



The UCLS Newsletter



Where is it?



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“Respect the old, when you are
YOUNG. Help the weak, when you
are STRONG. Forgive the fault,
when you are RIGHT. Because, one
day in life you’ll be OLD, WEAK,
& WRONG...”

-Anonymous

Do you recognize this amazingly symmetrical formation?

Be the first to identify what it is and what it is capable of doing and you become eligible for a free luncheon at your next chapter meeting. Answers may be emailed to Susan at srmerrill@ucls.org. The earliest received date and its time of response will determine the winner.

In This Issue: We provide an updated list of our new Board and Chapter Officers along with newly assigned Committee chairs. We also answer the ago-old questions “Can I deduct the cost of a land survey on my taxes?” followed by the memorializing of Jay R. Anderson.

The Property Rights Ombudsman provides an excellent article about land disputes using acquiescence doctrine. NCEES provides us with the examination results and Byron Curtis tells some tall tales.

We invite you to share charismatic photos of yourself and/or a coworker, panoramic images of Utah’s scenic wonders, or pictures of survey related tools and equipment. Additionally, we need interesting and unique descriptions or survey related stories to share with our membership. Remember, if you do not participate you have no right to complain. Please let us know your thoughts, recommendations, suggestions, or complaints.

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Internet Question: Can I claim/deduct the cost of land survey?

I am intending to fence my corner property in the near future. At the moment it is a rental, but within about a month I will be moving in for 6-12mths and then it will be rented out again for a while.

I believe that I can claim fencing the property through depreciation, not deduction as it is not a repair but a new fence where there currently is none, and then a portion it for the number of days in the year it is a rental. To get a fence put in though, I need to have the block surveyed as it is on a corner and nearly 3 sides have no fence. Can I claim the cost of surveying the property whilst it is a rental as a deduction? I'm not really sure what category this expense falls into, as its not a repair or an improvement in a way as surveying is not done at the same time as the fencing.

Somehow I doubt if it is claimable, but as I am moving into the property in about a month and wanting to get it fenced and all repairs etc done while I live there I thought it was worth asking as if I can do it while its still rented and claim it, if I can I will get it done now rather than next month! Otherwise I won't bother the tenants and will leave it until after they move out.



Internet Answer:

If you're asking the surveyor to mark the corners so the fencer can do the correct lines, I would think the survey is part of the fencing cost.

February What It It



The Leica ScanStation C10 is the new standard and most popular class of pulsed scanners. It is a compact, all-in-one ScanStation C10 platform; scanner, battery, controller, data storage, and video camera. In addition, the ScanStation C10 also features major advances in productivity, versatility, and ease-of-use for as-built and topographic High-Definition Surveying with the ability of scanning up to 50,000 points per second.

Scott Bishop was the first UCLS member who correctly identify the laser-scanner.

Did You Know?

Did you know that if you regularly receive a paycheck every two weeks, you'll make a little extra money in 2015? For many employees, 2015 is a pay period leap year, meaning that there are 27 pay periods during the 52-week calendar year instead of the usual 26. Some employers will be paying that 27th paycheck on top of regular salary, resulting in about a 4 percent annual raise. The quirk happens about every 11 years, delivering a cash bonanza for many workers. The math behind this quirk is fairly simple: 26 pay periods only account for 364 days each year - 14X26, for those who like equations. The 365th days add up to a whole pay period over time, depending on what day you get paid, leap year days, and national holidays.



In Memory of Jay R. Anderson

September 7, 1934 - March 2, 2015

Jay R. Anderson passed away peacefully at his home, surrounded by his family, on Monday, March 2, 2015. Jay was born on September 7, 1934 in Provo to R. Clark and Oretta Anderson. He married Diane Gall on February 12, 1959 and they raised five children and enjoyed 14 grandchildren. He suffered with heart disease for over 35 years, it was amazing he made it to 80. We were blessed having him around to tell us what to do for that long! He continued to tell everyone what to do until the last two days.



Growing up you could find Jay hunting and fishing with his father and friends, smoke jumping into forest fires during the summer, and earning his way through college on ski racing scholarships and poker winnings.

Jay graduated from Ogden High School and attended the University of Wyoming before graduating in Civil Engineering from Utah State University. He founded Great Basin Engineering, a consulting civil engineering and land surveying firm in 1959. Today that business continues as Great Basin Engineering in Ogden and Anderson, Wahlen and Associates in Salt Lake City. Jay's clients appreciated his hard work and integrity.

Jay lived life with gusto and anyone who spent time with him on the ski hill, hunting fields, fishing streams or mountains has a "Jay story" to tell! Most important to Jay was sharing these experiences with his children and grandchildren and anyone else he could talk into joining his adventures. His children were all skiing with him by age 4 and most enjoyed skiing with him (always non-stop and fast) and ski racing. For much of his life he enjoyed hunting pheasants and fly fishing, but his passion late in life was big game hunting. He was the first person in the state of Utah to successfully take each of the "Once in a Lifetime" Big Game animals in Utah through the draw, accomplishing this in 1998. He loved hunting each species of the North American Wild Sheep. He completed his Grand Slam/Full Curl in 2004 with the help of his son Paul, taking a Stone Sheep in British Columbia.

He helped found the Bastain Ranch CWMU in 1993. He loved being the operator of this property and providing hunting opportunities for people and especially spending time on the mountain with his children and grandchildren. For many years "making it to another hunting season on the ranch" was what kept him going, and it was always about seeing others have success and passing along what he loved.

After his retirement Jay enjoyed volunteer work at McKay Dee Hospital and delivering meals to the needy with Share, Inc. He also loved spending time with all his grandchildren. Jay was a generous man who did not frequently verbalize his feelings, but demonstrated his caring through his actions.

Jay is survived by his wife, children, Tracy (Bret) Wahlen, J Todd (Jill) Anderson, Paul (Misti) Anderson, Holly (James) Hollingsworth, David (Lori) Anderson and grandchildren, sister, Jeri (Marty) Holland; and brother, Steve (Sharon) Anderson.

He was preceded in death by his parents, two sisters, Yvonne Cooper, and LuJean Hess.

The family would like to thank Al and Judy Wagon, the Ogden City Paramedics, the staff of McKay-Dee ICU, and the staff of the McKay-Dee Cardiology Department for giving us an extra seven months with Jay. Also a special thank you to Kristy, Jay's hospice nurse, for her genuine care and concern and help in Jay's last few months.

Honoring Jay's wishes, we won't be having traditional services. There will be a private family graveside service. However, he did say specifically ... "at some time you can have a party, as long as it is catered. To that end we are having a party to celebrate his long life on Friday, March 6 from 5 to 7 p.m. at the Ogden Golf and Country Club, 4197 Washington Blvd, Ogden. Please come and join us in our celebration, enjoy some food, and share "Jay stories" (casually dressed). Services entrusted to Lindquist's Ogden Mortuary.

In lieu of flowers we would request that you make donations to Share, Inc. at www.shareweber.org or Chairbound Sportsman at www.chairboundpartsman.org, two of the charities he was involved in.

Send condolences to the family at: www.lindquistmortuary.com

Settling Boundary Disputes Using Utah's Boundary by Acquiescence Doctrine

by Elliot R. Lawrence

Not too long ago, I took a call from a property owner involved in a boundary dispute. A masonry wall had stood for several years, separating her parcel from a neighboring property. A new owner had recently purchased the neighboring property, and he discovered that the wall had been built about ten feet onto his parcel. He immediately demanded that it be removed, so he could install a swimming pool. The woman protested, but he hired a contractor, who began removing the wall and her flower bed. She was distraught, but at that point, she had no choice but to begin legal action against her neighbor. If the parties had understood the boundary by acquiescence theory, they could have settled the dispute and avoided litigation.

Boundary by Acquiescence is an equitable doctrine applied to resolve property line disputes based on recognition of long-established markers used to identify boundaries. "Its essence is that where there has been any type of a recognizable physical boundary, which has been accepted as such for a long period of time, it should be presumed that any dispute or disagreement over the boundary has been reconciled in some manner." *Baum v. Defa*, 525 P.2d 725, 726 (Utah 1974). The boundary by acquiescence principle was recognized in Utah as early as 1887. See *Switzgale v. Worseldine*, 5 Utah 315, 15 P. 144 (Utah 1887).

Boundary by acquiescence is not found in the Utah Code but was developed over many years by Utah's appellate courts. It is intended to guide property owners, prevent inequity, and help avoid litigation. The doctrine thus promotes stability in property descriptions, contributing to the "peace and good order of society." *Bahr v. Imus*, 2011 UT 19, ¶ 35, 250 P.3d 56.

The Equitable Underpinning of Boundary by Acquiescence

Boundary by acquiescence, like the similar doctrines of adverse possession or prescriptive easements, prevents inequity by recognizing long acceptance of property use or occupation.

The very reason for being of the doctrine of boundary by acquiescence...is that in the interest of preserving the peace and good order of society the quietly resting bones of the past, which no one seems to have been troubled or complained about for a long period of years, should not be unearthed for the purpose of stirring up controversy, but should be left in their repose.

Hobson v. Panguitch Lake Corp., 530 P.2d 792, 794 (Utah 1975). Altering property ownership is not to be taken lightly but may be necessary to prevent inequity and injustice and to recognize property rights arising from reliance on long-standing use. "It is not unjust in certain cases to require disputing owners to live with what they and their predecessors have acquiesced in for a long period of time." *Staker v. Ainsworth*, 785 P.2d 417, 422 (Utah 1990) (citation and internal quotation marks omitted).

Elements of Boundary by Acquiescence

A property owner must prove the following four elements in order to successfully establish a boundary by acquiescence: "(1) occupation up to a visible line marked by monuments, fences, or buildings, (2) mutual acquiescence in the line as a boundary, (3) for a long period of time, (4) by adjoining landowners." *Bahr*, 2011 UT 19, ¶ 35. The person asserting a claim for boundary by acquiescence has the burden of proof. And, because application of the acquiescence doctrine alters an owner's interest in real property, all four elements must each be established by "clear and convincing" evidence. *Essential Botanical Farms, LC v. Kay*, 2011 UT 71, ¶ 22, 270 P.3d 430, 437. If any of the four elements are not proven, the claim fails. *Hales v. Frakes*, 600 P.2d 556, 559 (Utah 1979).

For a time, a fifth element – objective uncertainty as to the correct boundary line's location – was also required. However, in 1990, the Utah Supreme Court eliminated that requirement, holding that it made "boundary by acquiescence less practical," and that the extra element would lead to more litigation rather than less. *Staker*, 785 P.2d at 423.

Occupation Up to a Visible Line

The occupation element requires actual or constructive occupation and use of the area in question, not just a mere claim to the property. "The first element [of boundary by acquiescence] may be satisfied where land up to the visible, purported boundary line is farmed, occupied by homes or other structures, improved, irrigated, used to raise livestock, or put to similar use." *Bahr v. Imus*, 2011 UT 19, ¶ 36, 250 P.3d 56. The occupation should be consistent with "a pattern of use that is normal and appropriate for the character and location of the land." *Dean v. Park*, 2012 UT App 349, ¶ 29, 293 P.3d 388 (internal citation omitted). An encroaching owner may not claim a new boundary if access and occupancy of a parcel up to the correct boundary by the neighboring property owner is impossible. *Carter v.*

Hanrath, 925 P.2d 960, 962 (Utah 1996) (holding that inability to access and occupy all of parcel is not acquiescence in a new boundary).

The purpose of the occupancy element is not the extent of the use or occupancy, but whether the owners have knowledge of conditions and activities which might alter the ownership rights in the property, so that there is opportunity to interrupt or alter those conditions or activities. See *Anderson v. Fautin*, 2014 UT App 151, ¶ 18, 330 P.3d 108, 113. "Constructive" occupation, even if intended plans are not carried out, may also satisfy the occupation requirement, if the owners have knowledge of the conditions prevailing on the property. See *Harding v. Allen*, 10 Utah 2d 370, 353 P.2d 911, 914–15 (Utah 1960).

The line claimed as the boundary "must be definite and certain, [with] physical properties such as visibility, permanence, stability, and a definite location." *Gillmor v. Cummings*, 904 P.2d 703, 707 (Utah Ct. App. 1995). The claimed boundary line "must be open to observation" and "must be definite, certain and not speculative." *Fuoco v. Williams*, 421 P.2d 944, 946 (Utah 1966). In *Fuoco*, the court found that an unused irrigation ditch was not permanent, visible, or stable enough to mark a purported boundary. *Id.* at 946–47. requires more than just the existence of some identifiable line. "[T]he mere fact that a fence happens to be put up and neither party does anything about it for a long period of time will not establish it as the true boundary." *Brown v. Jorgensen*, 2006 UT App 168, ¶ 16, 136 P.3d 1252, 1257 (citation omitted).

Acquiescence may be established by the direct actions of the property owners regarding the purported boundary. It may also "be tacit and inferred from evidence, i.e., the landowner's actions with respect to a particular line may evidence that the landowner impliedly consents, or acquiesces, in that line as the demarcation between the properties." *Ault v. Holden*, 2002 UT 33, ¶ 19, 44 P.3d 781. Even silence and inaction may be evidence of acquiescence. See *Anderson v. Fautin*, 2014 UT App 151, ¶ 21, 330 P.3d 108, 114.

Any person familiar with the situation could offer relevant testimony concerning whether the property owners considered a particular line as the property boundary. See *RHN Corp. v. Veibell*, 2004 UT 60, ¶ 27, 96 P.3d 935; *Martin v. Lauder*, 2010 UT App 216, ¶ 6 n.4, 239 P.3d 519.

In order for the acquiescence to be mutual, "both parties must have knowledge of the existence of a line as [the] boundary line." *Wilkinson Family Farm*, 1999 UT App 366, ¶ 8 (citations omitted). Since acquiescence is determined by the owners' objective actions and not their mental state or intent, a party's actual knowledge of the correct boundary is relevant to determine acquiescence, but it is not necessarily fatal to the claim. *Id.* ¶ 13. In like manner, while a deed provides constructive notice of the correct boundaries, a deed description by itself is insufficient to negate an acquiescence claim. *RHN Corp.*, 2004 UT 60, ¶ 28. Finally, a party's subjective belief concerning the location of the boundary could also be relevant to a boundary by acquiescence action. *Id.* ¶ 26.

A claim of mutual acquiescence may be countered by actions indicating that either property owner did not recognize or treat the purported line as marking the property boundary. *Ault*, 2002 UT 33, ¶ 20. Objections to the use or occupancy of the property are sufficient. "[M]ere conversations between the parties evidencing either an ongoing dispute...or an unwillingness...to accept the line as the boundary refute any allegation that the parties have mutually acquiesced..." *Id.* ¶ 21. In addition, evidence that the boundary had already been settled in an earlier dispute may defeat a new claim for boundary by acquiescence. See *Low v. Bonacci*, 788 P.2d 512, 513 (Utah 1990).

For a Long Period of Time

Utah's courts have firmly established that twenty continuous years is the minimum period of time required for a successful boundary by acquiescence claim. *Jacobs v. Hafen*, 917 P.2d 1078, 1080–81 (Utah 1996). Any interruption in that period, however brief, "restarts the clock for determining boundary by acquiescence." *Orton v. Carter*, 970 P.2d 1254, 1258 (Utah 1998) (citing a Colorado case where a two-week period of common ownership disrupted the acquiescence period).

When a twenty-year period of mutual acquiescence is proven, the new boundary is delineated, even if actions taken after the twenty-year period would otherwise defeat a claim. "Once adjacent landowners have acquiesced in a boundary for a long .

Ultimately, the measure of whether the occupation requirement has been satisfied is to establish that a claimant's occupation up to, but not over, the purported boundary "would place a reasonable party on notice that the given line was treated as the boundary between the properties." *Bahr*, 2011 UT 19, ¶ 36. It follows, therefore, that occupation and use of property without regard to a fixed line would probably not be sufficient to establish a boundary by acquiescence.

Marked by Monuments, Fences, or Buildings

The purported boundary line must be clearly marked, again so that a reasonable person would realize that the line was being treated as the property boundary. “A monument must be some tangible landmark to indicate a boundary” Englert v. Zane, 848 P.2d 165, 169 (Utah Ct. App. 1993) (citation omitted). The monument, building, or fence may be replaced or even altered, but, as long as the same visible line is treated as the boundary, an acquiescence claim may still be successful. See Orton v. Carter, 970 P.2d 1254, 1257–58 (Utah 1998).

The purpose of the fence, building, or monument and whether it was installed to mark a property boundary is important. A structure or other marker erected as part of the normal use of the property, may identify a boundary only if the owners treated it as such. A temporary, moveable fence used to control livestock, but not intended to delineate a boundary, would not be sufficient to support a claim for a new boundary by acquiescence. Pitt v. Taron, 2009 UT App 113, ¶ 2, 210 P.3d 962.

Most of the cases addressing boundary by acquiescence have concerned an artificial marker, such as a fence or building. Natural features, however, may also serve to mark a purported boundary line, as long as the affected owners acquiesce in the feature as marking the boundary. Englert, 848 P.2d at 170 (treating a river as property boundary). The nature of the marker is not critical. “[T]he law merely requires ‘a recognizable physical boundary of any character, which has been acquiesced in as a boundary for a long period of time.’” Orton, 970 P.2d at 1257 (citations omitted).

Mutual Acquiescence in the Line as a Boundary

The “heart” of boundary by acquiescence is mutual recognition by adjoining property owners that a visible line marks the boundary between the properties. This element is satisfied “where neighboring owners recognize and treat an observable line, such as a fence, as the boundary dividing the owner’s property from the adjacent landowner’s property.” Bahr v. Imus, 2011 UT 19, ¶ 37, 250 P.3d 56. Because it is based on the actions of the property owners, acquiescence is highly fact dependent. Essential Botanical Farms, LC v. Kay, 2011 UT 71, ¶ 26, 270 P.3d 430. What the owners intended regarding placement of the boundary is not a factor. “[A] party’s subjective intent has no bearing on the existence of mutual acquiescence.” Id. ¶ 27, 439. Since acquiescence may be implied or inferred by the owners’ actions, it is not necessary to show that the owners explicitly agreed that the line was the property boundary. Wilkinson Family Farm, LLC v. Babcock, 1999 UT App 366, ¶ 8, 993 P.2d 229.

“Mutual acquiescence in a line as a boundary has two requirements: that both parties recognize the specific line, and that both parties acknowledge the line as the demarcation between the properties.” Id. (citation omitted). Acquiescence thus period of time, the operation of the doctrine of boundary by acquiescence is not vitiated by a subsequent discovery of the true record boundary by one of the parties.” RHN Corp., 2004 UT 60, ¶ 31.

Finally, “once adjacent landowners have acquiesced to a visible boundary other than the recorded property line for the requisite twenty years, the encroaching landowner’s possession ripens into legal title by operation of law, extinguishing the other landowner’s legal title to any part of the disputed land.” Q-2, LLC v. Hughes, 2014 UT App 19, ¶ 11, 319 P.3d 732 (citation omitted). In other words, title to the disputed property is transferred when all of the elements of boundary by acquiescence are established, even if some time has passed, and regardless of when it is confirmed that the elements have been satisfied. When all elements are satisfied, the new boundary would be established from that point and could impact subsequent events pertaining to the property. Id., ¶¶ 14–18, (holding that there was sufficient evidence to establish a subsequent adverse possession claim).

By Adjoining Landowners

Although it seems a bit obvious, a new boundary may only be established when adjoining property owners mutually acquiesce in a purported boundary. See Brown v. Milliner, 232 P.2d 202 (Utah 1951) (noting unsuccessful cases that did not involve adjoining owners). Boundary by acquiescence may not be invoked when one of the properties is in the public domain. Carter v. Hanrath, 925 P.2d 960, 962 (Utah 1996). In addition, the dispute must involve a common boundary. For example, in Switzgable v. Worseldine, 15 P. 144 (Utah 1887), the dispute concerned the correct placement of other property lines, but not the common boundary between the parties’ parcels. Id. at 144–45.

The actions of previous owners may establish a boundary by acquiescence, which would bind subsequent purchasers, even if those purchasers acted in good faith and identified the correct boundary. See Q-2, 2014 UT App 19, ¶ 13, 319 P.3d 732. Boundary by acquiescence, however, cannot derive from actions of non-owners regarding the boundary, even if they are familiar with the property and even if they have an interest in the placement of the boundary. “[A]cquiescence between [non-owners] was impossible because they could not

permissibly settle their dispute by adjusting the boundary on property neither of them owned.” Argyle v. Jones, 2005 UT App 346, ¶ 12, 118 P.3d 301.

Several boundary by acquiescence cases have involved properties owned by corporate entities rather than individuals. However, none of these cases have directly addressed the question of how a corporate entity’s actions could be construed as mutual acquiescence. It stands to reason that only the actions of the individuals responsible for the corporate entity could establish that a purported line was recognized and treated as the property boundary. See Judd Family Ltd. P’ship v. Hutchings, 797 P.2d 1088, 1090 (Utah 1990). It is also follows that actions by individuals who are not in a position of responsibility, i.e., employees, could not establish acquiescence of a corporate entity through their actions.

Conclusion

As the old adage goes, “[g]ood fences make good neighbors.” Obviously, it is better to avoid potential boundary disputes through correct measurement and placement of fences or other boundary markers. Unfortunately, most property boundaries are not reviewed on a regular basis, so mistakes can be perpetuated for several years and later cause heated disputes between neighbors. Many years ago, the Utah Supreme Court acknowledged this fact of life, with a small dose of cynicism: *It is significant that in most cases, a physical, visible means of marking the boundary was effected at a time when it was cheaper to risk the mistake of a few feet rather than to argue about it, go to court, or indulge the luxury of a survey, pursuance of any of which motives may have proved more costly than the possible but most expedient sacrifice of a small land area. The rub comes when, after many years, land value appreciation tempts a test of the vulnerability of a claimed ancient boundary. The struggle usually involves economics. Nothing is wrong in the urge to acquire or retain. But neither is there anything wrong in the law’s espousal of a doctrine that says that with the passage of a long time, accompanied by an ancient visible line marked by monuments with other pertinent and particular facts, and with a do-nothing history on the part of the parties concerned, can result in putting to rest titles to property and prevent protracted and often belligerent litigation usually attended by dusty memory, departure of witnesses, unavailability of trustworthy testimony, irritation with neighbors and the like. This idea is based on the concept that we must live together in a spirit justifying repose or fixation of titles where there has been a disposition on the part of neighbors to leave an ancient boundary as is without taking some affirmative action to assert rights inconsistent with evidence of a visible, long-standing boundary. In the vernacular, the doctrine might be paraphrased to enunciate that boundaries might be established by an “I don’t give a hoot” attitude on the part of neighbors.*

King v. Fronk, 14 Utah 2d 135, 378 P.2d 893, 896 (Utah 1963).

In a successful boundary by acquiescence action, there will be a winner and a loser. One owner will forfeit property, and another may gain a significant amount of land. See LPM Corp. v. Smith, 2006 UT App 258, ¶12, 139 P.3d 292 (holding that ownership of entire parcel may be transferred through boundary by acquiescence). Since the stated purpose of the boundary by acquiescence doctrine is to avoid litigation, attorneys who counsel property owners facing boundary disputes should become familiar with the doctrine, and apply it to resolve matters outside of court. While litigation may sometimes be necessary, understanding the boundary by acquiescence doctrine may lead to settlement through negotiation or through alternate dispute resolution.

ELLIOT R. LAWRENCE, JD, is an attorney with the Office of the Property Rights Ombudsman, part of the Utah Department of Commerce. For more information, please visit the Office’s website, at www.propertyrights.utah.gov. This article appeared in the November/December issue (Volume 27, Number 6) of the Utah Bar Journal



SURVEYING

NCEES develops and scores the licensure exams used by all U.S. engineering and surveying boards as part of their licensure process. These exams play a central role in ensuring standard qualifications for licensees. The Fundamentals of Surveying (FS) exam is designed for recent graduates and students who are close to completing an undergraduate degree in surveying. Passing it is an important first step in the surveying licensure process. The Principles and Practice of Surveying (PS) exam is designed for surveyors who have gained at least four years of work experience in their respective field.

FS PASS RATES

OVERALL TAKERS			
FIRST TIME		REPEAT	
VOLUME	PASS RATE	VOLUME	PASS RATE
726	60%	308	22%
TAKERS WITH EAC/ETAC/ASAC-ABET BACHELOR'S			
FIRST TIME		REPEAT	
VOLUME	PASS RATE	VOLUME	PASS RATE
236	70%	38	37%
OTHER TAKERS			
FIRST TIME		REPEAT	
VOLUME	PASS RATE	VOLUME	PASS RATE
490	56%	270	20%

PS PASS RATES

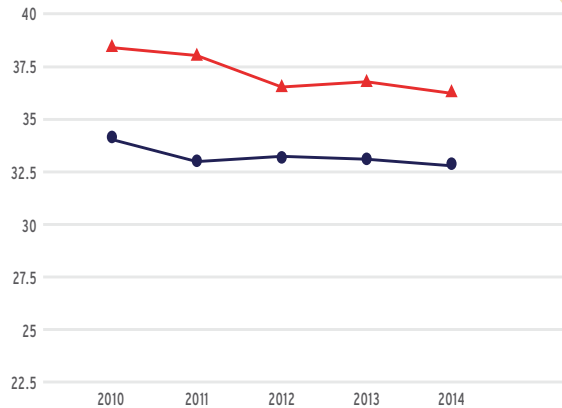
OVERALL TAKERS			
FIRST TIME		REPEAT	
VOLUME	PASS RATE	VOLUME	PASS RATE
647	72%	366	39%
TAKERS WITH EAC/ETAC/ASAC-ABET BACHELOR'S			
FIRST TIME		REPEAT	
VOLUME	PASS RATE	VOLUME	PASS RATE
137	77%	77	38%
OTHER TAKERS			
FIRST TIME		REPEAT	
VOLUME	PASS RATE	VOLUME	PASS RATE
510	70%	289	39%

Other Takers includes examinees who do not hold a bachelor's degree from an EAC/ETAC/ASAC-ABET-accredited program or who did not provide bachelor's education information during exam registration.

AVERAGE AGE OF EXAMINEES

Enhancements to the licensure process increasingly provide candidates with better access to the exams. This has resulted in a decrease in the average age of FS and PS examinees since 2010.

AVERAGE EXAMINEE AGE BY EXAM TYPE



CHAPTER XLVIII
An Act to regulate Surveyors and Surveying
March 3, 1852

Sec. 5: Where any transfer shall be made of any surveyed land, or part or parts thereof, it shall be the duty of the transferrer, to certify in writing such transfer to the person whom the transfer is made, with a full description of what part or parts, how much or length of line or lines, and number of acres, and the person or persons, to who transferred; to legalize a claim to such land, shall within thirty days thereafter cause such transfer to be recorded in the County Recorder's office.

UTAH CODE - TITLE 57
Chapter 1 Conveyances
March 2015

57-1-45. Boundary line agreements.

(1) If properly executed and acknowledged as required under this chapter, an agreement between property owners designating the boundary line between their properties, when recorded in the office of the recorder of the county in which the property is located, shall act as a quitclaim deed and convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary dispute that led to the boundary line agreement.

(2) A boundary line agreement described in Subsection (1) shall include:

- (a) a legal description of the agreed upon boundary line;
- (b) the signature of each grantor;
- (c) a sufficient acknowledgment for each grantor's signature; and
- (d) the address of each grantee for assessment purposes.

Byron T. Curtis, Professional (formerly Registered) Land Surveyor.
Sandy, Ut
Married to Georgia Curtis for 30 years
I have one daughter, two sons and four grandkids.
I have been a member of UCLS, more or less since 1984.



When I was much younger I climbed mountains on my skis and then skied down them, when there wasn't any snow I just climbed them. Now that I'm all banged up I play golf with my friends and fellow surveyors, Randy Sorenson, Dan Shoell, Rick Dunford and Ted Mason.

A story (probably with some poetic license or bull****), by Byron T. Curtis.

The Kaibab

I was working on the Kaibab Plateau, in northern Arizona for Coon, King and Knowlton one summer-fall, I think it was 1975, following along a prior survey p-line for a new timber harvest road. I was assigned to find the old stakes, tap them back in and flag them up. This was an arduous task for a young man, so I schemed to avoid work. I cut a limb off a juniper tree (*Juniperus osteosperma*) shaved the bark off with my stag handled Randall, rubbed it with juniper berries and hardened it in the fire. I had a fire because I was usually camped out alone somewhere even though I was provided with a deluxe cabin at Jacob's Lake, Arizona. My so called throwing stick was shaped with a curve and a bend so it created a shot pattern that was about 8" vertical by 16" horizontal when thrown sidearm. Since I was a former Little League star pitcher for the Rose Park All-stars (ha ha), it was possible for me to step up to the mound (the survey stake I was currently at), and heave my stick at the next stake, 50 feet away, usually sending it flying. I would

then bound up to where it was in about 10 leaps, note the dig-mark or divot, where it was dislodged from, retrieve the wounded stake, remark the station, wind some flagging on it, tap it in with my throwing stick, and look for my next target. This must have been great fun for the Kaibab Squirrel (*Sciurus aberti kaibabensis*) a big, black, tufted eared, white fluffy-tailed ghost only found in the ponderosa zone, to witness. All the more funny for the squirrel, but not the locals, to see because I was usually wearing only by Levi's breechcloth, the aforementioned Randall, sandals and a headband (to keep my long thin scraggly hair off my face). Alas, there I was miles from camp at the end of the day, sometimes Plain Old Dick (not so old or plain, but so called by others), the party chief would come get me in the truck or sometimes I just ran back.



Story dedicated to Richard Johansen, Ted Biehn and Rod Hill, the Red Rock Rangers, who I worked with forever.

How are USGS quadrangles named?

They are named, usually, for the major geographical feature in the seven-and-a-half minute quadrangle area. In most cases this is a town, but many get named for parks, mountains, rivers, lakes and even Denver International Airport (CO).

- Some curious names for natural features are: Bogus Bench OR, Crack In The Ground OR, Additional Hill AZ, Bad Bug Butte AZ, and Booger Canyon AZ.
- Some are obvious, such as Dinosaur CO, Hellhole Bend AZ, and Volcano HI.
- Some boggle the mind, conjuring up all sorts of possible explanations, indeed forming virtual one-phrase novels in themselves: Charlie Died Tank AZ, No Crossing Crossing OR, Sleeping Giants AL, Oh-be-joyful CO, and Sleeping Beauty WA.
- Others seem like miniature critical reviews: Damnation Peak WA, Mold WA, and Tumtum WA
- The list could go on and on and on and....

SILLY TAXES

Maryland's Flush Tax: \$60 a year

In 2004, Maryland created a tax on flushing a toilet to update treatment plants and protect the Chesapeake Bay, which has experienced a decline in water quality. The tax doubled in 2012.

New York's Bagel Tax: about 8 cents a bagel

You have to pay sales tax on bagels in New York State, unless you purchase it to go, unsliced, unheated or in the same way you'd find it in a supermarket or grocery store.

Arkansas's Tattoo Tax: 6%

If you're ready to get some ink on your body, skip doing it in Arkansas, where the state imposes a sales tax on tattoos. The tax is also applicable to body piercing and electrolysis hair removal.

Jock Tax (Multiple States): depends on income tax rate

About 20 states including Arizona and N.J. tax the revenue of professional athletes who come and play in their jurisdiction. Dubbed the jock tax, it was started by California in early 1990s when the Chicago Bulls visited.

Maine's Wild Blueberry Tax: \$1.50 per 100 lbs.

Maine has a tax on wild blueberries either processed in the state or unprocessed but shipped outside the state, to conserve and promote the wild blueberry industry.

Alabama's Playing Card Tax: 10 cents per deck of cards

Alabama imposes a tax on decks of playing cards that contain no more than 54 cards. If a deck of cards doesn't carry the revenue stamp that shows the tax has been paid, it's considered contraband goods. Each retailer should also pay an annual license tax of \$2.

Texas's Belt Buckle Tax: 6.25%

Although ordinary belts and cowboy boots are tax free in Texas, be ready to pay extra in the Lone Star State if you purchase a belt buckle, unless you go shopping during sales tax holiday week every August.

Illinois's Flour-Free Candy Tax: 6.25%

Illinois raised the tax base on candy in 2009 but the sales only applies to flour-free candy, since items that contain flour or require refrigeration aren't considered candy for tax purposes.

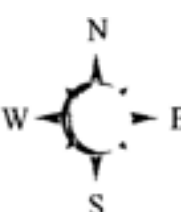


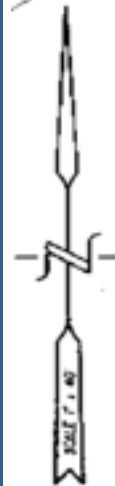

Nationwide Tax Deduction: Cost of body oil for body builders

Professional body builders can deduct the cost of body oil. It's considered a business expense since they use it to prep for a and pump up before competitions, according to a 2004 tax court case. But anything they eat or drink? No luck there.

Nationwide Arrow Tax: 46 cents

The IRS has long imposed an excise tax on arrows, and since 2012 it's also imposed on manufacturers, producers and importers an excise tax on arrows more than 18 inches long that may or may not be suitable for use with a taxable bow.

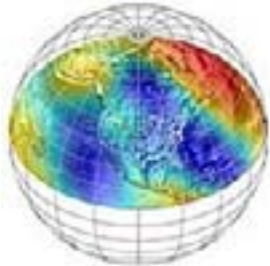
Which North Arrow belongs to which company?

	A	B	C	D	E	
1 Ward Engineering						1 = _____.
2 Valley Land Surveying						2 = _____.
3 Diamond Design						3 = _____.
4 Sear - Brown						4 = _____.
5 Consortium						5 = _____.

Answers on page 10

2015 Geospatial Summit

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2015 Geospatial Summit

NOAA's National Geodetic Survey (NGS) will host the **2015 Geospatial Summit on Improvements to the National Spatial Reference System** in conjunction with the National Society of Professional Surveyors in April 2015 at the Hilton Crystal City hotel in Arlington, VA.

Join us to find out more about the planned retirement of the North American Datum of 1983 (NAD 83) and the North American Vertical Datum of 1988 (NAVD 88), how this will impact your mapping work, and what tools are planned to ease the transition to new, more accurate datums.

This summit continues a forum begun in May 2010, in Silver Spring, Maryland.

(2010 Proceedings available online)

This event will be part of a larger conference organized by the National Society of Professional Surveyors (NSPS) and in partnership with the Management Association for Private Photogrammetric Surveyors (MAPPS). There will be no cost for NGS sessions, but registration is required and space is limited. General conference information and registration is available through the NSPS/MAPPS conference website: <http://www.surveyingandmapping.net>

For more information on NGS sessions, please contact us [here](#).

EVENTS:

Monday, April 13, 2015

Time: 12 PM - 5 PM

Location: Hilton Crystal City, Arlington, VA

This half day event will feature presentations from NGS.

Draft Agenda

Tuesday, April 14, 2015

Time: 8 AM - 12 PM

Location: Hilton Crystal City, Arlington, VA

This half day event will feature presentations from NGS on steps to implementation and then presentations from sectors on potential impacts and challenges

Draft Agenda

HTMOD Partner Meeting:

Tuesday, April 14, 2015

Time: 1:30 PM - 5 PM

Location: Hilton Crystal City, Arlington, VA

2015 Height Modernization Partner Meeting.

Draft HTMOD Agenda

Federal Geodetic Control Subcommittee (FGCS) Public Meeting:

Tuesday, April 14, 2015

Time: TBD in the afternoon

Location: Hilton Crystal City, Arlington, VA

FGCS Public Meeting.

Agenda not yet available

2015 Summit

[Home](#)

Draft Agendas:

[Monday](#)

[Tuesday](#)

[HTMOD](#)

Related Links

[NGS 10-year plan](#)

[2010 Summit Proceedings](#)

[New Datums \(white paper\)](#)

[New Datums web page](#)

Answers to North Arrow Question 1=B; 2=A; 3=E, 4=C, 5=D