BOUNDARY LINE EXHIBIT
OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER
SECTION 19, TOWNSHIP 134, RANGE 3E
OTTERTAIL COUNTY, MINNESOTA
ATTORNEYS AND SURVEYORS: HOW TO MAXIMIZE BENEFITS FOR YOUR CUSTOMER (and Help Your Bottom Line)

I. Introduction of Bryan Balcome and Matthew Anderson

II. Understanding Each Other
   a. Surveyors’ roles, attorney’s roles: finding cooperation in an adversarial system
      i. The attorney’s role
         1. A “thorough understanding of the forms of descriptions which are clearly good, and thouse which, though poor, have come to have a definite and certain meaning before the courts”
         2. Know when to use a surveyor
         3. Clear communication with the surveyor to be certain your needs are met
         4. In appropriate cases, be present during field work
         5. Preparing surveyor for court
      ii. The surveyor’s role
         1. Locate points, measure angles and distance, determine direction, calculate bearings, area and volume
         2. In litigation, show and tell. The show: prepare a visual that helps tell a story, incorporating photographs, aerials, grades, location of improvements and observable conditions on the ground. The tell: know how to present your story
         3. Educate counsel (without putting your insurance coverage at risk)
         4. ALTA/ASCM Option A
   b. Recognizing why we need each others’ assistance
      i. Surveyor standpoint: a poor legal description or a boundary line problem does not just disappear.
         1. Identifying and understanding what the problems are as shown on the survey is only the beginning.
         2. If customer just keeps getting new surveys you never get any resolve.
         3. Consulting with an attorney early and understanding what counsel will need can result in few trips to the site, efficiency and cost-savings for customer.
         4. Be aware that rights in real estate have time limits to enforce and failure to meet deadlines can result in loss for customer.
         5. Attorney can solve identified problem with enforcable agreement or, if necessary, litigation.
      ii. Attorney standpoint: understanding how it really appears on the ground.
1. It can be hard to know what the problem is to fix if you can’t see the application of record documents and conditions on the ground onto a survey.

2. Failure to get a survey early may result in wasted resources. Use a survey to focus in on problems and solutions.

3. Sometimes you can save client money by showing with surveys that a perceived problem is not a problem in fact.


5. Common Tools for an attorney solving problems:
   a. Exchange of deeds or agreement
   b. Plat correction certificate
   c. Reformation actions (and actions to rescind)
   d. Quiet Title Actions/ Determine Adverse Claims
   e. Torrens Initial Registration Actions
   f. Boundary Line Disputes
      i. Adverse possession
      ii. Boundary line by practical location
      iii. Prescriptive Easement
      iv. Easement by estoppel
      v. Registration of boundary lines in Torrens action

c. Providing a Complete Package
   i. Communication between surveyor and attorney
   ii. Educating client and promoting each others’ work
   iii. Basic understanding of each others’ goals

III. Specific Projects of Attorney-Surveyor Cooperation
a. Contested Torrens Initial Registration Action in Sherburne County
   i. Documenting Adverse Possession
   ii. Registration of Boundary Lines
   iii. Discovering and correcting other matters of survey

b. Boundary Line Problems in Mille Lacs County
   i. Bad Legal Descriptions
   ii. When you can establish adverse possession of government property
   iii. The power of a persuasive survey

c. Contested Boundary in Otter Tail County
   i. Taking Control of the Case with a good survey
   ii. The claimed boundary that is “impossible” to survey
   iii. How to use a survey in conjunction with testimony to show that elements of a cause of action cannot be satisfied

IV. Being an Expert in a Contested Court Proceeding
a. What an Expert is, What an Expert does
   i. Battle of Surveys
ii. Whether a description can be surveyed or is otherwise defective
iii. Conditions on the ground
iv. Monuments, distance, direction, angles, curves, dimensions, acreage

b. Establishing Your Expertise: Education, Training, License and Experience
c. Establishing Your Likeability
d. Establishing Your Credibility
   i. Consider your physical appearance
   ii. Behavior and attitude
   iii. Confident, Straightforward and Honest Delivery
e. Establishing your opinion on direct examination
f. Cross Examination
   i. What happens in cross
   ii. Anticipate challenges to your opinion
      1. Past work, past articles
      2. Contradictory opinions you have given
      3. Hired gun?
      4. Don’t be conflicted by a contingent fee
      5. Methods used for the work performed
   iii. Did you and the attorney discuss your opinion? Preparing for trial.