

QUESTION: WHAT IF I DISAGREE WITH THE SURVEYOR?

ANSWER: DISAGREEING WITH A LICENSED SURVEYOR'S BOUNDARY DETERMINATION:

Surveyors work with the best information available. They utilize recorded survey and deed data information together with physical evidence found on the ground. From this data, in conjunction with the Oregon Revised Statutes and other laws concerning land surveying, they make their conclusions. Any land survey is only as good as the information from which the conclusions are drawn.

Surveyors put their professional reputation and license on the line every time they determine a boundary location. It is in a surveyor's interest to observe the survey laws and to make the most accurate boundary determination possible. They have no reason to deliberately locate a boundary line incorrectly. Occasionally, however, a surveyor can overlook an important piece of evidence that might change the boundary opinion in question. If you believe this to be the case, then it is your option to discuss the evidence in question directly with the surveyor.

It is insufficient to disagree with a boundary line determined by a licensed surveyor without any legal evidence. You must show legal evidence in order to refute a surveyor's findings. If after discussing the problem with the surveyor you still feel it has not been resolved to your satisfaction, there are other avenues that may be pursued. You can hire a land surveyor of your own choice to perform a separate boundary survey. The second surveyor may find a sufficiently different result or have a different boundary opinion.

When a situation disclosing a conflict in a property boundary occurs, you must then decide what solution options you are willing to consider. Often, you may have to weigh the value of the land in question or the value of proving a point against the potential cost of what it might take to acquire written title. If you have not already done so at this point, you should contact an attorney for advice.

The first solution if a conflict has occurred is to try to have the surveyors meet and mediate resolution. Other methods for solving a boundary problem also involve the cooperation of both parties in the dispute. A property line agreement or adjustment survey may be performed, with applicable deed recordings and survey map filings. A description may be written on the property or on a portion of the property, and recorded as an easement for a specific purpose to a specific party. Alternatively, you may choose to allow present ownership conditions to continue as is. If you choose to maintain the status quo, you may run the risk of being subjected in the future to acquiescence or adverse possession activity, either in your favor or contrary to your interests.

The last choice for a solution is having the case heard before a court of law. The court process is often the most expensive, but may be the only solution if the problem can't be resolved by other means.

Written title to property acquired by unwritten means (acquiescence or adverse possession) can only be attained through recording a mutually signed document or through court proceedings. For that reason, allowing present ownership conditions to continue as is in the hopes that a problem will resolve itself will not resolve the ownership problem.

An accurate boundary survey, in which boundary lines are identified by a licensed surveyor and are legally defensible (and in which all necessary legal elements have been observed), is usually an effective means by which to resolve common boundary conflicts without burdening the property with additional legal encumbrances.