
PENNSYLVANIA PROPERTY LAW

**A STUDY GUIDE
FOR**

Boundary Retracement Principles & Procedures for Pennsylvania

by

Knud Everett Hermansen

Ladner Pennsylvania Real Estate Law

edited by

Ronald M. Friedman



Sponsored by the Design Community Training Program

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This course was developed in partnership with the Pennsylvania Department of Transportation, Bureau of Design, Design Services Division, Photogrammetry and Surveys Section; Business Leadership Office, Technical Training and Development Section; and Gannett Fleming, Inc.

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Reading Program

Boundary Retracement Principles & Procedures for Pennsylvania

by Knud Everett Hermansen

The topics listed in the Table below will provide an understanding of Pennsylvania Property Law. These topics are located in the Boundary Retracement Principles & Procedures for Pennsylvania Manual (provided with this study guide) through the Table of Contents and/or the index. Reviewing all of these referenced sections will help you to study and learn about Pennsylvania Property Law as well as familiarize you with the book. It is also suggested to bookmark or place tabs at these sections in the book for later reference and study.

Topic	Suggested Study Time
Senior Rights	20 minutes
Proration of Boundaries	15 minutes
Extent of ownership along roads:	
Public roads	20 minutes
Private roads	20 minutes
Riparian Rights:	
Navigable	20 minutes
Non-navigable	20 minutes
Easements:	
Private	30 minutes
Public	30 minutes
Order of Precedence	20 minutes
Total	3 hours, 15 minutes

Ladner Pennsylvania Real Estate Law

edited by Ronald M. Friedman

The following topics from the Ladner Pennsylvania Real Estate Law will provide additional understanding Pennsylvania Property Law. These topics can be located in Ladner Pennsylvania Real Estate Law through the Table of Contents and/or the index. Reviewing all of these referenced sections will help you to study and learn about Pennsylvania Property Law as well as familiarize you with the book. It is also suggested to bookmark or place tabs at these sections in the book for later reference and study.

Topic	Suggested Study Time
Rights acquired by prescription Volume 1, p. 5-11, §5.02(c)	15 minutes
Adverse possession Volume 1, Chapter 11	30 minutes
Riparian Rights Volume 1, Chapter 6	30 minutes
Easements Volume 1, Chapter 5	1 hour
Simultaneous Conveyances	30 minutes
Total	2 hours, 45 minutes

Sample Study Questions

The following study questions are intended to further your understanding of Pennsylvania Property Law by using the reference materials and guidance in the Boundary Retracement Principles & Procedures for Pennsylvania and Ladner Pennsylvania Real Estate Law.

Try to answer the questions first by looking through the reference materials, and use the answer references on page 12 if you are having difficulty answering the sample questions.

* In order to receive a course certificate, submit a completed answer sheet:

by Email as an attachment:

RA-pdDesignCommtrain@state.pa.us

Write: "PA Property Law Answer Sheet" in the subject line of the email

Or to a Physical Address:

PA Department of Transportation

Office of the Deputy Secretary for Highway Administration

Business Leadership and Administrative Services Office

Technical Training and Development Section

400 North Street, 7th Floor

Harrisburg, PA 17120

Attn: *{Insert Contact Name listed on the PA Property Law Training Calendar page online}*

Select the one **BEST** answer from the four choices in each question.

Question #1

Under the normal procedure for transferring public land to private ownership, how many documents were required?

- a. one
- b. two
- c. three
- d. four

Question #2

Under the normal procedure for transferring public land to private ownership, which of the following dates is used to determine senior rights between adjoining warrants?

- a. date of survey
- b. date of return
- c. date of warrant
- d. date of patent

Question #3

The deed for the property you are surveying contains the following calls: ".....to an iron pin; thence N 28° 45' E 236 feet to a 14" White Oak; thence S 45° E 195.5 feet to an iron pipe; thence.....". You have found the iron pin and the iron pipe and you have accepted them as valid monuments. The 14" White Oak was not found. The computed inverse from the iron pin to the iron pipe using the deed data differs by 4.96 feet from your field locations of the pin and the pipe. How should you determine the position of the corner formerly marked by the 14" White Oak?

- a. Use the deed distances and your field locations of the pin and pipe to perform a distance-distance intersect to determine the missing corner location.
- b. Hold your location of the iron pin and use the deed bearing and distance from the iron pin to the 14" White Oak to determine the missing corner location.
- c. Use the deed bearings and your field locations of the pin and pipe to perform a bearing-bearing intersect to determine the missing corner location.
- d. Move the iron pin and the iron pipe to match the deed inverse so that all the deed data can be used to determine the missing corner location.

Select the one **BEST** answer from the four choices in each question.

Question #4

If the edge of a 33-foot wide township road is called for in a boundary description, the limit of ownership of the property is located at:

- a. The edge of the paved roadway.
- b. The edge of the right-of-way.
- c. The center of the paved roadway.
- d. The edge of the roadway shoulder.

Question #5

A farmer has sold a parcel of ground to his son. The parcel is located in the middle of the farm and adjoins a private road that is owned by the farmer. One of the calls in the deed to the son is as follows: "...thence along the edge of a private road...". Which of the following statements is true and applies to this conveyance?

- a. Because it is a conveyance from Father to Son, the grantee has the right to use the entire farm.
- b. There is an implied easement for the grantee to use the private road.
- c. The grantee has implied title to the center of the private road.
- d. The farmer can no longer use the portion of the private road that adjoins his son's lot.

Question #6

Without proof to the contrary, which of the following dates is used in Pennsylvania to determine senior rights?

- a. Date of deed
- b. Date of record
- c. Date of survey
- d. Date mortgage is approved

Question #7

You are performing a retracement survey of lot 12 in Block "B" of Wisenheimers Subdivision. Lot 12 fronts on Lois Lane. The recorded subdivision plan shows Block "B" being 400 feet along Lois Lane and having 8 lots of equal width. You have found the original block corners of Block "B" to be 396.00 feet along Lois Lane. Which of the following is the correct procedure to use to determine the location of the two front corners of lot 12 along Lois Lane.

- a. Layout 50-foot lots starting at the nearest block corner until you reach the two front lot corners of lot 12.
- b. Layout 49.50-foot lots starting at either block corner until you reach the two front lot corners of lot 12.
- c. Layout the front corners of lot 12 using the appropriate subdivision plan distances from each block corner.
- d. Use senior rights to determine which lot has a frontage of 46.00 feet along Lois Lane.

Select the one **BEST** answer from the four choices in each question.

Question #8

You are preparing a plan of survey showing a parcel of land that has a non-navigable stream as one of its boundaries. Where will you show the limits of title along the stream?

- a. The bank of the stream
- b. The edge of the water
- c. The low water mark
- d. The center of the stream

Question #9

A subdivision plan has been approved and recorded. Three lots have been sold. Before the municipality will accept any of the new roads shown on the subdivision plan as public roads, the municipality is requiring the relocation of one road. The road to be relocated is in an area away from the three sold lots and does not connect to any public street. What approvals, from the following list, must be obtained in order to relocate the road?

1. PennDOT must approve the change
 2. The 3 lot owners must approve the change
 3. The municipality must approve the change
 4. DEP must approve the change
-
- a. 1, 3
 - b. 2, 3
 - c. 3, 4
 - d. 2, 4

Question #10

A landowner may erect a fence within the limits of his/her boundary. Assume a surveyor encounters a three-strand barbed wire fence. The nature of the barbed wire indicates the fence to be over 21 years old. Which of the following statements might apply to this fence?

1. Fences are generally considered artificial monument.
 2. Fences should never be arbitrarily used as monuments.
 3. The landowner, who erects a fence within his/her boundary, voluntarily surrenders title beyond the fence.
 4. The landowner, who erects a fence within his/her boundary, only surrenders title beyond the fence if all acts of ownership are restricted to one side of the fence.
 5. One exception to the voluntary surrender of title would be transfer by adverse possession.
 6. It would not be possible to grant a transfer of title based on estoppel.
-
- a. 1,2,5
 - b. 1,4,5
 - c. 3,5,6
 - d. 4,5,6

Select the one **BEST** answer from the four choices in each question.

Question #11

When retracing early surveys (pre 1900's) in Pennsylvania, what is the one most important assumption from the following?

- a. Early surveyors used 66-foot chains.
- b. Early surveyors measured slope distances.
- c. Early surveyors measured in rods or perches.
- d. Early surveyors hired laymen as ax men.

Question #12

While performing retracement surveys, there is among the monuments that may be utilized, a priority that should be followed. Which of the following is the least or last type of monument that the surveyor should rely upon when trying to reestablish a record boundary?

- a. Monuments of adjoining tracts.
- b. Monuments set on the same survey.
- c. Monuments showing possession.
- d. Monuments on the parcel being surveyed.

Question #13

Just as title in fee to land may be acquired by adverse possession over a twenty-one year period, an adverse user can acquire an easement over a twenty-one year period. An easement so acquired is called:

- a. An easement in general.
- b. An adverse easement.
- c. An easement by prescription.
- d. An easement in gross.

Question #14

Your client has purchased a tract of land that is landlocked. All adjoining landowners have refused to grant your client an easement from the public road across their land to your client's land. What advice should you give to your client?

- a. Petition the court for a private easement.
- b. Sell the land since he can't get to it.
- c. Buy one of the adjoining tracts in order to gain access to the public road.
- d. You should never buy landlocked property.

Select the one **BEST** answer from the four choices in each question.

Question #15

When an approved subdivision is recorded in the public records, there is an implied dedication of all the new streets shown on the subdivision plan. If the municipality does not open a street and therefore the public does not use the street, how many years must pass before the right of the public is lost?

- a. 7 years
- b. 12 years
- c. 15 years
- d. 21 years

Question #16

During the research and performance of a typical land survey, the surveyor often encounters parol evidence. Which of the following best describes parol evidence?

- a. Evidence given by a former convict.
- b. Evidence given by an officer of the court.
- c. Evidence given by word of mouth.
- d. Evidence given only to the surveyor.

Question #17

You are doing a retracement survey on a riparian tract of land. There is a call in the deed as follows: "thence down the stream by its various courses and distances." You have obtained evidence to show that the stream is not in the same location as it was when the tract was first created 20 years ago, and that the movement of the stream has gone virtually unnoticed. Where is the current location of the property line as it relates to the stream?

- a. The stream location at the time the tract was created.
- b. The stream location at the time of your retracement survey.
- c. The mean of the current and original stream locations.
- d. A straight line between the ends of the two side tract lines.

Select the one **BEST** answer from the four choices in each question.

Question #18

While working on a retracement survey of a vacant, unenclosed woodland tract of land, you encounter an old "woods road." The woods road appears to have been used recently and extends from the public road, through the woodland tract you are surveying to an adjoining tract of land. After doing some additional record research, you do not find any evidence of an easement that would fit the old "woods road." What should you include in your survey report concerning the old "woods road?"

- a. The road should be closed so that no one can obtain an easement by prescription along the woods road.
- b. The owner of the adjoining tract of land has an easement in gross along the old woods road.
- c. An easement by prescription cannot be obtained through unenclosed woodlands.
- d. An easement by prescription is common to most old woods roads that are still in use.

Question #19

At times, the surveyor will complete a survey and still show some uncertainty as to the location of one or more of the property lines of the parcel surveyed. This may be an occasion when a boundary line agreement could be used. After the parties have agreed to a common boundary, and a new survey is recorded showing the new boundary, which type of deed should be used to legally document the agreement in the public records?

- a. Quitclaim deed
- b. General warranty
- c. Special warranty
- d. Fiduciary warranty

Question #20

In order to walk in the "footsteps of the original surveyor," it is beneficial to have some knowledge of how the original survey was performed. Because the ancient surveyors are no longer with us, certain assumptions about how they performed their surveys must be held barring evidence to the contrary. In reference to surveys performed before 1850, which of the following is NOT a valid assumption?

- a. Rods, poles, or perches were the linear units of measurements.
- b. The chain used was frequently longer than the nominal length.
- c. All directions were oriented on the magnetic meridian.
- d. Directions were the result of a combination of angles and compass readings.

Select the one **BEST** answer from the four choices in each question.

Question #21

In order to obtain title by adverse possession in Pennsylvania, there are certain requisites that must be present during the statutory period. Which of the following is NOT a prerequisite for adverse possession?

- a. Actual possession
- b. Permissive possession
- c. Visible possession
- d. Hostile possession

Question #22

Two adjoining landowners are on good terms with each other. Landowner Smith wants to build a garage but is uncertain as to the location of the boundary line between his land and his neighbor's land. While Smith was discussing the situation with his neighbor, the neighbor, Jones, said that he knew where the boundary line was and that a land survey was unnecessary. Jones then shows Smith where the boundary line between them is located. Smith builds his garage, observing the proper setback, after which Jones decides to have his lot surveyed. The completed survey shows that Smith's garage encroaches onto Jones's lot. In this situation Jones may be barred from taking legal action against Smith for the garage encroachment. Which of the following legal principles applies to this situation?

- a. Estoppel
- b. Adverse possession
- c. Prescription
- d. Parol

Question #23

During the course of a retracement survey of a lot shown on a recorded subdivision plan, you have found it necessary to determine senior rights. Which of the following statements, relating to senior rights in Pennsylvania, is true?

- a. Pennsylvania does not recognize simultaneous conveyances.
- b. Senior rights do not apply to lots in a recorded subdivision plan.
- c. Senior rights should not be used when there is a deficiency in distance.
- d. Simultaneous conveyances only apply to lots in a subdivision.

Select the one **BEST** answer from the four choices in each question.

Question #24

On each retracement survey there is the possibility of having three different types of title, each of which may have a different boundary. Which of the following is the boundary that is usually described in the deed?

- a. Ownership boundary
- b. Possession boundary
- c. Record boundary
- d. Physical boundary

NOTE:

Read Chapter 11, Summary and Recommendations, from Boundary Retracement Principles & Procedures for Pennsylvania to see a list of items showing boundary retracement procedures practiced in Pennsylvania that are similar to those practiced in other states and a list showing precedents established in Pennsylvania.

References to Sample Questions

NOTE: All references refer to *Hermansen’s Boundary Retracement Principles and Procedures* unless otherwise stated.

STUDY TIP: Read the entire section at each answer reference in order to gain a more detailed knowledge of the subject.

1.	3.1.2 Records of the Land Office - Page 3-6
2.	10.1.3.2.2 Acceptance of the Return (L.O. Surveys) - Page 10-13
3.	9.1.2 Directions and Distances - Page 9-9
4.	4.8.3 Roads - Page 4-48
5.	4.8.3.2 Private Road - Page 4-50
6.	10.1.3.2.1 Order of Recording - Page 10-13
7.	10.3.3.2 Deficiency in Distance - Page 10-62
8.	4.8.1.1 Non-Navigable Waters - Page 4-39
9.	4.8.3.5 Roads on a Subdivision Plan - Page 4-52
10.	7.6.2.4 Fences and Rows - Page 7-28
11.	8.2.2.3 Slope Distances - Page 8-9 8.2.3.1 Slope - Page 8-13
12.	10.1.1.6.3 Adjoiners and Measurements - Page 10-5
13.	Ladner, Chapter 5, §5.02 (c), Page 5-11, 5 th edition
14.	4.6.1 Creation (of roads) - Pages 4-30 & 4-31
15.	Ladner, Chapter 5, § 5.02(b), Page 5-10, 5 th edition
16.	Black’s Law Dictionary (5 th edition)
17.	4.8.1.5 Alluvion and Accretions - Page 4-44

18.	4.6.1 Creation (of roads) - Page 4-32
19.	4.4.1.1.3 Covenant of Title - Page 4-9
20.	8.2.2.2 Rods, Perch, or Poles - Page 8-8 8.2.2.4 Long Chains - Page 8-9 8.2.2.5 Basis of Directions - Page 8-9
21.	Ladner, Chapter 11, § 11.03, Page 11-2, 5 th edition
22.	4.4.2.2 Estoppel - Page 4-17
23.	10.3.3.2 Deficiency in Distance - Page 10-62
24.	4.3 The Record - Page 4-3

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Syllabus and References

The following is a partial syllabus and references that can be useful in the study of the legal aspects of surveying in Pennsylvania and Pennsylvania Property Law. These titles may be available for reference in your local law library, public library, university library or county courthouse. These references would also serve as important material for the Pennsylvania State-Specific Portion of the State Surveyors Examination.

Property Surveys in Pennsylvania

Hermansen, Knud E., Boundary Retracement Principles and Procedures, 5th Edition,
{District personnel: see the District Chief of Survey to review a copy the manual.
Central Office personnel: see contact listed on the PA Property Law page on the online Training Calendar.}

Ronald M. Friedman, Ladner Pennsylvania Real Estate Law,
George T. Bisel Company
710 S. Washington Square
Philadelphia, PA 19106-3591
<http://www.bisel.com/Descriptions/Bk43.htm>
(800) 247-3526
{District personnel: see the District Chief of Survey to review a copy the manual.
Central Office personnel: see contact listed on the PA Property Law page on the online Training Calendar.}

Clay, Hermansen and Zeigler, Pennsylvania Boundary Law and Adjoining Landowner Disputes
Professional Education Systems, Inc.
P.O. Box 1208, 200 Spring Street
Eau Claire, Wisconsin, 54702

Hoffmeyer, William F., The Abstractors Bible,
30 N. George Street
York, PA 17401

Law Library Encyclopedia References: West's Pennsylvania Digest, 2nd Edition
Pennsylvania Law Encyclopedia
<http://west.thomson.com/home.aspx>

Purdon's Consolidated Statutes, Title 68
West Group
620 Opperman Drive
St. Paul, MN 55164-9752
<http://west.thomson.com/home.aspx>
(800) 336-6365

Standards

Manual of Practice for Professional Land Surveyors in The Commonwealth of Pennsylvania. Available from the Pennsylvania Society of Land Surveyors, <http://www.psls.org>.

Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, Available from ACSM, 5410 Grosvenor Lane, Bethesda, MD 20814-2122, <http://www.alta.org/publications/99alta.pdf>.

A complete syllabus can be obtained at www.psls.org

Relevant Pennsylvania Laws

1. Act 367 of 1945, as amended – Professional Engineers and Professional Land Surveyors Registration Law.
2. Act 247 of 1968, as amended – Pennsylvania Municipalities Planning Code.
3. Act 82 of 1980, as amended – Uniform Condominium Act.
4. Act 287 of 1974, as amended – Underground Utility Line Protection Law.
5. Act 166 of 1978, as amended – Flood Plain Management Act.
6. Act 167 of 1978, as amended – Storm Water Management Act.
7. Act 325 of 1978, as amended – Dam Safety and Encroachments Act.
8. Act 537 of 1965, as amended – Pennsylvania Sewage Facilities Act.
9. Act 79 of 1988 – Land Surveying – providing a statute of limitations and statute of repose regarding the institution of lawsuits against professional land surveyors.
10. Act 25 of 2010 – Engineer, Land Surveyor and Geologist Registration Law (Continuing Education Provisions).

Information on Pennsylvania state statutes is listed under Law Information at:

<http://www.legis.state.pa.us/index.cfm>

Links are available to both:

- Consolidated Statutes of Pennsylvania
- Unofficial Purdon's Pennsylvania Statutes from West

Information on recent Pennsylvania court cases is available at:

<http://www.courts.state.pa.us/>

List of Organizations

National Council of Examiners for Engineering and Surveying (NCEES)

Website: www.ncees.org

Pennsylvania Society of Land Surveyors (PSLS)

Website: www.psls.org

Pennsylvania State Board for Professional Engineers, Land Surveyors and Geologists

Website: www.dos.state.pa.us

American Congress on Surveying and Mapping (ACSM)

Website: www.acsm.net

National Society of Professional Surveyors (NSPS)

Website: www.nspsmo.org

Appendix A: How To Prepare for PLS Examination

Introduction

Preparation for the registration examination starts early, perhaps 6 months prior to the exam date. You may be able to review by yourself, or you may choose to enroll in a review course. In either case, you should consider the list of suggested references. Your review should be structured with regularly scheduled study hours and the preparation of a well-indexed set of notes. These notes must include the solution of numerous typical problems.

6 months prior to the Exam

Important Contacts

Pennsylvania State Board for Professional Engineers, Land Surveyors and Geologists

For information regarding eligibility to sit for the examination, refer to the Pennsylvania State Board for Professional Engineers, Land Surveyors and Geologists. The website contains eligibility requirements and examination fees, exam dates, and exam deadlines.

Pennsylvania Society of Land Surveyors (PSLS)

For additional review opportunities, contact the PSLS for exam reference material as well as information on the Surveyor's Conference held annually in Hershey, PA. This is a series of workshops providing an overview of possible subjects that may be covered on the state registration exam, sample problems, and advice on how to prepare for and take the examination.

5 ½ months prior to the Exam

Make your decision regarding enrollment in a review course. It will recommend particular texts, organize problem reviews, and guide the preparation of a good notebook. Since part of the exam is "open-book", organization of reference material is essential for time conservation. Start to assemble the desired textbooks and other reference sources.

5 months prior to the Exam

Review program starts. Keep a regular schedule for study. Study *in advance* for each review session. Ask pointed questions to the instructor. Make each review session count. Get specific answers to your questions. Be sure you understand the problem solutions presented. Realize that the instructor will not know the exact questions on the exam, or even the specific emphasis – any more than the examinee.

2 weeks prior to the Exam

The PLS Exam Sites will be provided in your registration materials.

Investigate the town or city where the exam is to be given. If you have to travel far, plan to arrive the day before the examination. Make a hotel reservation. Plan to arrive on location the afternoon before E-day so that you can familiarize yourself with the exam site.

Gather together your reference library you will take to the exam and think about how to carry the materials. Be selective in your choice – remember space may be limited.

Day before the Exam

Put new batteries in your calculator. You may also want to take a spare set of batteries for back up. Assemble your other tools such as pencils, erasers, etc. in a convenient container to fit in with your reference library. Put your exam admission credentials in your notebook.

Day of the Examination

The proctor will distribute the examination and instructions. *Read all the instructions.*

When you begin the exam, read *all* the questions! Note whether they all carry the same weight (or points). Select the order in which you intend to answer them. First, do the ones you know best. Next, do the ones with the greatest points. You might find it helpful to identify each question with a particular reference material. Then you can pull the corresponding reference resource and answer the questions.

Keep track of time. Pace yourself.

Organize your solution. Check all your mathematical calculations. Be careful with units. Beware of significant figures.

When you finish, make sure that your ID number and name are on the answer sheet.

Test-taking Tips

(Things to remember before and during the exam)

1. There are no "trick" questions.
2. All the information needed to answer the question will be supplied in the stem of the question. REMEMBER some questions may contain additional information that is not needed to answer the question.
3. Unanswered questions are marked wrong, so be sure you answer all the questions even if you have to guess.
4. With each question, try to identify and cross off any of the answers that you know are incorrect. This process of elimination will increase your chances for choosing the correct answer, even if you have to guess.
5. The Pennsylvania portion of the examination is a two-hour, 25 questions, open-book examination.
6. All reference material taken into the exam room must be bound material. 3-ring notebooks are considered bound material.
7. Take an ample supply of #2 lead pencils or mechanical pencils with HB lead. Also, remember to take a good clean eraser. If you decide to change an answer, erase the first answer completely. If the machine scans two answers for one question, the question will be marked wrong.
8. You are allowed to use battery-operated, hand-held, silent, programmable calculators during the test that do not have word-processing capabilities. Laptop computers are prohibited.

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