



**NJSPPLS**

# **SURVCON 2025**

## The Latent Ambiguity

Is it time to break up the deed geometry?

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We need to have a talk about  
Latent Ambiguities

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What do we mean when we talk about latent ambiguity?

Oxford online dictionary definitions:

**Latent:** adjective, (of a quality or state) existing but not yet developed or manifest; hidden or concealed. Lying dormant or hidden until circumstances are suitable for development or manifestation.

**Ambiguity:** noun, the quality of being open to more than one interpretation; inexactness



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Black's Law defines a Latent Ambiguity as:

A defect which does not appear on the face of language used or an instrument being considered. It arises when language is clear and intelligible and suggests but a single meaning, but some extrinsic fact or some extraneous evidence creates a necessity for interpretation or a choice between two or more possible meanings.

ACSM's Definitions of Surveying and Associated Terms:

Uncertainty which does not appear upon the face of an instrument, but arises from evidence aliunde, i.e., which is not involved in the words themselves, but arises from outside matters. Thus, a conveyance to "John Smith, living on Fifth Avenue," when there are two or more John Smiths so living, contains a latent ambiguity.



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Example of a Latent Ambiguity in the written word:

".... to a point on the northerly line of a township road; thence along said northerly line..."

Are they referring to:

The northerly edge of pavement?  
The northerly right of way line?  
Any point on the northerly side of the centerline?

In Pennsylvania we have our "surveying bible" written by Dr. Knud Hermansen, PhD, PLS, PE, Esq. He addresses similar examples such as "...to a point in the road" to mean the centerline, or "...a point on the northerly line" to mean the northerly right of way. But what about descriptions written before this book was published. Many of our (PA) descriptions were written by engineers before licensing of surveyors came into law, or by lawyers. Continuing education only became a requirement in PA in 2010. Before that, surveyors would get licensed and never take another class, weren't even members of their professional society, or didn't attend the annual conference.



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Black's Law describes it in the best terms as it relates to this session. We're going to focus on field evidence that blows a perfectly written description right out of the water.

Are we going to have to break up the deed geometry?



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When we plot up the deed and it closes, we're off to a good start. We have a good base for our boundary. But we can't stop there. We need to plot all the adjoining deeds and any plans referenced in those deeds.

- ❖ Some close, some don't
- ❖ We discover multiple bearing systems among the deeds
- ❖ Inconsistent distances

This tends to be the normal outcome when plotting deeds & plans.



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But occasionally, this happens:

- ❖ All the deeds close
- ❖ All deeds and plans are on the same bearing system
- ❖ All distances agree

All these descriptions must have been written by the same surveyor, right?

**This survey should be a slam dunk!**




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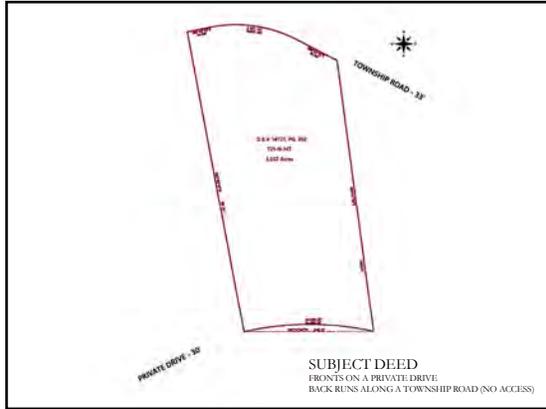
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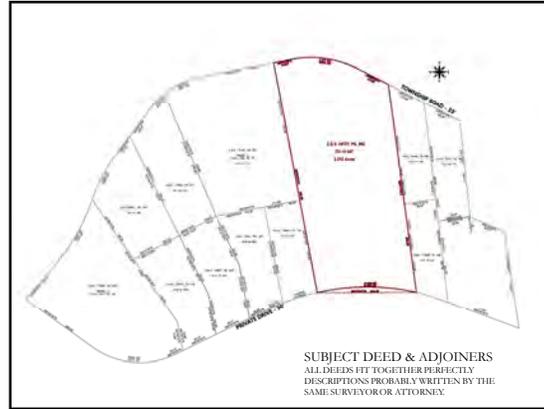
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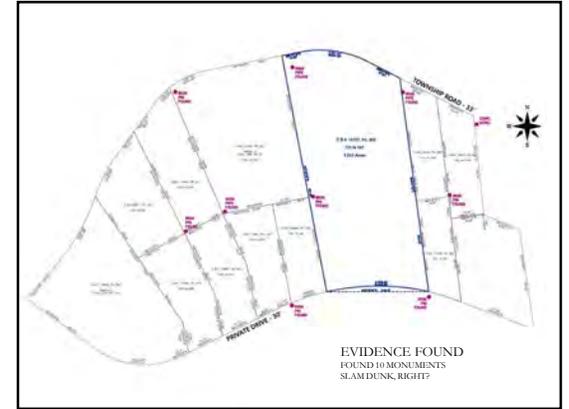
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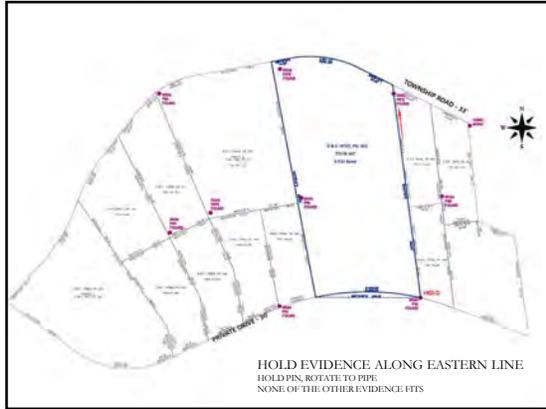
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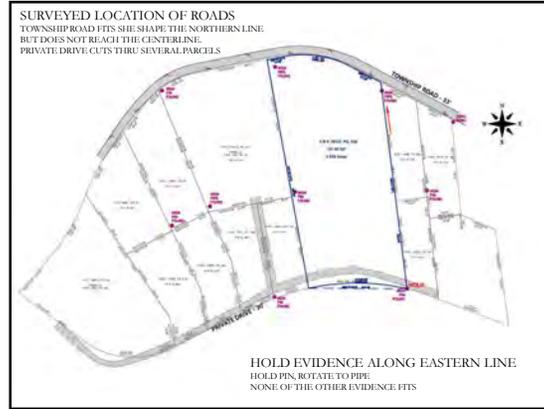
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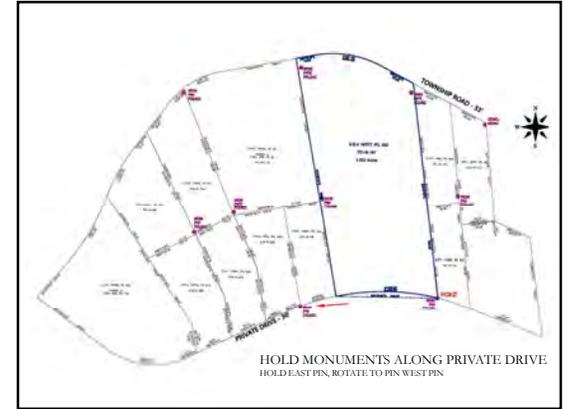
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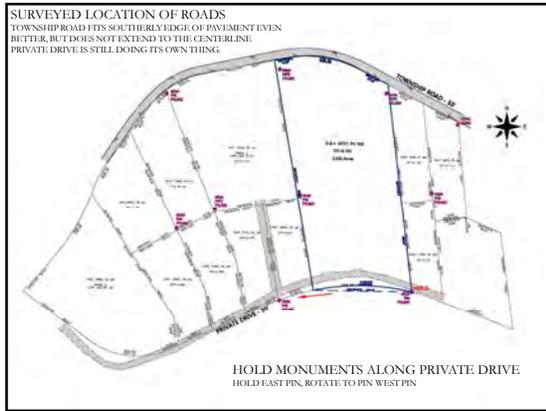
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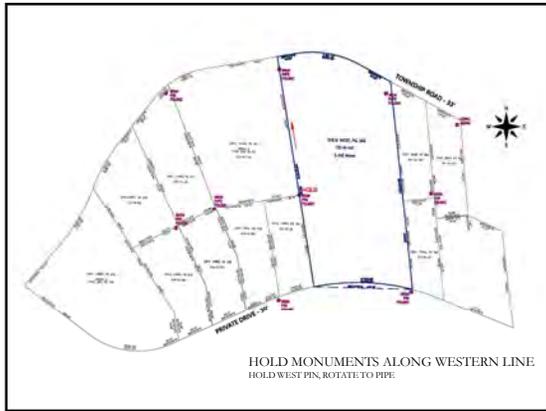
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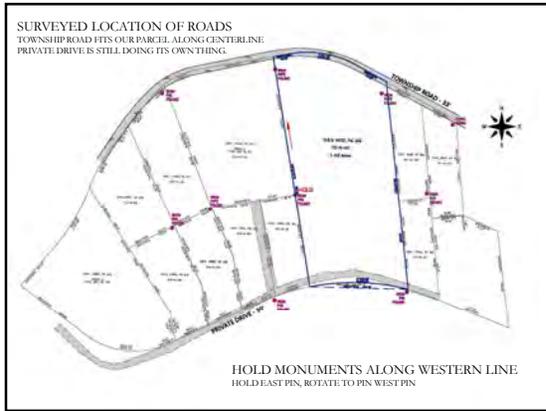
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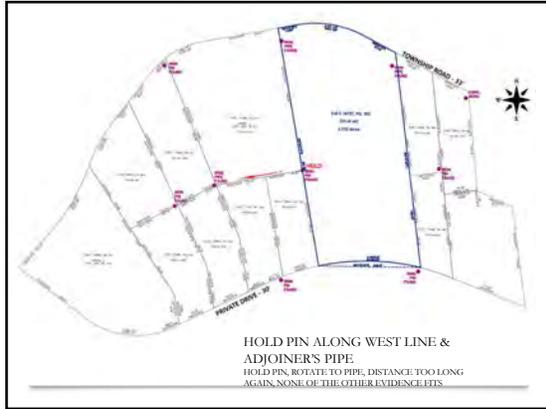
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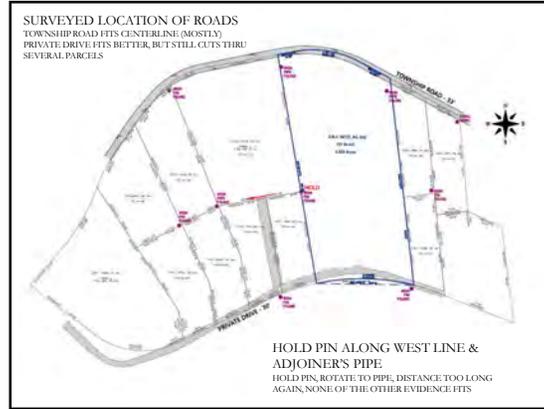
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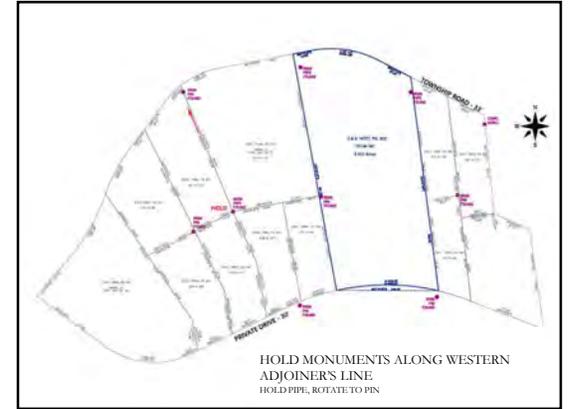
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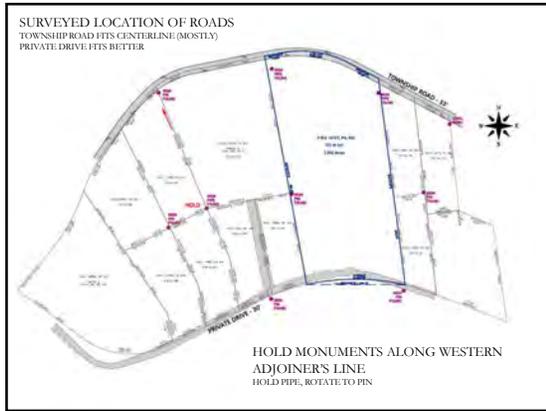
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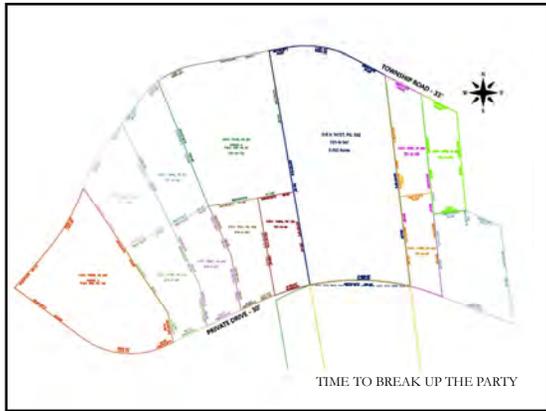
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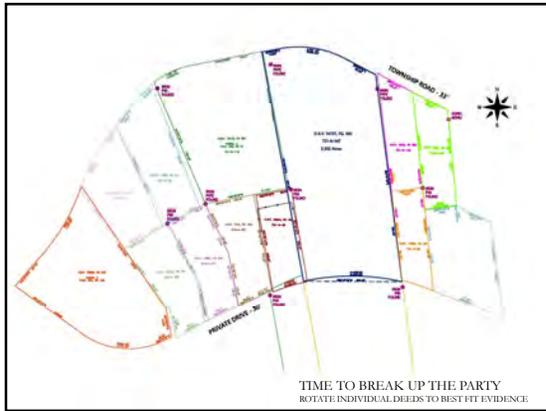
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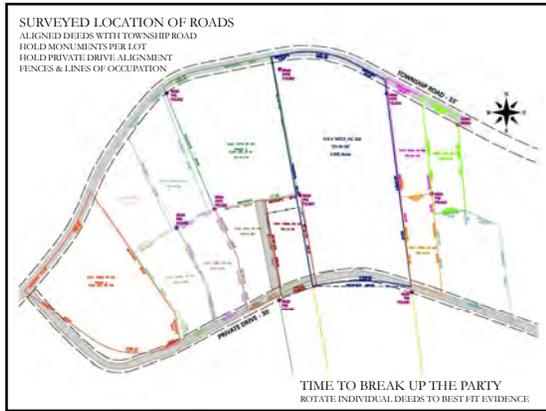
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### Factors to Consider

Paved Township Road: this road is cut into the side of hill. Very little chance it has moved over the years as there's nowhere for it to go.

Private Gravel Drive: this road is maintained by the residence. Terrain is flat in this area. High possibility the road has moved over the years.

Weigh Condition of Monuments: note the size, type and condition. A surveyor tends to use the same type of monument. Did the landowners set their own monuments?

Parol Evidence: speaking with the neighbors proved to be very insightful. Get comfortable knocking on doors or chatting with neighbors when they're outside.



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### Factors to Consider

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What can I defend in court?: when multiple options present themselves, I go with the least wrong answer. One I can defend in court or justify my decision.

What if I get a call to survey other parcels in the area?: this is why its imperative that you look for evidence beyond the property you're surveying. This whole mess was most likely created because surveyors concerned themselves with their own client's property and not the interest of the public. Which is our mission, right?

Controlling Calls: What does the deed say? To the centerline of road, along the southerly right of way, along an adjoinder's line, to a specific monument.



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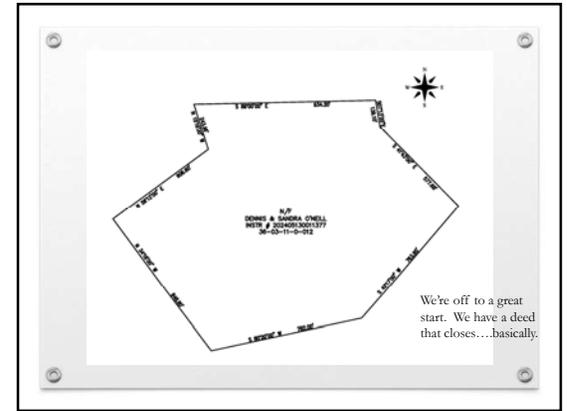
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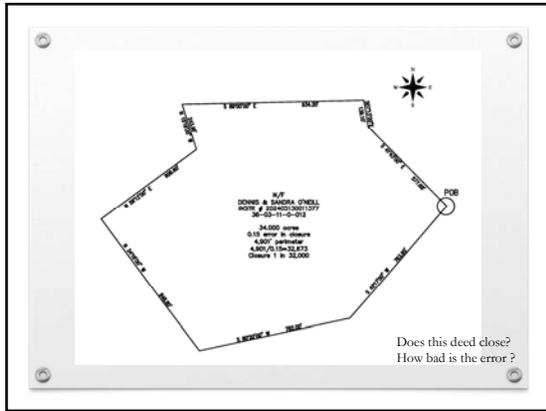
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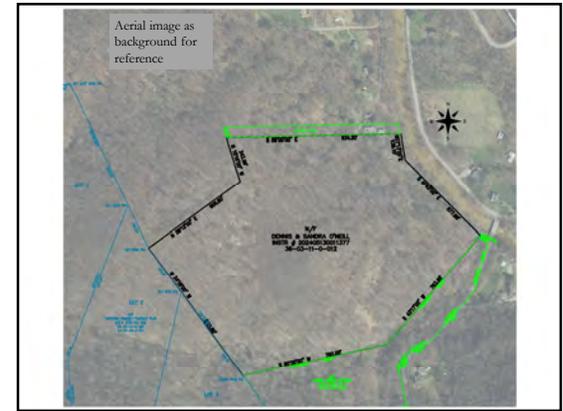
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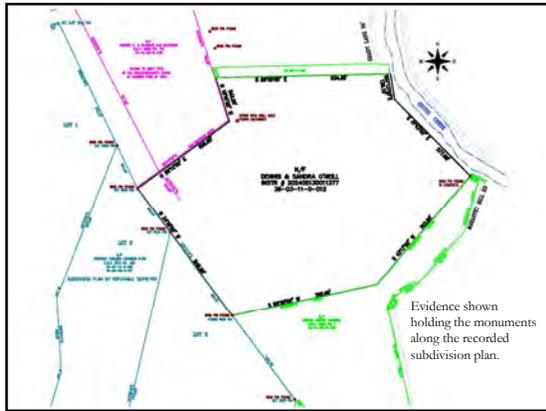
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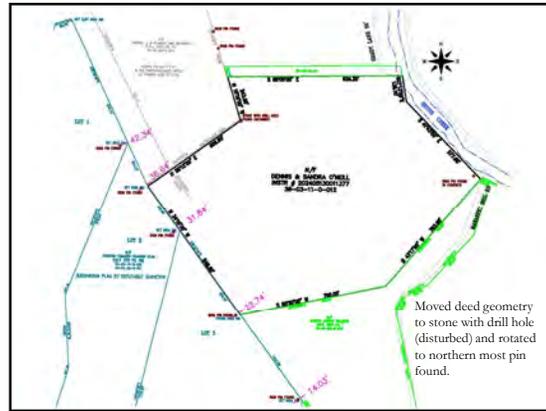
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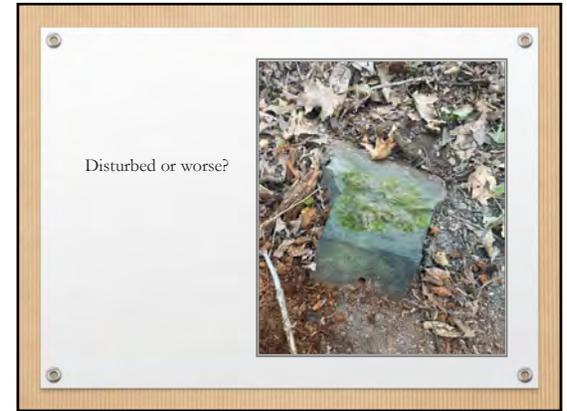
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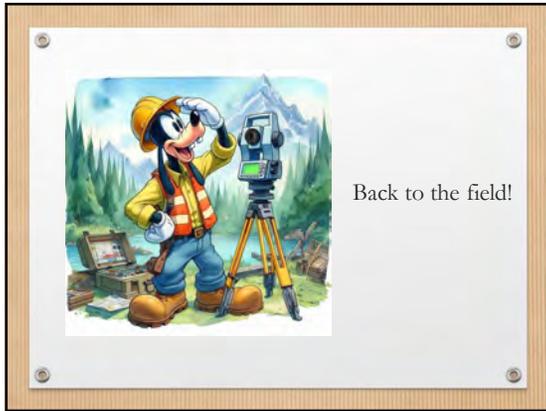
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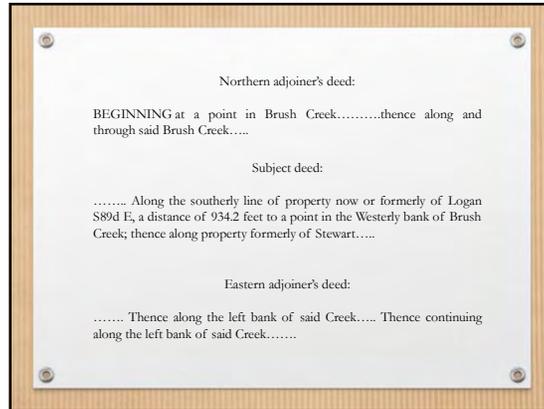
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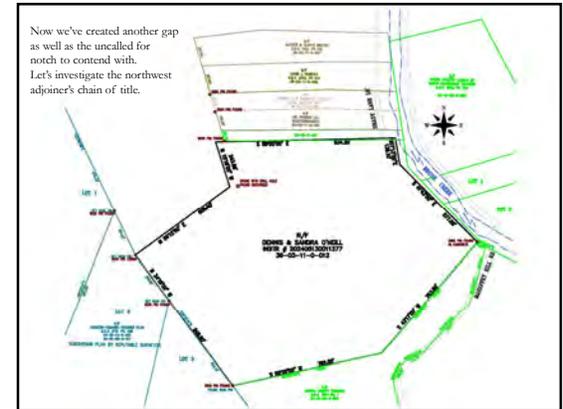
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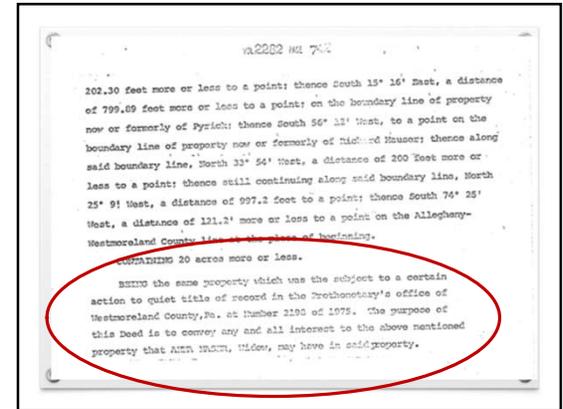
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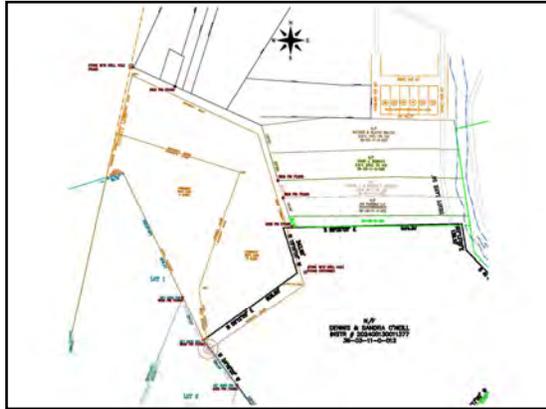
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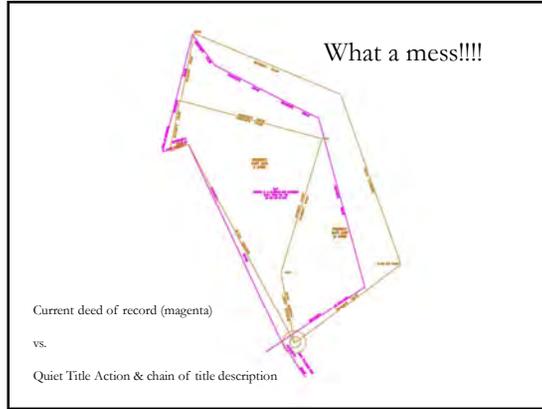
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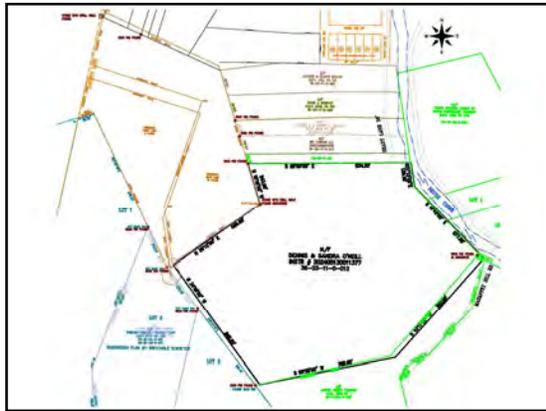
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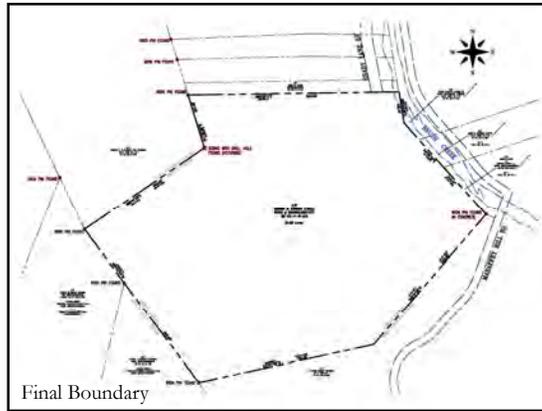
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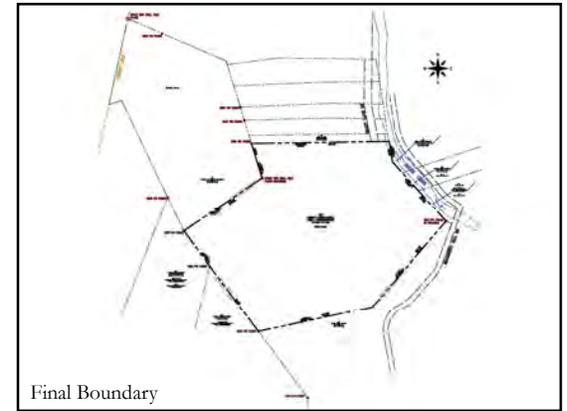
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