

Do this worksheet “cold” without referring to the presentation handout.

Answers will be posted at jerrymahun.com after the conference.

Definitions

a. Statute of Frauds

Law that states a contract must be in writing to be valid. It must stand on its own.

b. Informative term

A course term which does not control the direction or termination of a line. It helps identify those terms which do control direction and termination.

c. Corner accessory

A mark whose spatial relationship to the corner is created and recorded at the time the corner is established. An original accessory become part of the physical corner monumentation.

d. Extrinsic evidence

Evidence which comes from outside the written intent. It can be used to help explain deed terms but cannot change them.

e. Latent ambiguity

An ambiguity means something can be reasonably interpreted more than one way. Latent means unseen. A latent ambiguity is an uncertainty that is not discovered until application.

True/False

- T** 1. An exterior lot inherits the subdivision boundary’s junior-senior relationship with the adjoining property.
- F** 2. A gap between a senior and junior parcel is always assigned to the senior parcel.
- T** 3. An ambiguity exists when a deed term can be reasonably interpreted more than one way.
- F** 4. By virtue of his “quasi-judicial capacity,” a surveyor is able to render a binding decision on adverse possession.
- F** 5. Physical evidence can be used to override the written terms in a description.
- T** 6. A USPLS closing corner is an example of a monument that controls line direction but not necessarily its termination.
- F** 7. A call for another property as an adjoiner in a description means that property is senior to the instant parcel.
- T** 8. A monument cannot control a corner location if it, or the survey establishing it, is not called for in the description.
- T** 9. A USPLS Township plat is a simultaneous boundary creation.
- T** 10. Once legally created, a boundary exists forever unless removed by another legal action.

Questions**Question (1)**

If there is an ambiguity in the following sequence of course descriptions, what kind is it?

"...thence northerly along the ridge to the south line of Elm Street; thence easterly 200 feet along the center line of Elm Street to a one-inch iron pin;"

- (a) extrinsic (c) latent (e) no ambiguity
 (b) forensic **(d) patent**

Question (2)

A corner at which there are no remaining traces of the original monument but whose accessories are intact is a(n) _____ corner.

- (a) found** Accessories are part of the original monument.
 (b) obliterated
 (c) lost
 (d) constructive

Question (3)

What condition(s) must be met in order for a monument to control corner location?

It must be: (1) Called for, (2) Found, and (3) Undisturbed,

Question (4)

What condition(s) must be met in order to accept a corner location by *common report*?

It must be: (1) In a reasonable location, (2) Accepted by all parties involved, and (3) cannot be disproved.

Question (5)

A parcel describe by metes and bounds was *probably* created by a _____ process.

- (a) Combination (b) Condemnation **(c) Sequential** (d) Simultaneous

Question (6)

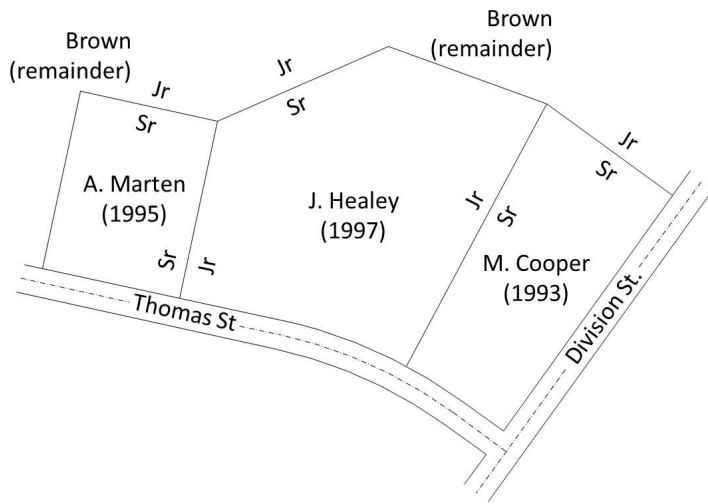
What is the difference, if any, between the following descriptions?

- Northeast quarter of Section 15... **Simultaneously created. It is a USPLS aliquot part that may or may not contain 160 acres. No junior/senior rights.**
 Northeast 160 acres of Section 15... **Combination conveyance; sequential of a simultaneous. Area is a controlling term: parcel contains 160 acres. Will have junior/senior rights along the newly created boundaries.**

Question (7) Which of the following are examples of collateral evidence?

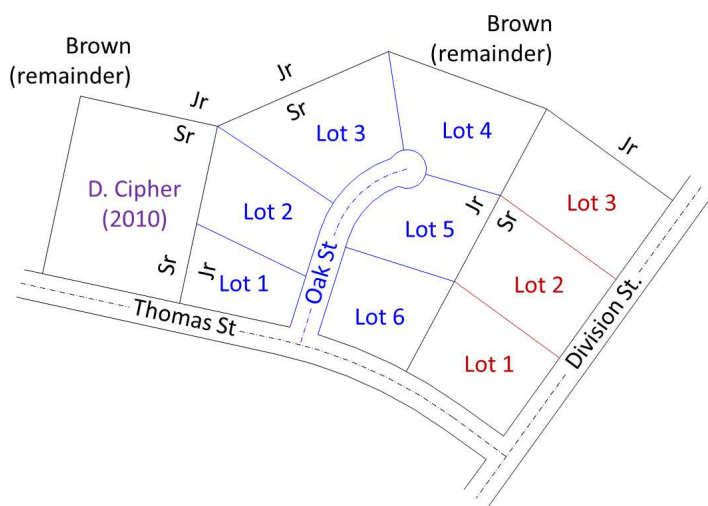
- (a) Found original called for monument **(d) Oral testimony**
(b) Replacement monument (e) Deed from register of deeds office
(c) Fence (f) Original accessories

Question (8)



Brown owned a large rural property at the corner of Thomas and Division Streets, both public roads.

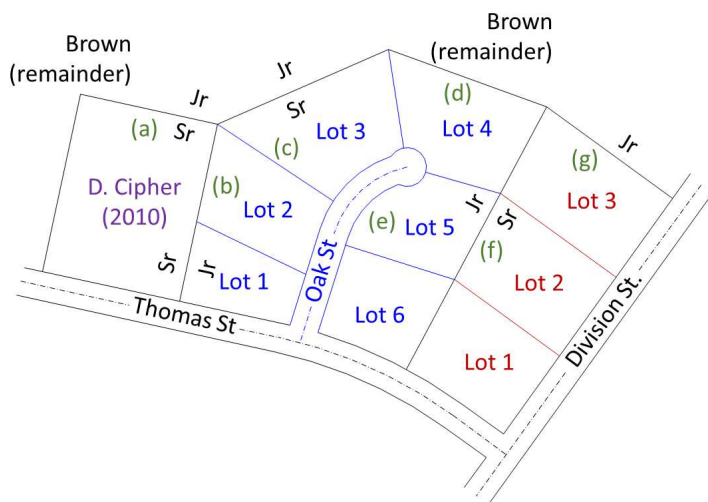
Over time, Brown created and sold off three parcels to Cooper, Marten, and Healey. Creation date for each is shown in parenthesis.



In 2001 Healey subdivided his entire parcel.

In 2007, Cooper subdivided his entire parcel.

In 2010 Marten sold his entire parcel to D. Ciper.



Which, if either, is the senior property along each of the following labeled lines? Circle your answer.

- (a) Brown **Ciper**
- (b) **Ciper** Lot 2
- (c) Lot 2 **Neither** Lot 3
- (d) Brown **Lot 4**
- (e)* Lot 5 Oak St
- (f) **Lot 2** Lot 5

*Technically, the street and Lot 5 were created at the same time by the same instrument so they have equal standing. However, because the street represents a public interest, it get its record dimension whether there is a shortage or excess.