 21 of Certified Survey Maps, page 127, Document No. 624978. Being part of the NE 1/4 of the NW 1/4 of Section 36, Township 29 North, Range 13 West, Town of Sherman, Dunn County, Wisconsin. (A copy of the recorded CSM is attached hereto and made part hereof.)**

5. Said Lot One includes and encompasses my homestead and is assigned my original and current address of E5087 760th Avenue.

6. We discovered after the fact that Christianson and I had not really agreed on a purchase price or the specific land to be included in the survey. No deed or document of

conveyance has been signed, delivered, or recorded to transfer ownership of the CSM from Christianson to me.

7. As such, both Christianson and I are record owners of said CSM, which includes my homestead. Beginning in January 2018 and since, I have paid taxes on the entire CSM.

8. I have no indication or reason to believe an agreement might be reached for the proper transfer of ownership of the CSM.

9. I respectfully ask the Court to accept this Affidavit in support of and as my application to vacate the subject CSM.

10. I further ask the Court to grant the application to vacate said CSM and to enter an order consistent therewith.

*Gary Brandt*

GARY BRANDT

Subscribed and sworn to before me on this the 10<sup>th</sup> day of August 2021, by GARY BRANDT.

*Tony R. Schrader*

Notary Public, State of Wisconsin

My Commission expires: permanently

TONY R. SCHRADER  
Notary Public  
State of Wisconsin

Drafted by:

Schrader Law Office  
Tony R. Schrader  
(715) 523-9409

624978

DUNN COUNTY, WI  
REGISTER OF DEEDS  
HEATHER M. KUHN

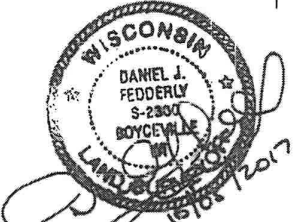
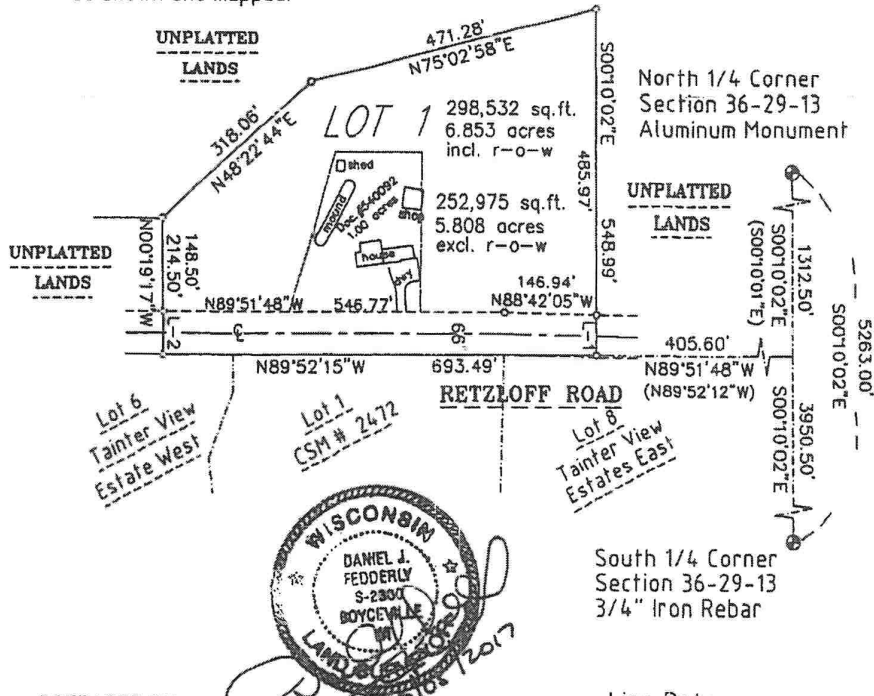
CERTIFIED SURVEY MAP NUMBER 4357  
VOLUME 21, PAGE 127.

RECORDED ON  
10/09/2017 2:00 PM  
CERTIFIED SURVEY MAP NO. 4357  
VOLUME 21 PAGE 127

PART OF THE NORTHEAST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 36, TOWNSHIP 29 NORTH, RANGE 13  
WEST, TOWN OF SHERMAN, DUNN COUNTY, WISCONSIN.

REC FEE: 30.00  
PAGES: 2

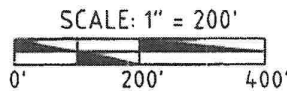
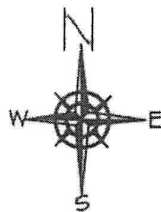
The purpose of this CSM is  
to add to the existing parcel  
as shown and mapped.



PREPARED BY:  
DANIEL J. FEDDERLY P.E., P.L.S.  
D.J. FEDDERLY MANAGEMENT CONSULTANT LLC  
N9387 330TH STREET  
BOYCEVILLE, WI 54725

Line Data

L-1	S00°10'02"E	63.02'
L-2	N00°19'17"W	66.00'



PREPARED FOR:  
David W. Christianson  
E 5605 550th Street  
Menomonie, WI 54751  
Field work Completed:  
09/20/2017

LEGEND

- ⊙ Found Government Corner (verified witness ties)
- Set 3/4" x 18" Iron Rebar weighing 1.502 lbs. per lineal foot
- (0.00') Recorded data

North is referenced to the North-South quarter line of Section 36-29-13, which bears S00°10'02"E Dunn County Grid System NAD 83 1991 Adjustment

Sheet 1 of 2 Sheets

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STATE OF WISCONSIN

CIRCUIT COURT

DUNN COUNTY

FILED

08-26-2021

Dunn Co. Circuit Court

Dunn County, WI

2021CV000199

In Re the Application to Vacate Certified Survey Map

**Notice of Hearing**

Case No: 2021CV000199

COURT ORIGINAL

This case is scheduled for: **Hearing**

<b>Date</b> 10-13-2021	<b>Time</b> 10:00 am	<b>Location</b> Courtroom 3
<b>Circuit Court Judge/Circuit Court Commissioner</b> Luke M. Wagner		615 Stokke Parkway, Suite 1500 Menomonie WI 54751
<b>Re</b> Other-Real Estate		

This matter will not be adjourned by the court except upon formal motion for good cause or with the specific approval of the court upon stipulation by all parties.

**If you require reasonable accommodations due to a disability to participate in the court process, please call 715-232-2611 prior to the scheduled court date. Please note that the court does not provide transportation.**

Dunn County Circuit Court  
Date: August 26, 2021

DISTRIBUTION	Address	Service Type
Court Original		
Tony R Schrader		Electronic Notice
David W Christianson	E5605 550th Avenue, Menomonie, WI 54751	Mail Notice
Town of Sherman	N12457 County Road F, Boyceville, WI 54725	Mail Notice