

Workshop and Seminar Topics presented by Donald A. Wilson

Adverse Possession & Other Unwritten Rights

A one-day workshop stressing the legal system and unwritten rights, including *adverse possession, acquiescence, estoppel, agreements* and *practical location*. Several case studies illustrate these topics.

Airphoto Interpretation

A two-day workshop covering principles of *photogrammetry* and *photo interpretation*. Topics include stereoscopic vision, measurements of distance, direction, area and height, tree identification, films, filters, available photography and the use of photography as evidence in court.

Boundary Control & Legal Principles

Legal principles of description interpretation, interpretation of evidence and the resolution of conflicts. Topics include riparian boundaries, research, documentary evidence, simultaneous and sequential conveyances, highways.

Boundary Law

A one-day presentation of the philosophy of the law, types and effect of laws, legal research and legal principles, both general and specific. Topics include *adverse possession, boundaries, deeds, easements, highways, navigable waters, public lands, waters and water courses*, as well as several other minor topics.

Court Decisions Every Surveyor Should Know About

A review of 40 significant cases from around the U.S. dealing with surveying, description interpretation, rules of construction, retracement and other important surveying-related issues.

Court House Research

Shortened version of *Land Records Research*. Deals specifically with the recording system of deeds, probate, court and related registries and documents. Concentrates on basic research and overcoming problems in the records and in doing title searches.

Dealing With Evidence

This seminar covers finding, locating, analyzing, presenting, and perpetuating evidence. Working with wood evidence, various types of physical evidence and fences is included. The use of aerial and terrestrial photography as documentation and perpetuating evidence is discussed. Forensic techniques in identifying and dating evidence, court room preparation and demonstration are also covered.

Early Colonial Laws and Practice Relating to Land Surveying and Boundaries (see Surveying in Colonial America)

The significance of early law relating to real property: discussion with examples and case studies with focus on important legal presumptions: *Documents are to be viewed in light of the surrounding circumstances and a document should be construed in light of the law in existence at the time it was executed.*

Early Colonial Laws and Practice Relating to Land Surveying and Boundaries

A one- to one & a half-day presentation reviewing two important areas: The first presentation examines the surveyors who went before establishing original lines, their education, equipment and techniques, which lends insight to the retracement of their work. The second part reviews the significance of early law relating to real property; discussion with examples and case studies with a focus on two important legal presumptions: *Documents are to be viewed in light of the surrounding circumstances and a document should be construed in light of the law in existence at the time it was executed.*

Easements, Rights-of-Way, and Other Encumbrances on Land

An in-depth study of the types of easements, creation and termination, along with other rights and interests in land.

Evidence & Procedures for Boundary Location

A two-day workshop covering types of evidence, the legal basis of evidence, identification and interpretation of various types of evidence including wood, metal and stone, preponderance of evidence and the best available evidence, preservation and presentation of evidence.

Finding & Locating Colonial Grants

One day on the origin of original grants and locating their boundaries. Emphasis is on court resolution of problems and disputes.

Following the Footsteps

One day covering the philosophy and basics of retracement. Understanding what the original surveyor did, the evidence left behind, and court resolution of problems and disputes. Selected relevant case studies.

Forensic Techniques in Land Records Investigation

A one-half day presentation on overcoming obstacles in searching land records and compiling chains of title. Also included are records outside of the traditional court house search with a discussion on mechanical and photographic techniques of document examination and analysis.

History of Eastern Lands

A one-day review and summary of the land grants, settlement patterns, discovery and exploration, including the surveying and mapping, of the eastern states. Presentation concludes with the establishment of the *U.S. Public Land Survey System* and the influence of Thomas Jefferson.

Interpretation and Writing of Land Descriptions

A one-day presentation covering the rules and techniques for proper interpretation of land descriptions. Includes types of descriptions, legal terminology in words and phrases, photographic analysis of documents, and historical aspects of land description. A study of the basic rules for description writing and adding notes to related documents such as plans is included along with numerous examples of proper wording and phraseology.

Land Records Research

Philosophy of research, sources of documents, types of documentary evidence, case studies, *document analysis*, and the use of documents in court as evidence and as exhibits. One or two days.

Locating Historical Rights-of-Way

A study and review of easements, their creation and termination, reversion rights, and ways as fee or easement. Evidence as to the existence, location, size and limitation of rights of way, with emphasis on historical and ancient ways.

Overcoming Problems in Land Records Research

This seminar covers what to do about gaps in chains of title, stumbling blocks and “dead ends”. Pertinent records outside the court house, unrecorded deeds and other sources of important information are discussed. Forensic techniques for dealing with altered, difficult to read, and faded documents are also covered.

Peripheral Concerns for the Land Surveyor

This presentation focuses on those hidden dangers and mysterious events that don't always make themselves obvious in the surveyor's normal research process. Discussion includes representative cases, examples, and laws governing such things as mill sites, church and school lots, cemeteries, ferry landings, public reserves including roads, and other important title and boundary concerns.

Professional Liability of the Land Surveyor

A one-day examination of the liability incurred by the land surveyor in everyday practice. Discussion and comparison of authority, responsibility, and liability. Topics include standard of care, the discovery rule, contracts, expressed and implied guarantees, torts, negligence, and damages.

Resolving Conflicts of Evidence

A one-day presentation analyzing the types of conflicts of evidence, and a discussion of rules for the resolution of those conflicts. Included are conflicts between documentary, physical and parol evidence, and the effect of occupation and possession independent of record title.

Retracement of Land Boundaries

A one-day presentation examining retracement procedures in searching for field evidence. In addition to technical approaches, discussion includes the legal rules governing their application, and stresses the importance of finding existing evidence.

Simultaneous vs. Sequential Conveyancing; Apportionment of Excess & Deficiency: When, Why & How

A one-half day presentation on retracement, apportionment and the role of senior-junior rights.

Surveying in Colonial America

Early surveyors, their equipment and techniques. Discussion of the value of knowing who went before, and how they may have done their work.

The Surveyor in Court

A discussion of the judicial system, rules of court and rules of evidence, and the role of the expert witness, both in court and in everyday practice. Emphasis is placed on the surveyor-attorney relationship.

Title, Research and Liability

An examination of the differences and similarities between title examination and deed research for survey purposes. Discussion of the liability resulting from either, or both. Emphasis is placed on the professional standards in effect.

Tree (and/or) Wood Identification

One *or* two days of discussion of the identification of trees, shrubs, and woods; the use of keys for identification; and the interpretation and use of *wooden evidence*. Real examples are presented and "hands-on" tree identification is included. One day for tree identification; one day for wood identification.

Water Boundaries

A one-day workshop covering the various categories of water boundaries, including navigable and non-navigable waters; natural and artificial waters; and court decisions dealing with *accretion*, *avulsion*, *reliction*, *submergence*, etc. Local state laws are reviewed.

Wooden Evidence

An examination of the various forms of wooden evidence and its evaluation, interpretation and identification. Minimal instruction on tree and wood identification except for prominent, local species.

Short Presentations

Donald A. Wilson

One- to four-hour "mini-seminars" suitable for half-day sessions, banquet talks or similar presentations.

Admissibility of Evidence: Exceptions to the Hearsay Rule

Discussion of the *Hearsay Rule* and its numerous exceptions as they apply to boundaries.

Boundary Establishment by Actions of the Parties

Separation of Adverse Possession from other unwritten doctrines and agreements. Discussion of *Acquiescence, Estoppel, Parol Agreements, and Practical Location*.

Case Studies in Boundary Research

Discussion of several cases where problems were solved through various techniques and the use of certain land records.

Dedication: Public Rights in Private Land

The identification and location of private and public rights based resulting from dedication by the owner(s). Including both written and unwritten creation, emphasis will be on recognition and proof of the existence and extent of dedicated rights.

Deed Descriptions I Have Known.....But Could Have Done Without

Based on the book of the same name, the presentation includes humorous, confusing and otherwise peculiar land descriptions.

Early New England Land Surveyors

Examination and discussion of the lives and professional careers of Ira Allen (Vermont), Park Holland (Maine) and Henry David Thoreau (Massachusetts). Depending upon length of presentation, additional surveyors may be included.

Easements and the Land Surveyor

A brief discussion of easements, their significance, and the responsibility of the surveyor to research, identify and locate them.

Ethics and the Land Surveyor

An examination of *ethics* and how the professional is affected with emphasis on the land surveying profession.

The Land Surveyor as an Expert Witness

Discussion of the surveyor on the stand as an expert witness in a boundary dispute: *conduct, rights, rules and procedures, exhibits, direct and cross-examination, hearsay.*

Forensic Techniques in Land Records Research

Methods for overcoming gaps in chains of title, genealogical considerations, investigative techniques and sources of information in addition to the traditional court house search. Recognizing and resolving forged and altered documents.

Interpretation of Land Descriptions

Rules of law for the interpretation of descriptions and resolving ambiguities.

Institutional, Military and Special Land Grants of New England

Discussion of the early land grants made for school purposes, military service, mill sites and similar reasons.

Land Records Existing Outside the Court House

While an abundance of land records is contained in the various departments of a local court house, many valuable and useful records are not part of the public record, or are stored in other repositories. This presentation examines many of records *other than* deeds and related items, probate records and court documents. It also focuses on where to find additional items.

Land Records Research

An overview of the methods for boundary research. Research techniques, constructing chains of title, locating land descriptions and surveys recording information and compiling data for survey purposes. Also included are ways of determining family relationships for overcoming gaps in chains of title, and accounting for heirs.

Legal Aspects of Research

The research phase of land surveying: requirements, results, direction from the court, and surveying standards. Discussion includes record evidence as well as documents either not part of the public record, or not found at the local court house. A brief look at the rules of hearsay and their exceptions.

Making Sense of Surveyors' Terms: Keys To Property Research

An examination of the terminology used by surveyors in descriptions, on survey maps and in field notes. Focus is on local and colloquial terminology in historical as well as contemporary documents.

Minimum Survey Standards and the Land Surveyor

An examination of the role of standards in everyday practice. Discussion includes types of standards, the importance of a minimum standard, and the effect of standards on the practice and liability of the professional.

Natural Phenomena Affecting Land Titles and Boundaries

A review of natural phenomena, many times a natural disaster, and their effects on land boundaries and titles: earthquakes, glaciers, fires, volcanoes, floods, land subsidence, and erosion by wind and water. Included are the few court decisions resolving some of the issues.

The Original Grants and Charters of Land in New Hampshire

An examination of the original grants of, and titles to, New Hampshire lands. The role of the sovereign, proprietors and settlers and their effect on the original titles and boundaries.

Preparation for Court

A discussion of court preparation by the surveyor. Included are the standard procedure for expert testimony, rules, and conduct on the stand. Included are *Interrogatories, Depositions, Reports, Exhibits, Direct and Cross-examination.*

Rules of Construction

A number of the basic rules of construction for resolving ambiguities in land descriptions. Discussion includes when it is appropriate to apply them and what their various exceptions include.

Sequential vs. Simultaneous Conveyancing

Apportionment of Excess and Deficiency: When, Why and How. Focus is on sequential conveyancing where senior and junior rights exist; simultaneous conveyancing, such as in subdivisions and with wills and partitions; and the so-called "remnant rule." There are examples of each and a discussion of relevant court decisions. There is also an examination of the fundamentals of lot conveyancing and approaches to the solution of apparent gaps and overlaps.

The Seven F's of Land Surveying plus One

A philosophical discussion of how land surveying is sometimes perceived and an attempt to place understanding in its appropriate category: *fantasy, folklore, fiction, folly, figment, foolishness and fairy tales.* What is frequently ignored is *fact.*

The Survey of Mason's Curved Line

Mason's Curve was the north and west boundary of New Hampshire's largest land grant made to John Mason (1629). The location and survey of this curve was a major undertaking beginning in 1751.

Surveying Problems of the '90's

Recognizing and resolving conflicts and problems created in the past, interpretation of ancient documents, following the footsteps of earlier surveyors, historical terminology and practice, and important property issues.

Surveyors' Responsibility in Addition to the Measurement of Land

Besides making measurements on a parcel of land, the land surveyor is routinely involved in numerous other necessary tasks. This discussion includes land records research, talking with former owners and other knowledgeable persons, reconciling previous and related surveys, resolving conflicts, computations, drafting, report writing, and other responsibilities generally not observed by the client or landowner.

The Surveyor's Role in the Legal System

While a surveyor does not practice law, routine practice demands the use and interpretation of legal documents, the creation of legal documents or surveys which will become included in, or form the basis of, legal documents. In addition, the surveyor must be knowledgeable about the legal system in order to properly function as an expert witness when needed.

Terrestrial Photography as Boundary Evidence

A discussion of the importance of *terrestrial photographs* as opposed to *aerial photographs*. The use of existing photographs, post cards, and related materials to document conditions at a point in time. In addition, the use of a camera and photographic techniques by the surveyor in the preservation of evidence is included.

Unprofessionalism, or how to be a dumb surveyor

A discussion of some unprofessional acts, with examples of surveyors being less than rational. Included are some examples and principles from the book, *How to Become an Unsuccessful Lawyer*.

Where We Went Wrong: a different look at surveyor liability

An examination of several cases wherein the surveyor made an incorrect decision, or was found negligent.

Wooden Evidence

A discussion of the *identification, interpretation, and use* of wooden evidence. Included are trees, wood posts, stakes, fences, and like items of property corner and boundary evidence.