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
WHY ARE LINES AND CORNERS IMPORTANT

- TRESPASS
- THEFT AND TIMBER TRESPASS
- TIMBER SALE AND HARVEST PLANNING
- FOREST MANAGEMENT ACREAGE EVALUATION
- ADVERSE POSESESSION
- 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
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!!!!
"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
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 ACCESES
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
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
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
PAINTING 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)
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!