

BOUNDARY LINES: Why They Should Be Well Established and Maintained

By *Joe Mullins*, Consultant

Our state was born as the result of the division of the Mississippi Territory. The governing body that was in charge of seeing that the new state of Alabama would be divided into manageable and marketable size parcels was the United States General Land Office (GLO). In 1819 an office was established in Alabama by the GLO to facilitate the dividing of the state into a series of 36 mile squares called townships. Within those townships were 36 one-mile square (or nearly square) sections containing approximately 640 acres.

Today, we are trying to maintain boundary lines that may or may not have been marked as the GLO said they were to be 175 years ago. It has been estimated that less than five percent of all the original GLO corners have ever been found and proven. Because of the ingredients in the recipe for the GLO and its handling of the public land survey of Alabama, we have been left with very little to hang on to in relation to true section corners, section lines, and quarter quarter lines.

Originally, each section was intended to have 16 nearly equal sized parts called quarter quarter sections, or what we commonly know as a forty (i.e. 40 acres). The GLO was responsible for hiring contractors to establish the outer boundaries of the sections and the townships. They left it up to the settlers to determine the interior boundaries when tracts smaller than 640 acres or a section were sold. Some of the circumstances involved in the original survey of the public lands included: 1) the US governmental agency, "GLO", in charge of overseeing programs resulted in poor supervision; 2) Corruption within US governmental agency at the state level; 3) Incompetent or corrupt contractors

were often understaffed and unsupervised; 4) Poor working conditions such as warring Indians, disease, harsh weather, and low pay (\$2.00 per mile); and 5) Fallible men trying to accomplish an almost impossible task, when items one through four are considered.

Most likely the legal description in the deed that describes your land begins much like this: "Commence at the NE corner of Section 12, run thence due West along the said section line for 3100 feet to the East margin of County Road 14." Usually the section corner in question is not a GLO section corner, and more often the section line does not have a true bearing of due West. The truth of the matter is that 95 percent of all deeds call reference to the GLO corners (i.e. NE corner of Section 12), which are actually "monumented" and represented in the field by a rock pile, pine knot, concrete, iron, axle, etc. None of these items were used by the GLO to monument corners. So, sometime over the past 175 years, someone besides the GLO contractor set or placed the corner of the section referenced in your legal description. Without the original charred 6x6 pine stake set by the GLO contractor or the original "witness" trees, we are left to assume that the Section corner referenced in said legal description is something else. Boundary case law defines this "something else" as "monumentation by acquiescence and recognition." As you look at your legal description, which is the essence of what you say and think you own, you may find evidence of a line consisting of old barbed wire in trees, mature trees in a straight line marked with blazes, rock piles and pine knots at each half mile corner, or something close to that. All of these elements are, void of GLO corners, boundary by recognition and acquiescence. Deed ref-

erencing to the "NE corner of Section 12" usually means "the locally accepted" NE corner of Section 12.

To maintain the integrity of your boundary lines, use high quality products such as boundary line paint and paint your boundary line every five to seven years. A good boundary paint will last longer than five to seven years, but one would need to walk the boundary line at least every five to seven years to inventory what the outer boundary looks like and determine if there are any problems from trespassers, poachers, timber cutting, etc.

Take care in marking trees to be painted, as they should not be more than 3 feet from the line. A good way to mark a boundary line is to use a brush hook to place two hacks on the neighbor's side of the line and three hacks on your side of the line. Space the hacks 10 to 14 inches apart on trees larger than 6 inches DBH. Painted trees should not be further apart than 1 Chain (66 feet). At each corner or break point, find three suitable trees that are within 25 to 30 feet of the corner and that create somewhat of a triangle around the corner and scrape the outer bark and moss off. Be careful not to penetrate through into the cambian layer; this will cause the tree to bleed and may invite disease. Scrape all the way around the tree and create a band 6 to 8 inches wide. Paint the entire band 360 degrees around this tree.

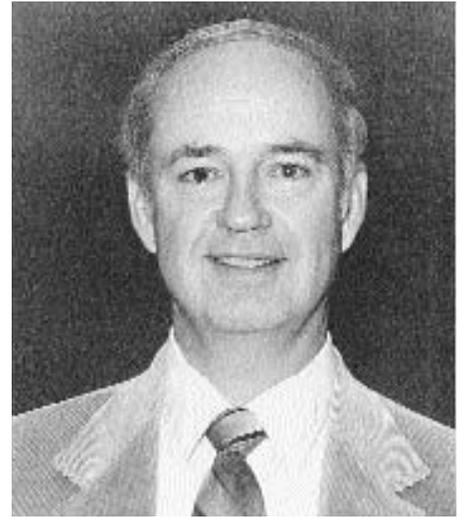
While in the process of managing your land and maintaining your boundaries, always show class by not harvesting the boundary line trees. Occasionally a tree will reach full maturity or become inferior and need to be taken. If this is the case, discuss it with your neighbor before doing so. Good boundary line establishment and a maintenance program will prove valuable if there is ever

(Continued on page 27)

Tribute to a True TREASURE

In Loving Memory of Jerry Johnson

By *Joel Glover*,
Wildlife Biologist, Alabama Department
of Conservation & Natural Resources



The TREASURE Forest Program and Alabama's natural resource professionals lost a true treasure when Jerry Johnson passed away on December 31, 2003.

As state forester for the Natural Resource Conservation Service, Jerry was a member of the original group that developed the criteria and guidelines for the TREASURE Forest Program. Serving on the TREASURE Forest subcommittee since its inception, Jerry personally reviewed every single TREASURE Forest nomination. Jerry stated that he felt blessed to have been given the opportunity to work with so many landowners who were practicing good stewardship of their forest and wildlife resources. In turn, the landowners of

Alabama were blessed to have Jerry caring for our natural resources.

Jerry was not one to seek recognition for his accomplishments, however he received many honors and awards during his career. He was the first person to receive the Outstanding Young Forester Award in Alabama; he received the Bill Moody TREASURE Forest Award, the Alabama Wildlife Federation Governor's Soil Conservationist of the Year Award, and was elected to the Alabama Foresters Hall of Fame.

Although Jerry was charged with many duties, TREASURE Forest always held a special place in his heart. He once commented that being closely associated with TREASURE Forest was a highlight of his career. Maintaining the integrity of

the TREASURE Forest Program was his passion.

Those who knew Jerry knew that he was passionate about his Lord, his family, and his profession. He served them all very well. Jerry's funeral was a celebration of his life and his Lord, Jesus Christ. Although he will be sorely missed, we should not be sad. We should know, as Jerry knew, that goodness and mercy followed him all the days of his life and he will dwell in the house of the Lord forever.

Until we meet again my friend . . . ☩

A native of Centreville, Alabama, Mr. Johnson received his B.S. degree in Forest Management from Auburn University. He began his career with the Soil Conservation Service in 1970.

Boundary Lines

(Continued from page 22)

a dispute over property lines. After having a survey of your land, record the survey plat in your local probate or chancery clerk's office. In most cases you can have the survey recorded and placed in the probate office for less than \$45.00, which is relatively inexpensive. Surveying costs are tax deductible. Our right to own land is sacred. Maintain the corners and lines around your property.

When purchasing any land, have it surveyed and platted by a reputable land surveyor before closing. Also, any land you own that has not been surveyed within the past twenty years should be surveyed. When choosing a surveyor, there are some basic questions that you should ask in order to evaluate their qualifications. 1) How many years have

they been licensed? 2) How many years have they been the surveyor of record for their firm? 3) Have they ever testified as an expert witness in court? 4) At any time, have they ever been sued in a boundary line case and what was the outcome? 5) Do they have Errors & Omissions insurance and are their workers covered by workman compensation insurance? 6) Will they give you a written estimate? 7) Will they draft a written contract for the work to be done? 8) Ask for a list of ten clients. 9) Has the Board of Licensure ever sited their firm, or any individual in their firm in the last five years? 10) Do they have a current certificate of authorization from the Board of Licensure? Have them give you that certificate number.

If after requesting this information from a surveyor or surveying firm, you are not comfortable in making a choice, contact the Alabama State Board of Licensure for Professional Engineers and Land Surveyors at 334.242.5568 or visit their website at www.bels.state.al.us. ☩

Joe Mullins has been licensed in the State of Alabama since 1978 (certification # 12,709) and is also licensed in the State of Mississippi. He is a member of the Alabama Society of Professional Land Surveyors. He also helped organize the West Alabama Society of Professional Surveyors and served two terms as president. Mr. Mullins worked for a private forestry industry for over 15 years before opening his own consulting business. Mullins and Associates, Inc. is located at 1701 Queen City Avenue, Tuscaloosa, Alabama 35401 (Telephone: 205.752.3702; Fax: 205.758.8168).