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ADIRONDACK LAND SURVEYOR

LOCAL HISTORY AND TITLE PROBLEMS

Only a few hundred years ago people bought and sold property without the need for deeds, lawyers and surveyors. Property ownership was a matter of common local knowledge. When a parcel was sold the grantee and the grantor would have a party for all the neighbors. The grantee would, as part of a local ritual, pay money and take possession of the land. Everybody would walk the boundaries and from that point on the new owner and his boundaries were simply a matter of common local knowledge. Elders would perpetuate this knowledge by walking boundaries with their sons, giving them a good hard slap at each corner to be sure they remembered the location.

The need of government to have a written record of land ownership for assessment has brought us the present system that bases ownership of real property on a recorded deed. This of course requires that the deeds describe each particular piece of property in such a way that there can be only one possible location, that all the corners and lines can be found or determined with certainty and that there are no gores between or overlaps with adjoining property. It also requires that the parcel description used in deeds be such that time will not reduce this certainty. These ideals have seldom been achieved. Some early deeds, reflecting the old method of conveying land, had descriptions that began “Beginning where we both stood yesterday” or “Beginning where the white cow was standing”. Many current deeds call for a stake in the centerline of a road that has been paved for over forty years or a pine stump that rotted away one hundred years ago as a beginning point or corner. I’m sure you can understand some of the land surveyor’s problems when he is expected to locate one of these points today.

Most home owners in these United States live on a piece of property that is a lot on a filed subdivision map. The property description portion of their deed simply says something like “Being lot 2 of Block 3 of Sunny Side Acres, County Filed Map No. 1234, located in the Town of Someplace, County of Anywhere, State of New York”. If the subdivision was done by a competent surveyor and if the controlling monuments have not been moved or destroyed, the surveyors job is relatively easy. There is no deed research to be done and the only real concern is possible encroachments or zoning violations. It does not cost very much to survey one of these lots even though the value of the house and land is very high. People moving from one of these high priced lots to a parcel in the Champlain Valley of much lower value that is described by metes and bounds will be surprised by the higher surveying costs in this area and this makes it necessary to explain some of the reasons.

Before 1800 the Champlain Valley in New York State had only a few small settlements along the lake shore. The majority of the growth and development occurred between the early and middle 1800’s. By 1850 the population of many towns was twice what it is today. You will find many large old cemeteries in this area testifying to this fact. Some of these cemeteries are all that remain of a once thriving hamlet.



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As the west opened, people left the Champlain Valley for the better farming, mining and industrial opportunities that this new land had to offer. The iron and glass works in this area had to make charcoal before they could smelt iron or make glass. They could not compete with Pennsylvania that had coal along with good iron ore and sand for glass. Farms were abandoned or sold for the best offer. In most cases it was the better surveyors and attorneys who had the initiative to go west, thereby leaving this area in the hands of the less competent. This area was therefore left without the professional competence or economic justification needed for good survey work and proper deed descriptions.

As property values in this area increase, and as new homes are built and old ones restored, it becomes necessary to do whatever work is needed to eliminate the many title problems caused by years of neglect.

The word title, as used in reference to real property, is generally defined to be evidence of right which a person has to the possession of property. This right is composed of two parts, ownership and location. An attorney certifies ownership based on a study of an abstract of title and a surveyor certifies location based on a field survey. There are two kinds of title insurance, the kind that only insures

Be careful of existing survey maps, even those done by this firm. Surveys are made for specific purposes and many maps are not really surveys at all. Consider the case of a farmer who is going to give his son a small parcel out of his farm. The parcel is marked on the ground, measured, a map of the survey is made for planning board approval as a minor subdivision and a description is prepared for the deed of conveyance. No work was done by either an attorney or the surveyor to determine that the father in fact owned the parcel being conveyed to the son. The son was willing to take the slight risks involved rather than spend the money necessary for a guarantee title. Anyone buying this parcel from the son will be assuming these same risks unless they have a complete survey done.

If there is an existing survey done by a surveyor who is still practicing, you should make inquiries as to his reputation and look at some samples of his work. If you feel he is competent in the area of your needs, then have him do a continuation survey to your requirements.