

Evidence Procedures Boundary Location Robillard

Evidence Procedures Boundary Location Robillard Evidence Procedures Boundary Location and the Robillard Doctrine A Comprehensive Analysis The accurate determination of property boundaries is crucial in numerous legal and practical contexts Disputes over land ownership easement rights and infrastructure development frequently necessitate precise boundary location This article explores the intricacies of evidence procedures employed in boundary determination focusing on the significant contribution of the Robillard Doctrine a legal principle emphasizing the weight of long standing practical location of boundaries over strictly literal interpretation of deeds and other documents We will analyze its application limitations and implications for both legal professionals and land surveyors Evidence Procedures in Boundary Location Establishing a property boundary involves a multifaceted process relying on various forms of evidence These can be broadly categorized as 1 Documentary Evidence This includes deeds grants plats maps surveys and other written instruments The reliability of documentary evidence depends on its age accuracy clarity and the chain of title it represents Older documents while potentially less precise might reflect longaccepted boundary locations 2 Testimonial Evidence Statements from witnesses who have knowledge of the boundary including longterm residents surveyors and other relevant individuals can provide valuable insights The credibility of such evidence is assessed based on the witnesss experience memory and potential biases 3 Physical Evidence This encompasses physical markers on the ground such as fences walls roads and other improvements that might demonstrate historical occupation and boundary acceptance The age and condition of these markers along with their relation to documented boundaries are crucial in evaluating their evidentiary weight The Robillard Doctrine Prioritizing Practical Location The Robillard Doctrine originating from the case Robillard v The Town of Northfield emphasizes the practical location of boundaries as paramount particularly when conflicting with strictly literal interpretations of written documents This doctrine recognizes that over 2 time boundaries might become obscured or inaccurately described in legal instruments It prioritizes evidence of longstanding practical location reflecting the understanding and acceptance of the boundary by the parties involved and the community Type of Evidence Weight under Robillard Doctrine Limitations Documentary Evidence Deeds Maps Lower weight if conflicting with longstanding practical location Ambiguity inaccuracies outdated information Testimonial Evidence Witness Accounts Significant weight if corroborating practical location Bias fading memory lack of documentation Physical Evidence Fences Walls Highest weight if consistent with longstanding practical location and witness testimony Degradation alteration potential for unauthorized placement Illustrative Chart

Weight of Evidence under Robillard Doctrine Weight of Evidence High Physical Evidence Longstanding consistent markers Testimonial Evidence Multiple corroborating accounts Medium Documentary Evidence Supporting practical location Low Documentary Evidence Conflicting with practical location Testimonial Evidence Conflicting accounts weak credibility RealWorld Applications and Implications The Robillard Doctrine has significant practical applications in resolving boundary disputes For example consider a scenario where a deed describes a boundary along a particular creek but the creeks course has shifted over time If a fence consistently marking a different location has existed for decades accepted by neighboring landowners the Robillard Doctrine would likely favor the fence line as the legally recognized boundary even if it contradicts the deeds literal description This doctrine is particularly important in areas with older land records or imprecise surveying techniques It offers a means to reconcile discrepancies between historical documentation and ground realities promoting fairness and stability in land ownership However the application of the Robillard Doctrine isnt without limitations It requires a demonstrable history of longstanding practical location and the evidence needs to be clear 3 and convincing Mere possession or informal use of land without clear evidence of boundary acceptance by all involved parties might not suffice Furthermore the doctrine cannot be used to arbitrarily disregard valid and unambiguous documentary evidence Conclusion The determination of property boundaries is a complex process requiring careful consideration of various evidence types The Robillard Doctrine represents a vital legal principle that balances the weight of historical documentation with the practical reality of longstanding boundary location Its application promotes fairness reduces uncertainty and contributes to stable land ownership However careful analysis and rigorous evaluation of all available evidence are crucial to ensure accurate and equitable outcomes As technology advances eg GIS GPS its impact on evidence collection and interpretation within the framework of the Robillard Doctrine warrants further investigation Striking a balance between respecting historical norms and utilizing modern tools will be essential for future boundary disputes Advanced FAQs 1 How does the Robillard Doctrine interact with adverse possession claims The Robillard Doctrine focuses on established boundaries whereas adverse possession claims emphasize continuous open notorious and hostile occupation Both might be relevant in a dispute but they address distinct legal concepts 2 What constitutes longstanding in the context of practical location Theres no fixed timeframe Courts consider factors such as the continuity of the practical location the communitys acceptance and the consistency of evidence supporting it Decades not just years are generally considered longstanding 3 Can the Robillard Doctrine be applied retroactively While the doctrine itself isnt inherently retroactive its application relies on evidence of historical practices Therefore the relevant period for examining practical location would extend back as far as necessary to ascertain a consistent and accepted boundary 4 How does the precision of modern surveying techniques influence the application of the Robillard Doctrine Highprecision surveys can provide strong corroborating evidence or expose discrepancies in longstanding practices However the doctrine still prioritizes long

standing acceptance over strictly literal interpretation of survey results 5 What are the ethical implications for surveyors involved in boundary disputes involving the Robillard Doctrine Surveyors have a professional obligation to conduct thorough 4 investigations document their findings accurately and present impartial evidence to the court Bias or manipulation of data to support a particular outcome is unethical and potentially illegal

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professional surveyors and many civil engineers must understand the laws of boundaries and the evidence necessary for efficient and accurate boundary determination this new edition of the preeminent text reference on the subject is brought completely up to date with new material on the use of technology in surveying and its legal ramifications the use of forensic investigative techniques in the discovery of obscured evidence new case law examples throughout and new exhibits help illustrate the concepts presented

evidence and procedures for boundary location the updated classic guide to land boundary law and evidence discovery the revised seventh edition of evidence and procedures for boundary location serves as the seminal guide to the principles and

concepts of land boundary law and evidence for accurately determining boundaries written by a team of noted authorities on the subject the book presents the proven methods for the rediscovery of real property boundaries grounded in historical documentation field investigation and recreation of the original surveying methodology the book contains the appropriate and legally defensible tools needed for the re establishment of land boundaries thoroughly revised and updated the classic text contains fresh examples of case law the most recent developments in forensic investigation in the discovery of obscured evidence as well as a new chapter on emerging technology used in boundary surveying designed for use by both working surveyors and aspiring professionals studying for the fundamentals of land surveying licensure exam this important book has been the leading guide to land boundary law and evidence for nearly 60 years contains new case law examples and exhibits offers expanded coverage on the use of forensic investigative techniques presents a new chapter on the most recent surveying technology written for practicing surveyors and students the updated seventh edition of evidence and procedures for boundary location continues to offer an authoritative guide to the principles laws and latest developments in the field

the up to date new edition of the classic reference for over two decades evidence and procedures for boundary location has been the cornerstone volume for surveying practitioners in its fourth edition this book upholds its superior presentation of boundary laws and evidence and now introduces significantly revised content covering current laws legal procedures and practices courtroom responsibilities use of gps and gis data and waterway boundaries this current edition prepares surveyors for the new legal technical and administrative aspects of surveying the first section of this book covers resurveys or retracements of former surveys based on land records it deals with the methods used for locating corners lines and parcels of these surveys while detailing all types of evidence including maps and documents measurements monuments and trees and digital data the increasing importance of an area s history to surveyors is also a featured topic the later chapters examine the creation of new parcels of land from a legal standpoint this edition also includes an in depth examination of professional liability how to report evidence and use it in court court conduct both as a defendant and as an expert witness the origins of boundary evidence whether used in conjunction with brown s boundary control and legal principles fourth edition or on its own evidence and procedures for boundary location fourth edition continues to stand as the fundamental reference for licensed practicing surveyors lawyers property owners civil engineers and students in surveying courses in two and four year programs its practical applications have also made it a widely used study guide for land surveyor examinations

the survey and the transference are the distinctive and operative acts in the transmission of real property and where they differ from each other one must of necessity control the other this book addresses the aforementioned concepts by external explanations in order to understand the discrepancies between them it also

helps to avoid expensive and wasteful litigation over boundaries that were previously not in conflict the text offers an extensive review of the law for boundary retracement and cites numerous case examples

brown s boundary control and legal principles is now updated and expanded in this fourth edition this reference book covers land boundary law the science of measurements evaluation of evidence and the traditions and customs that have defined boundaries it includes full easily accessible coverage of the legal elements for determining boundary location and the federal and state laws that govern these elements common law and legal principles synthesized from a comprehensive review of court cases are presented as a cohesive set of guidelines for the practicing professional in the tradition of its previous editions brown s boundary control and legal principles fourth edition remains the essential reference for all land surveyors and civil engineers land owners realtors attorneys dealing with surveying and boundary law and students in surveying courses

ideally every tract of land has a description on paper and a physical survey on the ground when boundary disputes arise all parties concerned must quickly learn the vocabulary and processes involved with real estate written for anyone dealing in real estate transactions subdividing the land metes and bounds and rectangular survey systems prov

for over 40 years evidence and procedures for boundary location and brown s boundary control and legal principles have provided the cornerstones of any land surveyors practice now available in their 5th editions as a convenient two volume set these books have been thoroughly updated with current practice new case law citation additional coverage of negligence and liability the use of technology as evidence and additional real world examples

the congress considers the report on the first meeting june 1941 as part of v 1

some maps help us find our way others restrict where we go and what we do these maps control behavior regulating activities from flying to fishing prohibiting students from one part of town from being schooled on the other and banishing certain individuals and industries to the periphery this restrictive cartography has boomed in recent decades as governments seek regulate activities as diverse as hiking building a residence opening a store locating a chemical plant or painting your house anything but regulation colors it is this aspect of mapping its power to prohibit that celebrated geographer mark monmonier tackles in no dig no fly no go rooted in ancient egypt s need to reestablish property boundaries following the annual retreat of the Nile s floodwaters restrictive mapping has been indispensable in settling the American west claiming slices of Antarctica protecting fragile ocean fisheries and keeping sex offenders away from playgrounds but it has also been used for opprobrium during one of the darkest moments in American history cartographic exclusion orders helped send

thousands of japanese americans to remote detention camps tracing the power of prohibitive mapping at multiple levels from regional to international and multiple dimensions from property to cyberspace monmonier demonstrates how much boundaries influence our experience from homeownership and voting to taxation and airline travel a worthy successor to his critically acclaimed how to lie with maps the book is replete with all of the hallmarks of a monmonier classic including the wry observations and witty humor in the end monmonier looks far beyond the lines on the page to observe that mapped boundaries however persuasive their appearance are not always as permanent and impermeable as their cartographic lines might suggest written for anyone who votes owns a home or aspires to be an informed citizen no dig no fly no go will change the way we look at maps forever

clearly explains the functions and procedures required in every survey routine or otherwise why it is done and how it is accomplished readers will not only gain an appreciation for a survey plat or land description but will be able to evaluate it in its proper perspective realize any inherent inadequacies or discrepancies that may exist and have a much better idea of when a survey is needed to solve a problem or to obtain an approval contains a wealth of high quality line drawings

the first edition of the surveying handbook although a ground breaker was widely accepted however surveying is a dynamic profession with each new development just one step ahead of the next and updating became critical in addition the editors received constructive criticism about the first edition that needed to be addressed so while the objective of the handbook remains intact the logical evolution of the profession along with the need to recognize constructive criticism led to the second edition chapters have been added on water boundaries boundary law and geodetic positioning new satellites the chapter on land data systems was rewritten to provide a dramatic updating of information thus broadening the coverage of the handbook the same may be said for the state plane coordinate chapter the material on public lands and construction surveying was reorganized as well appendices were added to tabulate some information that was buried in the earlier edition in several places numerous other changes were incorporated to help the handbook retain its profession wide scope one step beyond the scope of an upper division college textbook along with the most sophisticated techniques and equipment the reader can find information on techniques once popular and still important four new authors are welcomed to the list of contributors grenville barnes r b buckner donald a wilson and charles d ghilani

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