


# WHERE ARE THE LINES AND CORNERS??????????

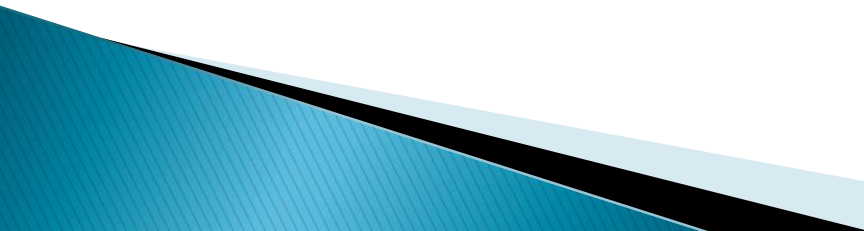


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# AN EXPENSIVE AND FRUSTRATING REALITY

- ▶ MANY LANDOWNERS HAVEN'T A CLUE WHERE THEIR TRUE LINES AND CORNERS ARE
  - ▶ IT IS EXPENSIVE TO HAVE TO “RE-FIND” LINES AND CORNERS, ESPECIALLY IF SURVEY NEEDED
  - ▶ THERE ARE LEGAL AND OTHER POTENTIAL ISSUES INVOLVED
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# WHY ARE LINES AND CORNERS IMPORTANT

- ▶ TRESPASS
  - ▶ THEFT AND TIMBER TRESPASS
  - ▶ TIMBER SALE AND HARVEST PLANNING
  - ▶ FOREST MANAGEMENT ACREAGE EVALUATION
  - ▶ ADVERSE POSSESSION
  - ▶ COVENANTS
  - ▶ LIABILITY
  - ▶ EASEMENTS AND RIGHT OF WAYS
- 

# TRESPASS

- ▶ TRESPASS CAN ONLY BE SUCCESSFULLY PROSECUTED ON LANDS WHICH ARE LEGALLY “POSTED”—TRESPASSERS CAN CLAIM “IMPLIED PERMISSION”
- ▶ TRESPASSERS—L/O CAN’T SHOOT THEM!!!!!! OR CAUSE WILLFUL HARM
- ▶ LICENSEES AND INVITEES – THERE WITH L/O PERMISSION AND KNOWLEDGE— L/O MUST PROTECT THEM—ALERT THEM TO HAZARDS, ETC.

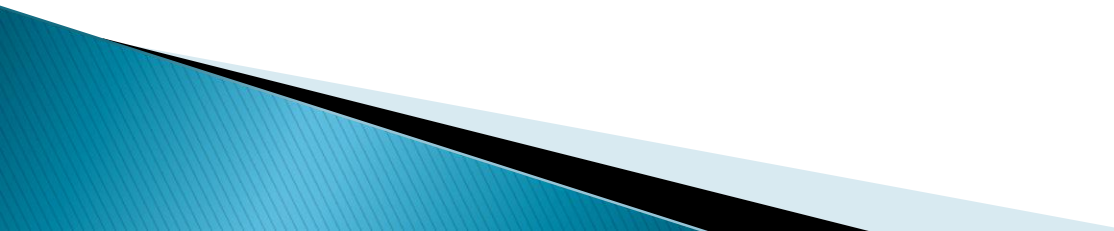
# TIMBER THEFT/TRESPASS

- ▶ UNMARKED PROPERTY SUSCEPTIBLE TO NEIGHBOR'S OR CROOK'S TIMBER TRESPASS
- ▶ UNMARKED PROPERTY SUBJECT TO CHALLENGE ON BOUNDARIES OF TIMBER SALE
- ▶ TIMBER TRESPASS = LANDOWNER LIABILITY TO COMPENSATE NEIGHBORS FOR "TRESPASSED TIMBER"
- ▶ IN NC, FAILURE TO VERIFY LINES AND CUTTING NEIGHBOR'S TIMBER = 2X PAYMENT FOR "STOLEN TIMBER"! THERE GOES THE PROFIT!!!!!!!!!!!!!!!!!!!! IN VA = 3X!

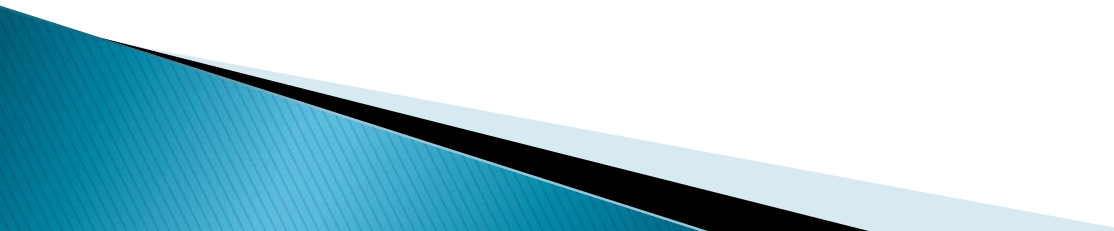
# TIMBER THEFT

- ▶ LEGAL THEFT= PINHOOKING
- ▶ TIMBER TRESPASS–MAY BE ACCIDENT OR WITH MALICE
- ▶ > \$200 = FELONY/GRAND LARCENY WITH UP TO \$2500 FINE AND 1–20 YEARS IN THE POKEY
- ▶ LANDOWNER MUST PROVE THAT TRESPASS OCCURRED–MUST START ACTION WITHIN 30 DAYS OF DISCOVERY IN VA
- ▶ DEFENDANT MUST PROVE THAT TRESPASS WAS INADVERTANT

# TIMBER THEFT

- ▶ RESTITUTION IN VA = 3X TIMBER VALUE AND UP TO \$450 REFORESTATION COST/ACRE
  - ▶ CIVIL REMEDIES—MAY RESULT IN SAME PAYMENT, BUT LANDOWNER RESPONSIBILITY TO COLLECT
  - ▶ LANDOWNER AT DISADVANTAGE WITH CIVIL PROCEEDING—MAY WIN, BUT STILL COLLECT NOTHING
  - ▶ ALWAYS SEEK LEGAL ADVICE
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# TIMBER SALE PLANNING

- ▶ LINES MUST BE PAINTED OR FLAGGED AND VERIFIED BY L/O AND THEIR CONSULTANT.
  - ▶ L/O IS CERTIFYING OWNERSHIP OF TIMBER TO BE CUT, WHETHER UNDER TIMBER SALE CONTRACT OR DEED.
  - ▶ SURVEY MAY BE REQUIRED, BUT SURVEY IS DEDUCTIBLE COST OF TIMBER SALE, LESSENING THE PAIN.
  - ▶ IF A NEIGHBOR TRESPASSES ON YOU, YOUR COMPENSATION MAY DEPEND ON YOUR VERIFICATION OF YOUR LINE!!!!
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# “BUT EVERYBODY KNEW THE FENCE WAS THE LINE”

GRANVILLE COUNTY, NC—

3/4 MILES (3960 FT) OF SUPPOSED LINE BASED ON FENCE, WITH LINE ACTUALLY RUNNING AN OLD ROAD BED AVERAGING 62 FEET FROM FENCE

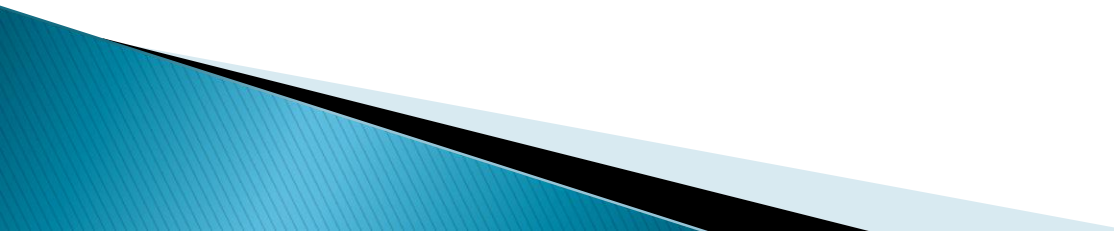
5.6 ACRES OVERCUT/7.2 MBF PER ACRE  
TIMBER VALUE (2002)= \$1922/ACRE= \$10765  
2X=\$21530---SELLER SETTLED

# FOREST MANAGEMENT

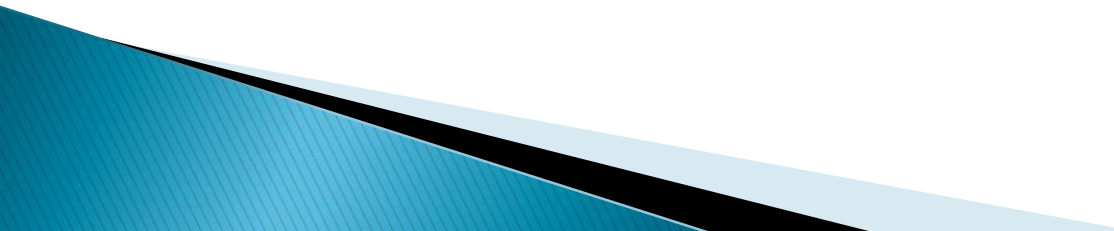
- ▶ HERBICIDE APPLICATION BOUNDARIES
- ▶ PRESCRIBED BURNING/FIRELINES
- ▶ SITE PREPARATION
- ▶ TREE PLANTING
- ▶ TIMBER STAND IMPROVEMENT (TSI)
- ▶ ETC.....

SPRAYING YOUR NEIGHBOR IS NOT GOOD!  
ACREAGE VERIFICATION FOR PAYMENT IS  
REQUIRED

# ADVERSE POSSESSION

- ▶ UNMARKED BOUNDARIES CAN LEAD TO LAND LOSS
  - ▶ UNCONTESTED LINES CAN LEAD TO LAND LOSS IN AS LITTLE AS 7 YEARS
  - ▶ EASEMENTS CAN BE LOST IN AS LITTLE AS 6 YEARS
- 

# COVENANTS

- ▶ PLACEMENT OF BUILDINGS
  - ▶ SETBACKS FOR FENCES
  - ▶ BUFFERS
  - ▶ LIMITS ON DEVELOPMENT
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# EASEMENTS AND ROW'S

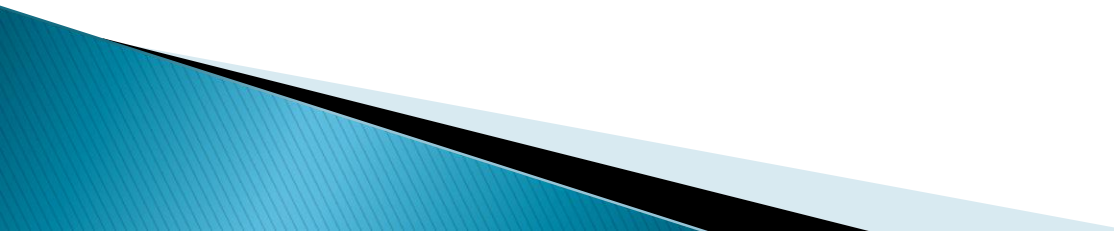
- ▶ POWER LINE/GAS LINE EASEMENTS
- ▶ ACCESS EASEMENTS
- ▶ BUFFER EASEMENTS
- ▶ CONSERVATION EASEMENT BOUNDARIES
- ▶ ETC.....

LOCATING AND ESTABLISHING INTERIOR BOUNDARIES  
CAN AVOID PROBLEMS WITH EASEMENT HOLDER—MAY  
AVOID LEGAL BATTLE

# LIABILITY

- ▶ WELL-MARKED LINES MINIMIZE LANDOWNER LIABILITY FOR RECREATIONISTS
- ▶ ESTABLISHED LINES, WELL/LEGALLY POSTED LIMIT LANDOWNER LIABILITY TO THAT OWED TO TRESPASSERS
- ▶ VA G.S. 18.2-134.1 PROVIDES FOR LEGAL POSTING USING SILVER PAINT STRIPES 2" WIDE AND 8" LONG AND 3-6' ABOVE GROUND INSTEAD OF SIGNS

# PROPER POSTING

- ▶ SIGNS OF 120 SQUARE INCHES OR LARGER ON ACTUAL, NOT SUPPOSED PROPERTY LINE
  - ▶ NO MORE THAN 200 FEET BETWEEN SIGNS
  - ▶ CORNERS DOUBLE POSTED
  - ▶ ESSENTIAL AROUND “ATTRACTIVE NUISANCES”
  - ▶ GATES, NOT CABLES ADVISABLE ON ACCESSES
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# WHERE TO BEGIN

- ▶ IF LINES AND CORNERS ARE EVIDENT, CHECK FOR CONDITION, MAINTENANCE MAY BE NEEDED
- ▶ IF LINES AND CORNERS ARE NOT EVIDENT, THEN THE SEARCH BEGINS:
  - DEED DESCRIPTION—FOUND BY SEARCH AT COURTHOUSE/INTERNET SEARCH OF COUNTY GIS SYSTEM
  - AERIAL PHOTOS—PREFERABLY WITH APPROXIMATE BOUNDARIES MARKED (GIS WEBSITE) OR BY INSERTING SHAPE FILE OVER PHOTO



# AERIAL PHOTO/BOUNDARIES FROM COUNTY GIS WEBSITE



# WHERE TO BEGIN

- ▶ SURVEY PLATS—PERHAPS IN DEED BOOK AT COURTHOUSE OR IN YOUR FILES
- ▶ USEFUL TO ALSO GET DEED DESCRIPTIONS, SURVEY PLATS OF NEIGHBORS

ALL THESE RESOURCES MAY HELP PINPOINT A STARTING POINT—ALSO MAY SAVE COST IF HIRING A SURVEYOR IS REQUIRED

# EXPERT ASSISTANCE AND GOOD EYESITE MAY BE NEEDED

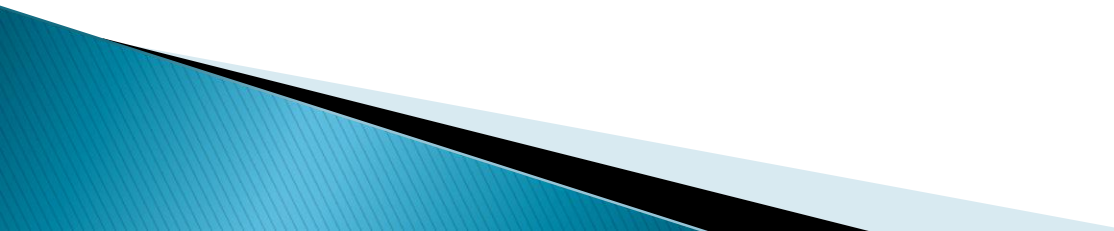
- ▶ NEIGHBORS MIGHT BE HELPFUL, OR NOT?



# USE A COMPASS



# LEARN TO USE A COMPASS

- ▶ UNDERSTAND DECLINATION
  - ▶ BEARINGS AND DISTANCES IN MOST MODERN DEEDS OR ON SURVEY PLATS—MAYBE NOT IN OLD DEEDS
  - ▶ NEED TO FIND A STARTING POINT ON THE GROUND
- 

# THE GROUND SEARCH BEGINS

- ▶ EVIDENCE OF LINES / CORNERS
  - OLD CORNERS—PIPES / AXLES / TREES / CONCRETE, ETC AS NOTED IN DEED OR SURVEY PLAT
  - “WITNESS” IS OFTEN FOUND BY OLD PAINT OR “BLAZES” ON TREES
  - SINGLE BLAZE OR PAINT STRIPE WITNESSES LOCATION OF LINE
  - DOUBLE BLAZE OR PAINT STRIPES INDICATE CHANGE IN LINE DIRECTION
  - TRIPLE BLAZE OR TRIPLE PAINT STRIPES WITNESSES CORNERS

# HACKS OR BLAZES ON LINE RE-CHOP EVERY VISIT AND PAINT



# BLAZES ON CORNERS

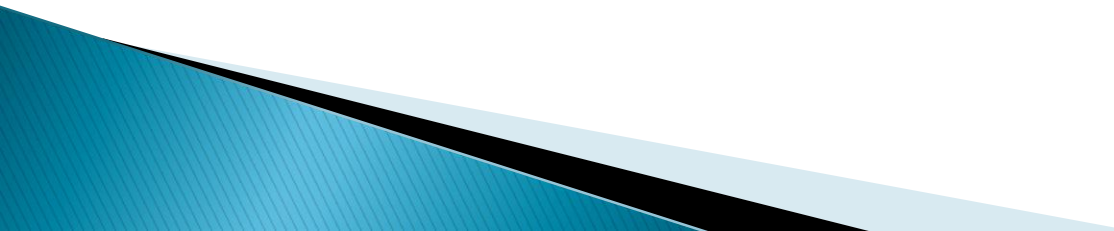




# OLD PAINT



# WHEN YOU FIND IT, FLAG IT—YOU CAN PAINT IT LATER

- ▶ CORNERS WITH THREE FLAGS
  - ▶ LINES WITH ONE FLAG
  - ▶ CHANGES IN LINE DIRECTION WITH TWO FLAGS
  - ▶ ALWAYS POINT THE KNOTS TOWARD THE LINE, CORNER OR DIRECTION CHANGE
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# CORNERS WITH THREE FLAGS OR PAINT STRIPES FACING CORNER



# LINES WITH ONE FLAG/STRIPE FACING THE LINE



# CHANGES IN LINE DIRECTION WITH TWO FLAGS/STRIPES



# A FINISHED, MAINTAINED LINE LOOKS LIKE THIS

- ▶ LINE TREES PAINTED AND FACING LINE
- ▶ TREES ON LINE WITH SINGLE STRIPE ON CENTER OF TREE ON LINE



# A FINISHED, MAINTAINED CORNER WITNESS LOOKS LIKE THIS

## ▶ CORNER WITNESS



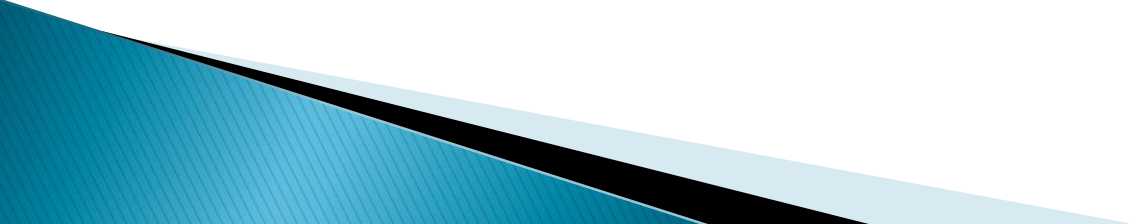
# PAINING TIP—ALWAYS PREPARE BEFORE PAINTING

- ▶ SCRAPE OFF LOOSE BARK WITH MACHETE OR DRAW KNIFE, THEN PAINT
- ▶ INCREASES PAINT LIFE BY 35–40%





# Painting on Hardwood



# DIY TIPS

- ▶ USE ONLY OIL BASE PAINTS
- ▶ SPECIALTY LINE PAINTS AVAILABLE FROM SURVEYOR AND FORESTRY SUPPLY SOURCES
- ▶ 2 PERSON CREW WORKS BEST—ONE SCRAPES AND THE OTHER PAINTS—MUCH QUICKER
- ▶ WEAR YOUR OLDEST WORN OUT CLOTHES AND BOOTS—YOU WILL GET NASTY
- ▶ BEST PAINT REMOVER— “GOOF-OFF” AVAILABLE AT HARDWARE AND BIG BOX STORES (LOWES AND HOME DEPOT, ETC)

# EXPERT ADVICE-CONSULTANT FORESTER

- ▶ COST TO LOCATE AND FLAG LINES AND CORNERS- \$.03-.07/FT OR MORE
- ▶ COST TO FIND, BLAZE, SCRAPE AND PAINT LINE- \$.07-.16/FT OR MORE
- ▶ SOME WORK ON HOURLY RATE RATHER THAN BY THE FOOT/SOME CHARGE BY THE MILE
- ▶ MOST INCLUDE IN COMMISSION FOR TIMBER SALE (DEDUCTIBLE SALE EXPENSE)
- ▶ SOURCE OF NUMBERS-MEMBERS, NC ASSOCIATION OF CONSULTING FORESTERS

# IF ALL ELSE FAILS, SURVEYOR REQUIRED

- ▶ SAVE MONEY BY DOING ALL DEED RESEARCH
- ▶ CHARGES VARY BY SERVICES PROVIDED AND TYPE OF LAND, DATE OF LAST SURVEY, ETC–
- ▶ NEGOTIATE
  - \$ LOCATE CORNERS
  - \$\$ LOCATE, CHOP, BLAZE AND FLAG
  - \$\$\$ LOCATE, CHOP, BLAZE, PAINT
  - \$\$\$\$ LOCATE, CHOP, BLAZE, PAINT,  
INSTALL NEW CORNERS, ETC

RANGES FROM \$.25–\$1.50 OR MORE PER FOOT  
MANY VARIABLES/RANGE OF SERVICES

# RECENT SURVEY McDOWELL COUNTY, NC-MOUNTAIN TRACT

- ▶ 160 ACRES
- ▶ 13,587 FEET OF LINE
- ▶ COST: \$27000 OR \$1.99/FOOT
- ▶ LANDOWNER SHOPPED AROUND
- ▶ INCLUDED SURVEYOR DEED RESEARCH,  
CHOPPED LINES, REFRESHED BLAZES, PAINTED,  
INSTALLED NEW CONCRETE/METAL CORNERS

SOURCE: NC ACF FORESTER



# PROTECT YOURSELF WITH GOOD LINES

- ▶ VISIT AND INSPECT/MAINTAIN ANNUALLY
- ▶ SHOW YOUR SPOUSE, KIDS AND GRANDKIDS THE LINES
- ▶ KEEP DEEDS/PLATS IN SAFE PLACE
- ▶ MAKE GOOD NEIGHBORS, PARTICULARLY IF YOU ARE AN ABSENTEE OWNER
- ▶ HUNT CLUB MAY BE WISE CHOICE
- ▶ ALWAYS SEEK QUALIFIED HELP—CONSULTANT, LAWYER, SURVEYOR

PROTECT AND ENJOY YOUR LAND!

