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Narratives

No, not the kind that fills our news nowadays. The kind I believe surveyors should be preparing. In this issue, Carl Clinton, a former county surveyor in Oregon, makes an eloquent case for why we should be leaving a written record of our surveys.

Like Carl, I have long felt that narratives should be a requirement of almost any survey. As with survey recording laws, these devices serve to document our footsteps, thereby reducing the amount of, and explaining past work for future work on the same parcel. My first license was in Texas, and we routinely wrote what we called a Surveyors Report. This was used by both the clients and the attorneys interested in the boundary. Fortunately, the consumers of surveys in Texas had come to understand that each surveyor was likely to come up with slightly different answers, and that as long as these answers did not vary greatly from the previous deed, everything was good. If large differences occurred, the Surveyor Report explained them.

So, imagine my surprise when I stepped across the Red River into Oklahoma and entered Opposite World. One of the first surveys I did in Oklahoma City was reviewed by American Land Title (which had offices in both Texas and Oklahoma) and the lady rejected my survey because the bearings and distances did not exactly match the deed. I tried to explain that, to avoid setting multiple corners, I was simply reporting what I had found. The title company forced me to show the deed information on my plat, but allowed me to put what I had found in smaller, subservient text. When I explained to the title company minion that their own company across the river took a different view, I was met with a deer-in-the-headlight response.

In one instance, my experience in Oklahoma grew worse. The attorney for one of our clients must have missed class when they covered How Surveying Works. This fool looked me in the eye and insisted that if the GLO plat called for a mile to be 5,280 feet, then by golly, that's what it is. Assuming he just needed a little education, I patiently tried to explain how existing—and relied-upon—corners took precedence over the measurements on the plat. He refused to entertain this notion, so thinking the explanation skills of a newly-licensed surveyor were insufficient, I brought in not one but two of my older, much-wiser mentors. All to no avail. Long story short, we lost the client because he preferred to rely on the "advice of counsel." I'm sure the readers of the magazine could share similar horror stories.

Please don't misunderstand. Most of the title attorneys I worked with over the years were sharp, knowledgeable folks who had a grasp of what we do. And in fact—and also because ALTA surveys are so lucrative—the ones who valued what surveyors bring to the table were a joy to work with. But as Joel Leininger has said, law schools have stopped emphasizing the aspects of real property law that are so central to boundary surveying. Joel claims even some judges are deficient in the knowledge they are expected to possess. Now *that's* a scary prospect.

Other than Oregon, I'm not sure if other states have a narrative requirement. Survey plat recording laws exist in many states. But for those that don't, oftentimes when the subject of survey recording came up, it was met with opposition by surveyors who considered their work to be proprietary. That and the fact that they just don't want to share their work. It seems to me that if we are truly interested in leaving footsteps that can be followed, we shouldn't mind leaving a written record to that effect. ■