

**RECORDS OF SURVEY:
*INTERPRETING THE INTENT***

John F. Bennett, PLS
Alaska Department of Transportation
2301 Peger Road
Fairbanks, Alaska 99709
E-mail: JohnF_Bennett@dot.alaska.ak.us

ABSTRACT

Although it was intended to be fairly straightforward, interpretations of the 1985 Record of Survey statute range from one end of the spectrum to the other. This paper attempts to identify the problem, determine the original intent and puts forth the author's opinion as to what this statute means.

BACKGROUND

A few years ago I became involved with the preparation of the Alaska portion of the professional land surveyors exam. Several times since then, I have met with a dozen or so other land surveyors to write new exam questions and to evaluate the validity of the questions based upon the exam results. One of the tasks at these meetings is for all of the participating land surveyors to take the most recent exam. The purpose of this is to provide a "reality check" and to identify questions that may have been poorly worded or ambiguous. The range of experience of this group of volunteer land surveyors covers most aspects of the profession that one is likely to find in Alaska. It is a humbling experience to hear the moans and groans as we grade our exam results and realize that we have mis-interpreted or mis-understood a particular area of the law because it was not the focus of our experience. It was in this setting that I first came to realize that it was very possible for a group of professional land surveyors, all of whom I consider to be competent and experienced, to reach widely varying conclusions with regard to the intent of a given statute.

In particular, the Record of Survey statute caught my interest. In the following year or so, as I spoke with other surveyors in the course of business, at professional meetings and at the Alaska Surveying and Mapping conference, I would ask their opinion of the Record of Survey statute. Specifically, I asked whether they thought the preparation and filing of Records of Survey were obligatory or voluntary. Based on the results of these conversations, I decided that further investigation (and presentation in the form of this paper) was warranted.

My initial concern over the differences in opinion regarding this statute lies with the fact this law was initiated and ushered through the legislature by our professional surveying organizations. Given that we identified the need and crafted the language, how is it that the approved legislation resulted in such ambiguity. Of greater concern is the impression left with the property owner

who solicits services from several surveyors. What are they to think when one surveyor states that his fee is higher because statute law requires him to file a record of survey and the other says that it is only necessary if the property owner requests one.

In order to better understand this problem, I reviewed the minutes of the hearings for the Record of Survey legislation, I contacted surveyors who testified at these hearings and who otherwise participated in creation of this law, and I polled several surveyors regarding hypothetical Record of Survey situations.

STATUTE

The 1985 statute dealt with records of survey, monument records and entry upon land for survey purposes. As the focus of this paper is on the record of survey portion of the statute, I did not include the entry upon land provisions in the following text. The monument record text was included as many surveyors in the questionnaire considered them in some situations to be a more appropriate document to file.

Chapter 65. Land Surveys

AS Sec. 34.65.010. Purpose. The purpose of this chapter is to authorize right of entry on land for survey purposes, and to provide a method for preserving evidence of land surveys by filing records of survey and monument records. The provisions of this chapter supplement laws relating to land survey platting and subdivision surveys.

AS Sec. 34.65.020. Entry upon land for survey purposes. [not copied]

AS Sec. 34.65.030. Records of survey. After making a survey in conformity with the practice and definition of land surveying, a land surveyor shall file with the district recorder a record of survey within 90 days if the survey discloses

(1) material evidence or physical change that in whole or in part does not appear on a plat of record previously filed in the office of the district recorder or in the records of the Bureau of Land Management;

(2) a material discrepancy with a plat of record previously filed in the office of the district recorder or in the records of the Bureau of Land Management; or

(3) evidence that by reasonable analysis might result in alternate positions of boundaries from those of record. (1 ch 32 SLA 1985)

AS Sec. 34.65.040. Records of monument. (a) A land surveyor who in the course of a survey establishes, reestablishes, uses as control, or restores a monument to make it readily identifiable or reasonably durable shall file a monument record, unless the monument and its accessories are substantially as described in a monument record files under this chapter or on a survey plat of record. (b) An agency whose activities will disturb or destroy a monument or its accessories shall have a land surveyor

(1) file a monument record before the monument or its accessories are disturbed or destroyed;

(2) restore or replace the monument and its accessories after the activities have ceased;
and

(3) file a new monument record after restoring or replacing the monument or its accessories.

(c) A person who disturbs or destroys a monument shall file a notice of the disturbance or destruction in the office of the district recorder.

(d) A land surveyor may file a monument record for any monument.

(e) A land surveyor who is required to file a monument record under this section shall do so within 90 days of the completion of the survey or of the establishment, re-establishment, or rehabilitation of a monument.

(f) A monument record shall be signed and sealed by the land surveyor responsible for the survey.

AS Sec. 34.65.050. When a record of survey is not required. A record of survey is not required for a survey

(1) made by the Bureau of Land Management

(2) when a plat of the survey has been filed or will be filed within 18 months after the field survey is completed.

AS Sec. 34.65.060. Duties of the commissioner. (a) The commissioner shall adopt regulations to implement this chapter.

(b) The commissioner shall provide a standard form for a monument record.

AS Sec. 34.65.070. Duties of the district recorder. (a) The district recorder shall provide a copy of a monument record or a copy of a record of survey to the municipal clerk for the municipality in which the monument or survey is located.

(b) The district recorder shall keep a proper index of monument records and records of survey by the survey name, tract designation, subdivision designation, or United States public land designation.

AS Sec. 34.65.100. Definitions. In this chapter

(1) "accessory" means physical evidence adjacent to a monument used for the future identification and restoration of a monument;

(2) "commissioner" means the commissioner of natural resources;

(3) "land surveyor" means a professional land surveyor licensed under AS 08.48;

(4) "monument" means

(A) a United States public land survey monument;

(B) an Alaska state land survey primary monument;

(C) an exterior primary monument controlling a recorded survey;

(D) a geodetic control monument established by a state or federal agency;

(5) "United States public land survey monument"

(A) means a survey monument established in a cadastral survey by the Bureau of Land Management or its predecessor;

(B) includes a monument in a United States special survey and United States mineral survey that is a part of the public land records of the Bureau of Land Management.

QUESTIONNAIRE

On September 12, 1996, I sent out a four question poll in order to gauge the opinions of land surveyors with regard to the Record of Survey issue. Rather than send the questionnaire out to individual land surveyors, I sent it to surveying businesses and organizations. My theory was that although a mid-size surveying organization may have 2 to 5 licensed land surveyors on staff, there was typically going to be a survey manager who handled client contact and established procedural policy. I also asked that the questionnaire be answered before they re-read the statutes as I wanted it to reflect their current operating policy. I also made the poll anonymous in order that the responses be open and uninhibited.

42 questionnaires were sent out of which 22 went to Anchorage, 8 to Fairbanks and the remaining to 9 other towns. Of the 42 questionnaires, 5 were sent to public agencies or municipalities with surveying activities. The rest went to a cross section of small, medium and larger private surveying businesses.

Of the 42 questionnaires, 26 were returned. I had expected a larger percentage of responses and was concerned that the responses that were received may not be sufficiently representative. However, since my focus was on surveying organizations rather than individuals, the 42 questionnaires mailed out covered the organizations performing the majority of surveys in Alaska.

The responses to the questionnaire are as follows:

Record of Survey Questionnaire

1. *A client requests that you monument their property which is based upon a metes and bounds description. The property has not previously been monumented or platted. In your opinion, the most appropriate response is (Select A, B, C or D):*

- (A) Alaska statute requires that plat of the survey be prepared and recorded.*
- (B) Although not required by statute, upon request and for an additional fee, a plat of the survey will be prepared and recorded.*
- (C) The preparation and recording of a plat may be required if the survey discloses evidence or boundaries that significantly differ from the record.*
- (D) None of the above - Write out your own response below.*

Responses: A - 14 (54%); B - 4 (15%); C - 4 (15%); D - 4 (15%)

Miscellaneous Comments:

1. "I would check the appropriate statute and advise client accordingly."
2. D - "If it is a recorded M&B description we would record a record of survey and reference the Bk & Pg for the deed. If it is a unrecorded deed we may not take the job, it depends on the particular circumstances."

3. C - "Note - the statute leaves it up to the surveyor to decide what is significant. At least, that is the way it appears to me."
 4. D - "A record of survey should be the finished product delivered to your client."
 5. D - "By the DNR recorder's office and thru the recordation act, a recording of the established mon's must be made. This may be a record of survey "plat" or a mon. recordation form supplied by DNR."
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2. *A client requests that you monument their property which is based upon an old recorded subdivision plat. The subdivision had never been monumented (paper plat). In your opinion, the most appropriate response is (Select A, B, C or D):*

- (A) *Alaska statute requires that plat of the survey be prepared and recorded.*
- (B) *Although not required by statute, upon request and for an additional fee, a plat of the survey will be prepared and recorded.*
- (C) *The preparation and recording of a plat may be required if the survey discloses evidence or boundaries that significantly differ from the record.*
- (D) *None of the above - Write out your own response below.*

Responses: A - 13 (50%); B - 0 (0%); C - 8 (31%); D - 5 (19%)

Miscellaneous Comments:

1. "I would check the appropriate statute and advise client accordingly."
 2. D - "C, however because of the unrecorded nature of the original plat I would strongly advise completing a record of survey to explain the process and finding and add validity to the monuments that are set. A record of monument is required anyway so the additional cost is very small."
 3. C - "Note - the statute leaves it up to the surveyor to decide what is significant. At least, that is the way it appears to me."
 4. A - "Monuments have now been set, a record of survey is required."
 5. D - "A record of monumentation should be your responsibility to your client and the surveying public."
 6. D - "Corners of Lot will be monumented. Plat of record controls actual corner location."
 7. D - "By the DNR recorder's office and thru the recordation act, a recording of the established mon's must be made. This may be a record of survey "plat" or a mon. recordation form supplied by DNR."
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3. *A client requests that you monument their property which was previously monumented according to a (record subdivision plat, U.S./M.S. Survey, ASLS) The original monuments had been destroyed in the development of the property. In your opinion, the most appropriate response is (Select A, B, C or D):*

- (A) *Alaska statute requires that plat of the survey be prepared and recorded.*
- (B) *Although not required by statute, upon request and for an additional fee, a plat of the survey will be prepared and recorded.*
- (C) *The preparation and recording of a plat may be required if the survey discloses evidence or boundaries that significantly differ from the record.*
- (D) *None of the above - Write out your own response below.*

Responses: A - 8 (31%); B - 1 (4%); C - 8 (31%); D - 9 (35%)

Miscellaneous Comments:

1. "I would check the appropriate statute and advise client accordingly."
2. D - "File a monument record for each new monument."
3. D - "At least a record of monument."
4. C - "Record of monument may suffice if no significant discrepancies were encountered."
5. D - "Monument record to be filed."
6. D - "Either a Record of Survey or Monument should be recorded describing the new monuments according to Sec.34.65. This is rarely done, typically we set the monuments based on the recorded plat. Current year and LS # etc., is on new monuments."
7. D - "C, however if a record of survey is not required, record of monuments will need to be filed for the replaced monuments as required by AS 34.65.040."
8. C - "I think filing a monument record might be appropriate in this case as an alternative."
9. C - "Note - the statute leaves it up to the surveyor to decide what is significant. At least, that is the way it appears to me."
10. D - "At the very least, a record of monument will be filed, although I would recommend a record of survey be filed."
11. D - "A record of monument should be filed."
12. D - "By the DNR recorder's office and thru the recordation act, a recording of the established mon's must be made. This may be a record of survey "plat" or a mon. recordation form supplied by DNR. However, if you were the original surveyor, you are replacing your old mon's and you do not have to re-record a record of your survey."

4. *A material discrepancy with a plat of record exists when your monumented positions vary from the previous record by:*

- (A) *0.2 to 1.0 feet*
- (B) *More than 1.0 foot*
- (C) *An amount greater than the accuracy specified or expected for the original survey.*
- (D) *None of the above - Write out your own response below.*

Responses: A - 0 (0%); B - 0 (0%); C - 23 (88%); D - 3 (12%)

Miscellaneous Comments:

1. C - "Depends upon whether is rural or downtown and existing improvements and effect upon them and orig. survey specs."
 2. C - "Administered and exercised by a registered surveyor in accord with prudent surveying practice and procedures of the locality."
 3. A - "if in the City or on lot lines smaller than say 100 feet."; B - "in other subdivision."; C - "in cadastral or remote parcel surveys. It would be good to have some guidance here, but tight standards should not be applied in areas of large lots or land of low value."
 4. C - "Tough questions, ordinarily a conflict in record information w/that of field, perhaps transposed No's on plat or errors in monument ties."
 5. D - "Depends on original survey (private or federal)."
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Additional Comments:

1. “Where I feel a record of survey is required or appropriate I tend not to separate out the cost - I just do it!”
2. “In addition to monumentation a record of survey should include a survey of record information (i.e. easements & encroachments) that don’t appear on original recorded plat. It is a disservice to client not to show all encumbrances that effect his property. The record of survey can also have an effect on any hostile ownership claims.”

LEGISLATIVE INTENT/ BACKGROUND

The Record of Survey bill was passed as CSHB 170 in 1985. A review of the House committee hearing testimony found little controversy regarding the ROS provisions. In fact, as most of the controversy was directed toward the right of entry issue, there was little testimony regarding the ROS at all. The key comments made about the ROS portion of the bill included statements that:

1. The Recorder’s office typically would not accept a map of a boundary survey as it was not approved by the Borough platting authority.
2. Boroughs would not approve or record such surveys as they were not subdivisions.
3. The bill would prevent the loss of monuments since there would be a public record to perpetuate them.

A more complete sequence of events was made possible by reviewing correspondence archived in Pat Kalen’s legislative affairs files. These files indicated that the right of entry issue was the primary concern of the professional societies. Discussion regarding proposed legislation for a surveyor’s right of entry went back at least as far as 1975.

A February, 1983 letter from ASPLS submitted draft legislation to be filed as HB 387 which dealt only with monument records. The letter noted that the legislation had been drafted in 1976 and did not at the time, receive the attention it was now due. Also re-submitted, was the right of entry legislation which had been offered, unsuccessfully in 1976 as SB 697. In May of 1983, a letter from ASPLS suggested the addition of records of survey to HB 387. The ROS provisions were to be modeled after California statutes. It was apparent at this time, that there was not a consensus within ASPLS regarding this legislation. It appears that this dissension was partially responsible for HB 387 ‘s failure to pass in 1983.

One item of continuing debate was whether the ROS should be mandatory. Many agreed that it should be mandatory but expressed concern about having a civil penalty for non-performance. It was an admitted contradiction. Mandatory filing of a record of survey would clearly benefit both the public and the professionals who later followed the paper trail. It appears that we just did not want to be subject to external policing.

In February 1984, the monument record/record of survey bill was resubmitted as a consensus version that all parties involved support. It was noted that “vigorous debate has taken place during numerous meetings of land surveyors, who have had some difficulty in agreeing on definitions.” It was noted that there could be potential opposition from those surveyors who

claim to “own” a plat. For example, a surveyor breaks down a section to set the corners of a parcel. A plat may or may not be delivered to the client, but the surveyor may not want to make the breakdown information public by recording a plat, therefore potentially limiting the future return on his investment.

It was suggested that the right of entry legislation was too controversial to succeed alone and was therefore combined with the monument record/record of survey proposal. It was offered in 1985 both in the Senate as SB 135 and in the House as HB 170.

CSHB 170 was passed on 5/11/85. Prior to signature by the Governor, the bill was reviewed by the Attorney General’s Office. The AGO review noted that the bill lacked an enforcement provision and further stated: “The duty to record documents relating to conveyances of property is self-enforcing through the common law establishment of priorities among claims to ownership. The duty to record a plat of a proposed subdivision may be enforced by the platting authority through an action to void any conveyance of an unapproved subdivided lot. The Department of Natural Resources may wish to consider whether it is appropriate to propose amendments to this legislation providing some means of enforcement of the duty to record surveys and monument records.” The AGO letter further stated: “The recording of surveys and monument records required by this act will benefit the public by increasing the certainty in identification of property boundaries, and avoiding costs due to duplicative surveys.”

I was able to obtain comments regarding the questionnaire from four of the surveyors who testified at legislative hearings for the ROS bill. Bob Schweitzer represented the American Society of Photogrammetry, Alaska Region; Bob Kean represented the Alaska Society of Professional Land Surveyors; Pat Kalen testified as Legislative Affairs Chairman for ASPLS and Joe Burch testified on behalf of the Department of Natural Resources.

Robert M. Schweitzer, PLS - (questionnaire responses - A, A, A, C) (letter dated 9/13/96)

“I do have some vague recollection of testifying about the ROS law and the real need for it at the time. It seems that my testimony was related to a need to file such a record whenever the recovered evidence varied from the record. I believe I may have used the modifier “significant” variance, but if so, my definition of significant would be recovery of a monument that was something different than called for by the previous record. If survey measurements differed from the record by an amount greater than one would expect for the type, location, and age of the survey, that too would require a ROS.I felt it provided the benefit of a paper trail for future recovery and resurvey if it ever became necessary. My recollection of the act was that the client had no voice in the determination of propriety for the ROS. Though we all recognized that the client would ultimately pay the bill, it never was a question of whether he wanted to pay for recording or not, it was a responsibility placed squarely on the shoulders of the surveyors, where it belongs.”

Joseph Burch, PLS - (questionnaire responses - A, A, A or D - “A monumentation record may suffice if the original monuments positions can be relocated from accessories”, C or D - “The original survey accuracy required may differ greatly than current required accuracies.”) (letter dated 9/29/96)

“The record of survey legislation had been drafted by the ASPLS 10-15 years prior to its final passage. The concern was to perpetuate monuments and to note discrepancies of bearings and distances when discovered in the field without a whole new plat and with current owners signatures. A lesson was learned from other states of the cost involved to the public when monuments were destroyed, lost, reset, or bearings and distances were discovered to be grossly in error. The private original surveyor may have died and their field notes lost or destroyed. Not all platting authorities in Alaska allowed boundary surveys to be filed. The major survey companies at the time supported the legislation as really not doing anything more than a professional should do. ...statewide platting and subdivision laws required the approval by local platting authorities (including the certificate of payment of taxes) and signatures of beneficial interest parties prior to being sent to the State Recorder’s office for filing. The Record of Survey offers a method to make these technical errors public information when the original surveyor has died, no longer practices surveying, or is unreachable.”

Robert Kean, PLS - (questionnaire responses - D - “A case could be made either way depending on how one interprets the statute and is therefore subjective. In addition, the surveyor should not be required to file a record of survey if the client is unwilling.”, D - “Although, we could construe the law to mean that the monuments now representing the lot corners are a material change, it would be onerous to require a ROS for every lot survey.”, A - “Yes”, D)

“Although the law was watered down from the original version, it has done its job in providing a means to record property surveys that do not fall within the subdivision statutes. The fear among the land surveyors was that they would be put in a position of having to record almost any survey they performed and could be placed in a position of conflict with their client. The law as it is written rarely seems to fit the situation exactly and is open for interpretation - although it is fairly intuitive as to when you perceive one is needed. The phrasingmaterial evidence or physical change.... can be interpreted to include most land surveys that are not platted and recorded. In my professional opinion the Record of Survey law is one of the more useful laws that apply to the survey profession. The language in the Record of Monument statute frequently applies more than the Record of Survey language and the Record of Survey plat is a better vehicle for conveying the information required in a Record of Monumentation. The intent of the above (example ROS survey) was to show how we have been using the law - as a tool to get important information into the record. The law as it stands will probably suffice, but if it is re-written, more discretion should be placed in the hands of the professional. An example would be: A surveyor may file a record of survey whenever in his professional opinion one is needed to place into the record relevant material facts regarding the legal definition of a parcel of land....

Patrick Kalen, PLS - (questionnaire responses - A - “A is the best answer, but we purposely left the word plat out of the bill”, C, C, C) (interview on 12/31/96)

This interview clarified the fact that the ROS portion of the bill was secondary compared to the legislative wheeling and dealing that was taking place on the right of entry issue. Pat recollected quite a bit of debate regarding definitions of what constitutes a monument and whether enforcement provisions should be included in the bill. Pat’s responses to the questionnaire indicates his understanding that the bill was to be focused on issues of material discrepancy

rather than material evidence. That is, significant differences in measured versus record dimensions should trigger the requirement for filing a ROS, where the establishment of new monuments or recovery of existing monuments not of record or varying from the record would not.

MY TURN

One of the side benefits of presenting a paper at the Conference is that it allows the author a forum to throw his two cents in on a given subject. This is my two cents worth.

A plain reading of AS 34.65.030 Records of Survey, tells me that upon making a survey in conformity with the practice and definition of land surveying -AND- if one of three additional criteria exists, the surveyor SHALL file a record of survey. If the criteria are met, the use of the word SHALL in the above sentence obligates the surveyor to file the ROS. According to Black's, the definition of SHALL is significant:

Shall - As used in statutes, contracts, or the like, this word is generally imperative or mandatory. ...as denoting obligation. It has the invariable significance of excluding the idea of discretion, and has the significance of operating to impose a duty which may be enforced, particularly if public policy is in favor of this meaning.... But it may be construed as merely permissive or directory (as equivalent to "may"), to carry out the legislative intention and in cases where no right or benefit to any one depends on its being taken in the imperative sense, and where no public or private right is impaired by its interpretation in the other sense.

Unless you believe that the Record of Survey is not a right or benefit to any party, then most of us would accept the use of the word SHALL as a mandatory statement. Once you reach this point, the requirement to file depends on whether you have met any one of the three criteria. Criteria 2 and 3 call for a "material discrepancy" or "evidence that by reasonable analysis might result in alternate positions." These are clearly subjective elements which are generally left up to professional judgment. This is evidenced by the fact that none of the half dozen sample state statutes that were reviewed attempted to define the undefinable concept of "material discrepancy." I recognize that little in life is black and white, however, that doesn't prevent me from wishing that issues like this were a not quite so gray.

Criteria 1, in my mind, was not so subjective. If the survey disclosed "material evidence or physical change that in whole or in part does not appear on a plat of record...", then the ROS requirement would come into effect. Black's defines material evidence as:

That quality of evidence which tends to influence the trier of fact because of its logical connection with the issue. Evidence which has an effective influence or bearing on question in issue is "material".

The question at issue is a boundary survey. Monuments are evidence that clearly have influence on boundaries. When a surveyor sets monuments where no monuments of record are known to exist, in my opinion, he is establishing "material evidence" that is of the kind which would

trigger criteria no. 1. Also, if you recover and use as a part of your control, monuments that are not record or differ from record, it can be argued that criteria no. 1 comes into effect.

The background on the ROS legislation indicates that more than one problem was to be solved. First, the technical issue of how to get the ROS recorded. This was easily solved by requiring the Recorder's office to classify and accept the plats. If that were the only issue, then we would still be left with the more pervasive problem of dealing with the thousands of undocumented monuments that had been and were continuing to be set. If the monuments were self-identifying, the surveyor still alive, and on good terms with you, then you can always call him up and ask for some background information or a copy of his unrecorded drawing. If not, then you have to make an uninformed decision whether to ignore his corners and create a potential conflict, or accept them as valid. In my mind, the intent of the ROS legislation should have been to require a paper trail for all new monumentation that was not already covered by other methods of documentation.

Therefore, if I were to answer my own questionnaire, my responses would be A,A,C,C. If I were to set monuments where none of record previously existed, (questions 1 & 2), I believe a ROS is required. In question 3, monuments of records are being reset after they were lost by construction activity. Even though the markings and possibly the materials of the corners you set will differ from the record monuments, I will not go so far as to suggest that a ROS is required unless the evidence recovered in the control survey or the resulting boundaries significantly differ from record. And finally, my attempt to get everyone to define "material discrepancy" failed and we are left with the universally ambiguous answer, "it depends".

I would also like to note that I have found monument records to be of limited value when performing research for a survey project. I have seen several projects where monument records would have been technically acceptable, however, because several monuments were required, the ROS provided a more expedient and valuable alternative to filing a stack of monument records.

CONCLUSION

The intent of this paper was not to point fingers or suggest that one interpretation is less professional than another, but only to make surveyors aware that there is a question regarding whether a Record of Survey is mandatory or optional. I recognize that the three scenarios I used in my questionnaire are but a small sub-set of the situations that a surveyor is likely to experience. I also believe that we are each entitled to our own professional opinion regarding issues of this nature and that there may not be a clear cut answer. Legislation, particularly that which can be viewed as "special interest" legislation is subject to extreme scrutiny, compromise and dilution as it meanders its way through the process of becoming law. It is in this process that the original focus of the legislation can easily get blurred. I believe that the professional surveyors who participated in forming this law had a clear understanding of the problem and what was necessary to solve it. Unfortunately, that knowledge has a tendency to get lost in time and we are left with the text of the law to interpret. My own interpretation and conclusion requires that, if there is a questionable situation, that I should err on the side of producing a

Record of Survey. It is also possible that the current law warrants a bit of clean up and rewording in order to make its intent more apparent. Given the difficulty in revising statutes, I believe it is unlikely that this will occur in the foreseeable future.

CREDITS

I would like to thank all of the professional surveyors who had taken the time to fill out the questionnaire. In particular I would like to thank Pat Kalen, Bob Schwietzer, Joe Burch and Bob Kean who's writings, interviews and phone conversations provided an invaluable insight into the Record of Survey law.