

# Solidifying the deal

## Surveys remove property line doubts

By MONICA FINCH  
For The Sunday Gazette

The Great Pyramid of Egypt, constructed almost 3000 B.C., is so nearly perfect its builders obviously had a sophisticated knowledge of surveying. For centuries, civilizations such as the Mayans and Aztecs used surveying to determine property lines, control construction and maintain agricultural areas.

The ancients kept records on clay tablets and used a method of knotted rope to measure off land boundaries. Over the centuries, the Romans improved on the Egyptian system and later the Europeans developed portable angle-measuring instruments, magnetic compasses and telescopic sights. Later, a series of chains and rods was used.

Today's state-of-the-art equipment includes the gyroscopic compass and laser distance measuring devices. Throughout the generations, however, the basic principles have remained remarkably constant.

### Backbone of the deal

In today's real estate transactions, the survey can be the backbone of the deal. Banks don't always require a survey for closing or transfer of title, but a savvy buyer should have one done for enforceable documentation that the house he is buying is indeed on the lot.

"Surveyors act as the eyes of the attorney and title companies," said Carole Koch of the Raymond A. Koch surveying firm in Schenectady. "They tell them where the property is actually located and what it looks like."

One out of seven deeds is unenforceable, Koch said. That means the deed may not be good because the property isn't properly described; the math doesn't work; or the description is archaic — for example, "... the property with the big oak tree ... the hill where Farmer Smith pastures his cows ..."

The surveyor's job is to resurrect the origi-

nal intention of what was being conveyed — what the owner was trying to describe on paper for the new owner. The owner's mathematical approximations of the plot may have been inaccurate, but his intent was to sell the buyer a specific tract of land. The numbers may not be precise, especially because of the common phrase, "more or less." It is the surveyor who must dig back into old records and re-discover the essence of the transaction.

Koch said people should not rely on the tax maps that are readily accessible as public records. Such maps are not surveyed, but are an aerial representation of the plotted deeds. They are guesses, calculations or scaled distances. A person who relies on a tax map to save money may end up paying much more in the long run, she said. No other documentation than a certified survey bearing a surveyor's raised seal will provide information that can be admitted into a court of law.

In one in about 400 cases, Koch said the survey reveals that the deed does not describe the property. She told of a house which was not on the lot described in the deed. Evidently there were originally two deeds involved, one for the lot with the house and the other for a vacant lot. Only the deed for the vacant lot had been transferred. Fortunately, the original owner was traced and the other deed which had the house on it was signed over to the new owner.

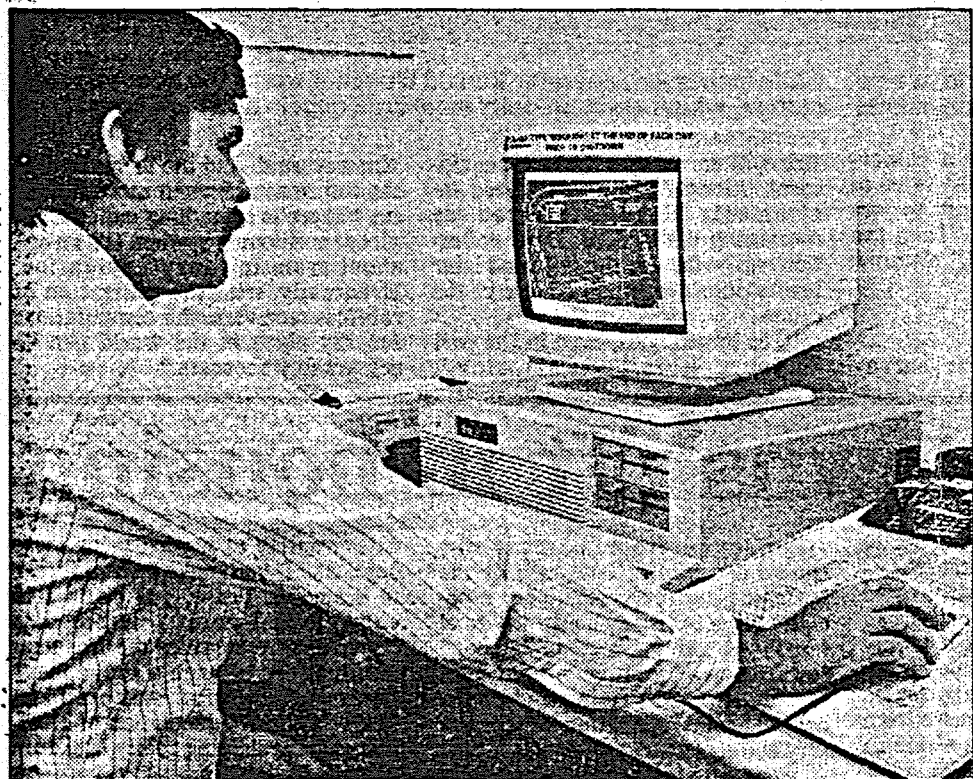
In another case, a house was only 75 percent on the lot. The builder used the wrong survey pins when he set the lot line and didn't consult a surveyor when he laid out the house. The new homeowner had to buy the additional property.

Typically, Koch said, many of these debacles can be settled out of court as long as the parties act in good faith. The survey reflects the actual conditions of the property. The respective attorneys work out a settlement based on the information presented in the survey.

### Common survey disputes

The most common disputes involve fences, garages or additions. Koch receives calls from property owners who need to be assured of their boundaries when they undertake such projects.

Surveys that are only seven years old can be out of date and unenforceable, she said. Due to recent technological advances, sur-



By JIM CASSIN Gazette Photographer

Randy Paquin at ABD Engineers and Surveyors, Schenectady, uses a computer to make a lot computation from a 182 lot subdivision.



By SID BROWN Gazette Photographer

Peter Frank at the Raymond A. Koch land survey firm in Schenectady makes the exacting calculations on a survey.

