

2007 Kachina Chapter Executive Board

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Region 1 Vice Chair:


Chris Banks, SR/WA
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WANTED


CANDIDATES to run for Chapter Offices for 2008. We also need a 3 year PDC candidate. Please contact Chris Banks, SR/WA at 602.236.8175 or chris.banks@srpnet.com for additional information.


Nominations will be taken from the floor at the August Luncheon.

August Board Meeting & Seminar Meeting

 Wednesday, Aug 1, 2007

 4:45pm

 3rd Floor Conference Room

 Az State Land

Confirm your attendance with Caroline at carolinet@acqsl.com

AUGUST LUNCHEON

WHEN: Tuesday, August 7, 2007 **TIME:** 11:30am - 1:00pm
WHERE: Embassy Suites Hotel / 2577 W. Greenway Road / Phoenix, Arizona 85023 / 602.375.1777

MENU:

- Chef's choice of Soup
- Salad Bar to include: Mixed Greens; Sliced Mushrooms; Beets; Carrots; Cherry Tomatoes; Black Olives; Shredded Cheddar Cheese; Bacon Bits; & Croutons
- Assorted Salads to include: Tuna, Chicken & Egg
- Freshly Baked Deli Rolls, Breads & Croissants
- Fresh Seasonal Fruits and Berries
- Assorted Pies & Cakes
- Coffee, Decaffeinated Coffee, Iced Tea & Water

COST: \$25.00 per person, members & guests. Please have exact change or your check made out to "IRWA Kachina Chapter 28"

RSVP DEADLINE: 5:00pm, Thursday, August 2, 2007

PRESIDENT'S MESSAGE
Caroline Tillman, R/W-RAC, Chapter President



Hats off to Angela Manuel & Kaye Bockmann for coordinating two very successful courses for the Chapter in July. The response was so great for the 501 course the chapter ended up having to have additional manuals printed for all the participants. A big thank you to Kris Luna and the City of Peoria for providing the fabulous facility for both classes (and at no charge to the chapter)!

KUDOS LADIES!!!!

Seattle Chosen as 2012 Annual Conference Host

Seattle narrowly defeated Charleston, WV that ran a close second in the balloting. Anaheim, CA and Reno, NV also submitted bids to host the meeting.

IRWA Course Facilitators (Instructors)

IRWA is dedicated to serving the education and professional development needs of our members. To ensure our courses meet the highest quality standards, IRWA enforces a stringent criteria for all course Facilitators.

IRWA Course Facilitators are experts in the subjects they teach. Each Facilitator is specifically matched with those courses that align with their area of expertise. This means they have the experience to answer the most challenging questions, and because they are independent contractors (and not IRWA employees), they are able to provide real-world solutions to real-world problems.

Are you interested in sharing your professional experience with the rest of us? Please think about becoming a facilitator.....Or if you prefer to start off with baby stepshow about a Course Coordinator?

REGISTER NOW!

49th Annual Education Seminar
September 5th, 6th & 7th

Visit: <http://www.irwaaz.com/seminar.asp>



What's Happening.....in Region One

Chris Banks, SR/WA, Region 1 Vice-Chair

Pictures from the International Conference in Sacramento



Mike Burns, Caroline Tillman, Carolyn Carrica



Chris Banks, Caroline Tillman, Carolyn Carrica



Mike Burns, SR/WA

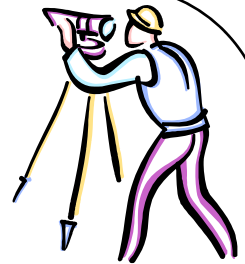


Carolyn Carrica, Region 1 Chair



Gregg Tuttle, Manager
SRP Land Department
Surveys Division

Surveyor's Corner



“Gregg –

I continue to find certain real estate “service-providers” (and, others) who offer “pin-finding” services, or “stake-locators” and, even one individual who ran a service called “Mark-a-Lot” (!)

All claimed that for just a few hundred-dollars to be able to find the “pins” that mark the corners of the lot, or parcel, or piece of property under consideration. “No need to hire an expensive surveyor when all you need is to have your corners located and marked.”

Any comments?

Well, I do have a request: please share the name(s) of the individual(s) or firm(s) providing such services. J Seriously, those people are doing a grave disservice to both their prospective clients, and to their own professions, (assuming that they do have some type of professional designation, certification, or license.)

In this context, by “*pinfinders*” we mean non-licensed outfits that find existing “pins” which may **or may not be** the actual property corners. Some of these operators are fairly sophisticated and have websites to prove it.

Pinfinder “*Joe-Bill*” says that he can find pins with his “*treasure-finder*” (metal detector) and does find (some) “*pins*” – but remember: “*even a blind hog finds an acorn, occasionally.*”

Some of the *pins*, so found, may, in fact, be actual corner monuments, in the correct positions.

So, a (“professional”?) realtor uses “*Pinman*” instead of “Sam-the-Surveyor” because it’s obviously cheaper, (or appears so, at least initially.)

Everything is good, until, someone complains about what they perceive as a “*bad-survey*”!

Who ordered this “*survey*”? Were there any measurements associated with the “pin-finding” (mis)adventure? Probably NOT! Is there even any type of drawing furnished with this “service”?

“**NO! Only the ‘pins’ were located; we didn’t want the client to think it was a survey.**” (!!!) Ouch!!

****IF**** Mr. “Pinhead” can not now be located, guess who is on the hook? The real estate “professional” who authorized, (or maybe only ‘*suggested*’), using a Mr. Pinhead.

The real problems often do not become realized for years after the fact. The mis-identified and mis-marked “pin” sits there like an IED (*impertinent expletive device*) ready to implode and suck adjoining land-owners into bitter disputes over the “true” location of the property’s corner location(s). There is no telling just who may be the first victim who relied on the faulty corner location, which also creates faulty property boundary line locations. How about that fence contractor, who is assured by the either a realtor or the property owner that them there “pins” are the corners, and the straight line between them is where the fence shall be built (!) (“*WARNING – DANGER, Will Robinson!*”)

Sometimes the friendly realtor just goes ahead and locates the property corner(s).

True Story: As a “*courtesy*” - a realtor pointed out, what she *thought* were the property corners, to the buyer of the new home. The buyer built a beautiful brick wall based on those marks. Problem(s): the front “pin” was actually the beginning of curve (“BC”) reference-control-point of the cul-de-sac, and NOT the property corner. And, to make matters worst, the rear pin, identified as the back lot corner, was actually a monument of the adjoining subdivision lot, and NOT the buyer’s property corner!!

Guess who eventually bought a very nice brick wall? The broker that employed (the now former) realtor; said realtor who is now facing a complaint with the State Department of Realty, (and, possibly, some other state regulatory boards), to say nothing of pending civil actions.

All this, just to save a few bucks on a land survey? (What a shame for all parties concerned.)

But, let’s say, for the sake of this discussion, that the landowner, herself, pointed out the “corners.”

In Arizona there is a presumption that property-owners are allowed to “survey” their own lands. The problem is that many believe that means they can perform a BOUNDARY survey of their own lands.

Continued on next page....

Surveyor's Corner continued

NOT SO! Remember that the boundary of your land is also the boundary of your neighbor's lands.

If you are NOT licensed as a land boundary surveyor, then you cannot survey that mutual line.

There are some provisions in place to allow property owners to site building, projects, etc. in the interior of their property without referencing the boundary lines; (BUT, please remember such potential pitfalls as "setbacks" and other items involving the correct location of the property lines.)

Unlike other states, Arizona has statutory authority over non-registrants who perform acts that are regulated as "professional" actions and/or work products.

Arizona Revised Statutes (ARS) 32-145. "Violations"

Any person who commits any of the following acts is guilty of a class 2 misdemeanor:

Practices, offers to practice or by any implication holds himself out as qualified to practice any Board regulated profession or occupation if the person is not registered or certified as provided by this chapter.

And, unlike other states, who do not have the resources to pursue and prosecute such violations, the Arizona Board of Technical Registration (AZ/BTR) has an Arizona Assistant Attorney General representative who will follow up on such allegations and complaints. The AZ/BTR also makes use of Arizona Administrative Law Judges in the pursuit of such cases. And, if the respondent defendant does not heed the warnings, such as a "cease-and-desist order" - then the venue will shift from AZ Administrative Law to the applicable AZ Superior Court Division, (as a Criminal Case). Those who have been found guilty are susceptible to fines of \$2,000 per-incident. Those that do not pay, have their cases forwarded to the Arizona Department of Revenue, who, if unable to reach a satisfactory gathering of fines, (now it's plus interest and other charges), will turn the case over to professional (hard-core) collection agencies, (and that can get really ugly!). All to save the cost of a survey!! L

Please remember that determining that any physical object is, in fact, a property corner monument is the practice of surveying. ARS-32-101.B.22: "*Land surveying practice*" means the performance of one or more of the following professional services:

(b.) Location, relocation, establishment, reestablishment, setting, resetting or replacing of corner monuments or reference points which identify land.

Land boundary surveying is a science AND an art that takes years of experience and specialized training to master. It requires the knowledge and understanding of far more property boundary LAW than the practicing of the engineering and/or realty professions (combined). Land boundary surveying is the discovering of evidence, the analysis of evidence and record data, and the reconciling of all of the evidence in making a final professional determination of the property lines and property corner positions. Sometimes, this process is quite easy and straight-forward; but remembers the "blind-hog".

Other times, the resolution can be quite difficult and challenging, even for the professional land boundary surveyor / forensic detective, (see the example given above.) Boundary surveying is much more of a practical application of boundary LAW, evidence, technology, mathematics, and insights, gained from years of training and experience. Boundary surveying requires a particular (some would peculiar) way of thinking about the overall situation. Good surveyors are always attempting to view the "BIG" picture, about the adjoining boundaries and, perhaps, about corner control that is located hundreds, (if not thousands), of feet away from the physical object in question.

Remember PROFESSIONALS don't let clients (neighbors, friends, or, family) use or even associate with "pin-heads." With all due respect, when offered the services of a "pin-finder" (a pinhead), just say NO! If you are unlucky enough to find out about some type of "mark-a-lot" after the fact, remember, as a professional, you should advise the victim to seek assistance from the proper regulatory authorities, whose soul purpose is to: provide for the safety, health and welfare of the public through enforcement of standards of statutory and regulatory care.

Well, that's it for this issue from the "*Surveyor's Corner.*"

If anyone has feedback or comments, please feel free to share them.

As always, I am interested in the opinions from, the readers of the Kachina Chapter 28 Newsletter.

Please keep sending in those questions. Until next time, Thanks for reading about land surveying & land surveys. –

Gregg Tuttle, AZ/RLS # 11121; Manager, SRP LAND-Surveys Division