



BENCHMARK

THE NEWSLETTER OF THE SOUTH CAROLINA SOCIETY OF PROFESSIONAL LAND SURVEYORS

An affiliate of the National Society of Professional Land Surveyors

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GENERAL MEMBERSHIP MEETING

SATURDAY, OCTOBER 4, 2008
1:00PM



SALUDA SHOALS PARK
5605 BUSH RIVER RD
COLUMBIA, SC

BOARD MEETING 10:00AM
COOKOUT/FELLOWSHIP 3:30PM
SPONSORED BY: HAYES INSTRUMENT



PRESIDENT'S MESSAGE

Greetings to all, First, I want to thank everyone who served in the society last year. I would also like to thank our executive board, board of directors, and committee chairman for their willingness to serve this year. We have already had one board meeting which was very productive. We have assigned committee chairman, as well as scheduled our meetings for the upcoming year to include a fall outing at a new location, Saluda Shoals Park in Columbia. I hope that the central location will enable members from across the state to attend. Please see the article on the following page for more details.

There are several challenges facing us this year. Not the least of which is the reduction of development due to the economic downturn. By meeting with other society members we can all learn from each other policies and strategies for surviving and even prospering during the slower times.

Thank you to everyone who came to our 2008 convention. Last year was a year of transition. As you probably are aware we moved our trade show to Columbia, to coincide with our educational conference. It was a huge success! On the other hand the convention attendance was down considerably. Now we are faced with the challenge of reviving our convention to be just as successful.

Lewis Moore is our convention committee chairman this year. I have confidence that together we



can pull off a successful event!

Our strength as a group was displayed last year when we united to kill special legislation proposed by Greenwood County that could have opened the door for violation of existing survey standards. Thank you to everyone who called their representatives to speak out against the bill. As we begin this year, our LLR board is preparing to make the final recommendations to the legislature for revisions to our Minimum Standards Manual. It will soon be known as our Standards of Practice Manual. Many of you attended the general membership meeting at Camp Buckhorn and contributed valuable input. As we got down to the wire, it became apparent to me that many people in the society were

unaware of some of the revisions. I do not want to sound like a broken record, but if you do not come to the general membership meetings, you will miss out. We were provided an opportunity to directly impact the rules and regulations governing our livelihood. Participate in your society. It is a most rewarding experience professionally and a chance to develop relationships that can last a lifetime. I look forward to meeting many more members this year as I try to attend local chapter meetings throughout the state and seeing all of you at Saluda Shoals.

Sincerely,
Lee Frank
SCSPLS2008-09 President

SCSPLS 2008-2009 MEETING DATES

Board Meeting:

July 18, 2008	Columbia, Synergy Business Park, Congaree Board Room
Oct. 4, 2008	Saluda Shoals, Lexington, 10:00 AM before GM meeting
Nov. 21, 2008	Columbia, Synergy Business Park, Congaree Board Room, 10:00 AM
March 7, 2009	Camp Buckhorn, Paris Mtn. State Park, Greenville 10:00 AM before GM meeting

General Membership Meetings:

Oct. 4, 2008	Saluda Shoals, River Center, Columbia, SC 1:00 PM (social following sponsored by Hayes Instrument)
Dec. 6, 2008	The Citadel, Charleston, 2:00 PM (social following at the Fish Fry Shack, Sullivan's Island sponsored by Duncan-Parnell)
March 7, 2009	Camp Buckhorn, Paris Mtn. State Park, Greenville 1:00 PM (luncheon social sponsored by Allen Precision (evening social – Chapter Cookoff)
June 13, 2009	Convention, Kingston Plantation, Myrtle Beach

OTHER IMPORTANT DATES

EDUCATION CONFERENCE & TRADE SHOW: FEBRUARY 26-27, 2009
RADISSON HOTEL COLUMBIA & CONF. CENTER

CONVENTION: June 10-13, 2009
KINGSTON PLANTATION, MYRTLE BEACH

SATURDAY - OCTOBER 4, 2008

SCHEDULE OF EVENTS:

- 10:00 AM Board Meeting
- 1:00 PM General Membership Meeting
- 3:30 PM Cookout/Fellowship
(Sponsored by Hayes Instrument)

Meetings will be held in the UPS Room of the River Center, Saluda Shoals Park



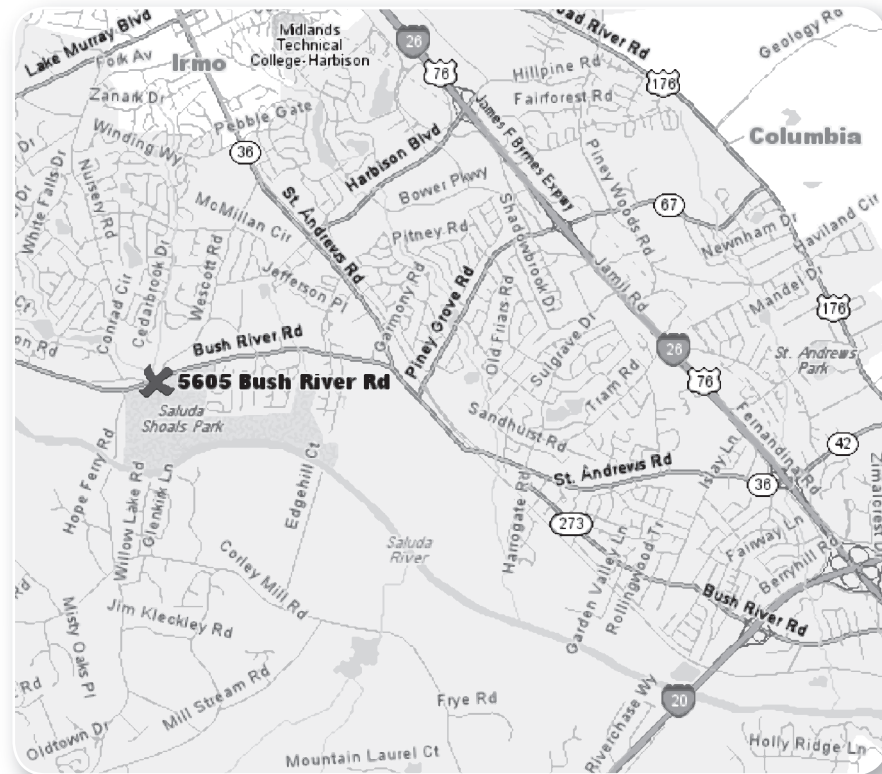
Finding Saluda Shoals Park

From Interstate 20—

Exit at Bush River Road (Exit 63). Turn west on Bush River and continue to the traffic light at St. Andrews Road. Turn left onto St. Andrews Road, then left again at the third traffic light to continue on Bush River Road. The Park entrance will be 1.5 miles on your left.

From Interstate 26—

Exit at Piney Grove Road (Exit 104) and turn west. Proceed approximately 2 miles to St. Andrews Road. Turn right onto St. Andrews, then left at the first traffic light onto Bush River Road. The Park entrance is 1.5 miles on your left.



The River Center

To get to the River Center follow the road across the bridge and up past the administrative building with the drive through. Proceed to the stop sign and go straight up the hill. The entrance to the River Center parking lot will be the first left. Overflow parking is located at the top of the hill in the grassy lot off the circular drive in the front of the building. **TELL THE ATTENDANT AT THE GATE THAT YOU ARE ATTENDING THE SCSPS MEETING AT THE RIVER CENTER AND THEY WILL WAIVE THE ENTRANCE FEE!**





Saluda Shoals Park

5605 Bush River Rd Columbia, SC
Weekdays: (803) 731-5208 Weekends: (803) 213-2050
<http://www.icrc.net/SaludaShoals/Default.aspx>



Park Hours: Mon-Sun, 7am - Sunset (7pm on our meeting date)

Along the banks of the lower Saluda River, this 300-acre riverfront park includes an environmental education center, a state-of-the-art conference facility, seasonal interactive zero depth water playground for children, picnic facilities, an observation deck, a canoe launch, fish cleaning station, an outdoor amphitheater, tennis courts, and hiking, biking and horseback riding trails.

Saluda Shoals Park Amenities:

Boat Launch:

A paved boat launch for motorized boats leads from the main road into the park.



Canoe/ Kayak Put-In Areas:

Downstream of the motorboat launch is a canoe/kayak launch. Canoes and kayaks can be rented on Saturdays and Sundays. Shuttle services are available. See below for more info.



Fish Cleaning Station:

Running water and a waste disposal system are available for use by fishermen. FYI: the Saluda River is the only place in the Midlands to trout fish!



Observation Deck:

A large deck looks over the river next to the picnic area. Other smaller decks along the paved trail offers great spots for wetting a hook!



Playground & Picnic tables with grills:

Fun for all ages! Picnic tables with charcoal grills are available on a first-come basis near the river overlook.



Riverfront Trail:

Paved trails wind along the river and between the picnic shelters. More than 1.5 miles of paved trails are available. Unpaved trails are available for mountain biking, running, horseback riding and hiking.



CANOE AND KAYAK RENTALS

Canoes and Kayaks are available for rent daily between the hours of 10:00 A.M. and 5:00 P.M. This is a great way to get an upper body workout and see the world from a really different perspective. Rental fees are taken at the Environmental Education Center. Rentals include all necessary equipment. Boats and equipment must be returned to the boat launch area by 5:00 P.M. for check-in by park staff. Call 731-5208 for information.

Canoe, Tandem and Solo Kayak Rental Fees: \$38 for 3-Hours; \$48 All Day Rental; and \$23 1-hour (only on weekends)
Shuttle Service: \$10 per boat Shuttles pick up at 1:00 P.M. and 4:00 P.M. daily.

GEOCACHING (www.geocaching.com)

If you are a geocacher or have thought about geocaching as a new hobby, there are currently 12 caches hidden in Saluda Shoals Park! If you are interested, email Dale Swygert (dswygert@sms-sc.com) and we may put together a "treasure hunt"!

SCSPLS GENERAL MEMBERSHIP MEETING SATURDAY, OCTOBER 4, 2008 1:00 P.M.

Saluda Shoals Park, River Center, Bushriver Rd., Columbia, South Carolina

AGENDA

Welcome & Invocation

Meeting Format:

Agenda Approval

Minutes Approval

Financial Report

Delegate Reports:

- SC Council of Eng. & Surv. Soc.
- NSPS Governor Report
- SMAC/GIS Delegate Report
- SC Utilities Committee Report
- The Auxiliary

Chapter Representative Reports:

- Aiken Chapter
- Central Chapter
- Coastal Chapter
- Foothills Chapter
- Grand Strand Chapter
- Low Country Chapter
- Midlands Chapter
- Mid-State Chapter
- Northwest Chapter
- Pee Dee Chapter
- Thomas C. Anderson Chapter
- Tri-County Chapter
- Upper Piedmont Chapter

District Director's Reports:

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6

Committee Reports:

- Activities & Programs
- Constitution & By-Laws
- 2009 Convention
- Education
- Ethics & Standards of Practice
- Four-Year Degree
- GPS-VRS Committee
- Insurance
- Legal & Legislative
- Membership
- Newsletter, Plat Contest
Surveyor of the Year
- Past Presidents Council
- Public Relations
- ROD Committee
- Scholarship Committee
- State Parks Committee
- Survey Contest
- Web Site Committee
- Yearbook

Business

Closing Comments

Adjournment

President Lee Frank
 Robert's Rules of Order, President Lee Frank
 President Lee Frank
 May 31, 2008
 Ben Christensen

Carl Bostick
 Henry Dingle
 Jody Mitchell
 Aaron Taylor
 Lesa Jenkins

Bill Tripp
 Brian Pate
 Tim Maull
 Bryan Gosnell
 Wendell Powers
 Ray Cook
 Rick Inman
 Bart Dominick
 Greg Sosebee
 Ferrell Prosser
 Wayne Reynolds
 David Thomas
 Jody Mitchell

Kevin Schwacke
 Al Whitworth
 Tom Abraham
 Dennis Clinkscales
 Burnett Jenkins
 Mike Culler, Jr.

Kevin Schwacke
 Ronnie Tyler/Bill Tripp
 Lewis Moore
 Joe McIntyre
 Bryan Gosnell
 Bart Dominick
 Matt Wellslager
 Dennis Clinkscales
 Ben Christensen, Skyler Ericson
 Lewis Moore
 Dale Swygert

Bobby Foster
 Chuck Dawley
 Al Whitworth
 Burnett Jenkins
 Mike Culler, Jr.
 Upper Piedmont Chapter, Jody Mitchell
 Dale Swygert
 Robert Praete

President Lee Frank
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 after the meeting sponsored by Hayes Instruments.

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Architectural model courtesy of Archetype 3D and Riverfront Park.

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MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING

Saturday, May 31, 2008 • Kingston Plantation, Myrtle Beach, SC

A meeting of the general membership of South Carolina Society of Professional Land Surveyors was held on Saturday, May 31, 2008, 9:30 AM, at Kingston Plantation, Myrtle Beach, South Carolina.

Members in attendance were:

Officers:

- President Bobby A. Foster
- President Elect R. Lee Frank, II
- Vice President Lewis Moore
- Secretary Robert Praete, Absent
- Treasurer Dennis Johns
- Immediate Past President Ben Christensen

Delegates:

- SC Council of Eng. & Surv. Soc. Carl Bostick, Absent
- NSPS Governor Henry Dingle
- SMAC & GIS Delegate Kevin Tollison, Absent
- SC Utilities Committee Aaron Taylor
- The Auxiliary Lesa Jenkins, Absent

Chapter Representatives:

- Aiken Chapter Bill Tripp, Absent
- Central Chapter Bill Lindler, Absent
- Coastal Chapter Tim Maull, Absent
- Foothills Chapter Bryan Gosnell, Absent
- Grand Strand Chapter Wendell Powers, Absent
- Low Country Chapter Ray Cook, Jr., Absent
- Midlands Chapter Rick Inman, Absent
- Mid-State Chapter Bart Dominick, Absent
- Northwest Chapter Greg Sosebee, Absent
- Pee Dee Chapter Ferrell Prosser, Absent
- Thomas C. Anderson Chapter Wayne Reynolds, Absent
- Tri-County Chapter David Thomas, Absent
- Upper Piedmont Chapter Joe Mitchell, Jr., Absent

District Directors:

- District 1 Kevin Schwacke, Absent
- District 2 Al Whitworth
- District 3 Tom Abraham, Absent
- District 4 Dennis Clinkscales
- District 5 Burnett Jenkins
- District 6 Mike Culler, Jr.

Executive Secretary:

Brenda Smith

Asst. to Exec. Sec.:

Amy Byrd

OTHERS PRESENT: Thurl Amick, Sr., Joe Baird-NSPS Area 3 Governor, Larry Beasley, Jeff Cooper, Gene Dinkins, Carol Hiatt, Kent Hudson, Mike Johnson, Frankie Manhardt, William C. Martin, Michael Mills, Benjamin Moorman-TAPS Pres., Tim Nash-VAS President, Dale Swygert, Terry Watson, John Welborn, Chris Witherspoon-NCSS Pres.

MEMORIALS: Memorials were given for the following who

passed away during the past Society fiscal year: Tony L. Carr, Sr., Charles Elam, Robert Inman, Doug Trogden, Jr., Bill Dalton, Bill Infinger, and Freddi S. Hagen, SAMSOG Executive Director.

REPORTS FROM OUT OF STATE GUESTS AND NSPS:

NORTH CAROLINA SURVEYING SOCIETY (NCSS): Mr. Chris Witherspoon, President of NCSS, updated the membership on event in the NC Society. He also presented the NC initiative on the Fellows Program on nominating 4 students to be "Fellows" for the year which is about a \$20,000 commitment to each student over the four years. They do not have to repay this money if they are registered within the four years and work in the state of North Carolina for a designated number of years. This was turned over to the licensing board and their decision was to hire a recruiter at a commitment of \$100,000 for the next three years. NCSS will meet with the licensing board on June 11th to discuss the details and commitments. The NC State Board is now rewriting the Standards of Practice. NCSS hired a marketing consultant and a new website – www.beasurveyor.com which is student oriented. The office of NCSS may be moving within the next couple of years and are working on a strategic plan at present. Next NCSS meeting will be in August in Southern Pines.

VIRGINIA ASSOCIATION OF SURVEYORS (VAS): Tim Nash, first Vice President of VAS is representing their President, Doug Richmond. The association will hold their next convention at Hotel Roanoke Convention Center in Roanoke, VA January 15-18th, 2009. Mr. Nash discussed legislation, licensing of photogrammetrists, membership drive and the state legislation on continuing education which passed for July, 2008 for 16 hrs. every two years. VAS is now updating their Policy Manual for duties of the VAS Board of Directors and rewriting Standards of Practice Manual.

TENNESSEE ASSOCIATION OF PROFESSIONAL

SURVEYORS: President Benny Moorman discussed the efforts of TAPS concerning legislation, Board of Examiners, and process of licensing of soil scientists possibly next year. NCSS annual convention will be last week in February, 2009.

SCSPLS President Bobby Foster welcomed those in attendance. He called the meeting of the SCSPLS General Membership to order on Saturday, May 31, 2008 at 9:30 AM at Kingston Plantation, Myrtle Beach, SC. President Foster opened the meeting with prayer. President Foster stated that the meeting would be conducted under Robert's Rules of Order.

AGENDA: A motion was made with a second to accept the agenda with the addition of Disability Insurance. Motion unanimously approved.

DISABILITY INSURANCE: Ms. Carol Hiatt stated that SCSPLS now has 88 signed up for the optional disability insurance and 100 are needed to enroll to start the program. She reminded the membership that for as little as \$14.95 per month, a member can enroll for short-term and long-term disability for themselves, their working spouse, and employees with no medical

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

questions asked when enrolled within the enrollment period. This insurance will be effective with any other type insurance. Ms. Hiatt requested that all forms be returned by June 15th as the enrollment will begin on July 1, 2008.

MINUTES: Motion made to approve minutes from Saturday, March 1, 2008, General Membership meeting as published in The Carolina Benchmark. Second. Minutes approved as published.

FINANCIAL REPORT: Treasurer Dennis Johns' report stated that he has been working closely with the CPA in streamlining the procedures and work of the SCSPLS Treasurer's job. We have signed a two-year lease for the current office space at the Synergy Business Park in Columbia. Report for information only.

DELEGATE REPORTS:

SC COUNCIL OF ENGINEERING AND SURVEYING

SOCIETIES: No report.

NSPS: Mr. Henry Dingle was elected as the new NSPS Governor from SCSPLS to replace the vacant term of Mr. Joe Baird who is now Area 3 Director of NSPS. Mr. Dingle will be attending the Area 3-4 meeting at ETSU in August. Mr. Joe Baird, who is now NSPS Area 3 Director, thanked the SCSPLS for the years of service as SCSPLS Governor and looks forward to working with on a national level with NSPS. Mr. Baird spoke on the initiatives of NSPS this past year including insurance, national surveyors week as third week in March, FEMA flood survey program, LOMA submittal, CST, Federal Grant program to get funding for Trig Star program, problem in Alabama with legislation on rural surveyor licensing, and meeting of Area 3-4 at ETSU in August.

SMAC: No report.

SC UTILITIES COMMITTEE: Mr. Aaron Taylor stated that he had been in contact with SCUCC on some flagging issues. PUPS just emailed members a remote user manual

THE AUXILIARY: The Auxiliary is holding their General Membership meeting at present. The Auxiliary is holding a silent auction with items displayed outside this meeting room and tonight at the Awards Banquet.

CHAPTER REPORTS:

President Foster reported that all chapter reports are to be in written format. Motion made to dispense with the Chapter and District Directors reports for this meeting due to time constraints and use the written reports for reporting in the minutes. Motion with a second unanimously carried.

Aiken: Mr. Bill Tripp's written report stated that the Chapter had held two meetings since the last report at Eejay's Restaurant in Aiken, SC, on the second Tuesday of each month. For the March 11, 2008 meeting, program was on the City of Aiken Certification/Release Process for Subdivisions with nine in attendance. There was no meeting in April. At the May 12, 2008 meeting, the program was Aiken County GIS update with eight in attendance.

Central: No written report.

Coastal: Mr. Tim Maull's written report stated that the chapter meets on the last Tuesday of the month at various locations. Report also stated they have had two meetings, March 25 and April 29 since the last report. Mr. Maull's report stated there is an average of 20 members and 2 guests present.

Foothills: No report.

Grand Strand: See District 6 report.

Low Country: Mr. Ray Cook's written report stated that the Chapter had not met since the last Board Meeting.

Midlands: No report.

Mid-State: No report.

Northwest: No report.

Pee Dee: See District 6 report.

Thomas C. Anderson: No report.

Tri-County: See District 5 report.

Upper Piedmont: No written report.

DISTRICT DIRECTORS REPORTS:

District 1: No report.

District 2: Defer to chapter reports.

District 3: No report.

District 4: Defer to chapter reports.

District 5: Mr. Burnett Jenkins report stated that the Tri-County Chapter meets the first Tuesday of the month at White Horse Restaurant in Rock Hill at 6:30 PM with attendance continuing to grow. Discussion on adding another chapter to the District but at present, there is no interest. The Kings Mountain State Park survey is 95% complete. Chapter has also discussed changes to the Minimum Standards. Officers elected for the 2008-09 year are: President-Burnett Jenkins; V. Pres.-Hart Weatherford; Treasurer-Don Spence; Secretary-Kent Hudson; Chapter Rep. and Past Pres.-David Thomas. The chapter elected Billy Hipp as the nominee for the State Surveyor of the Year and also Cam Robinson as Associate Surveyor of the Year. Mr. Burnett Jenkins presented SCSPLS with a check to the SCSPLS Scholarship Fund for \$100.

District 6: Mr. Mike Culler's written report stated that the Pee Dee chapter meets the first Monday of each month at the Thunderbird Restaurant in Florence, SC. The attendance has been good and most meetings have one hour seminars when possible to obtain continuing education hours. Last month, Joe Floyd with the Brigman Company gave a seminar on the changes taking place in wetland preservation and restoration. The report also stated that the Grand Strand Chapter meets on the third Tuesday of each month at T-Bones Steakhouse in Murrells Inlet. Attendance has been good with over fifteen members per meeting. Last month the chapter had a two-hour dendrology seminar at Myrtle Beach State Park. Mr. Mike Culler and Mr. Joel Floyd cooked hamburgers and not dogs for the thirty that were present.

COMMITTEE REPORTS:

Activities and Programs: Mr. Jeff Cooper reported that the Activities Committee has been busy helping with events at the convention. The survey games will be held just after this meeting on the Atlantic Lawn with the Central Chapter in charge this year.

Constitution and By-Laws: Mr. Bill Tripp's written report stated that there is nothing to report at present.

2008 Convention: Mr. Lee Frank reported that all have enjoyed the activities and events of this convention. President Foster expressed appreciation to Mr. Frank for his hard work in planning this convention.

Education: No report.

Ethics & Standards of Practice: President Foster reported that the committee has worked very hard this year in compiling the

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

comments from the membership on the Minimum Standards and comments were sent to the State Board for their review.

Four-Year Degree Program: No written report. President Foster stated that Mr. Bart Dominick has worked diligently on this program with USC and the technical schools and efforts are paying off with degree programs being approved at USC.

GPS-VRS: No report.

Insurance: Mr. Lee Frank deferred to Ms. Hiatt's report on Disability Insurance above. He encouraged all members to look at the Disability Insurance for themselves as well as their employees, and working spouse.

Legal and Legislative: Mr. Ben Christensen reported on the activities of the Legal and Legislative Committee this year and the defeat the Bill presented to the legislature by the County of Greenwood. Bill died in committee thanks to the quick response of the SCSPLS members to their legislative representative.

Membership: SCSPLS membership report stated that there are now 546 members with 4 members waiting approval by the Board.

Newsletter: Mr. Lewis Moore reported that the fourth newsletter for the year has been mailed.

Past President's Council: Mr. Ben Christensen reported that the Council met yesterday and discussed a variety of items including convention and trade show. Full report will be made to the Board at the July meeting.

Plat Contest: Mr. Lewis Moore reported that there were around 60 plats submitted for the plat contest. Problem with many of the plats were that they were not signed and/or sealed which disqualified those plats. Awards will be presented tonight at the Awards Banquet.

Public Relations: Mr. Larry Beasley reported that National Surveyors Week will be March 15-21, 2009. He discussed the efforts on the national level for the Trig Star Program and CST program to recognize those working in the surveying field who are not licensed. Mr. Beasley suggested that members present programs on surveying to local schools from the NSPS program designed for presentation. Copy of the DVD and speakers kit is in the Columbia office and each chapter was mailed a copy last year.

ROD Liaison: No report.

S. C. State Parks: Mr. Mike Culler's written report stated that the Kings Mountain State Park – The Tri-County Chapter has completed 95% of the Boundary Survey. Myrtle Beach State Park – The Grand Strand Chapter completed this project on 5/17/07. Paris Mountain State Park – Foothills Chapter, Bobby Foster reported that there has been no change since the March, 2008 report. Santee State Park – Rod Vaughn (Coastal Chapter), stated that the field work is completed and it appears that a subdivision may be encroaching in one section. The Park Service has been notified of the apparent problem and Mr. Vaughn is waiting on their response as to what to do. Sesquicentennial State Park – The Midlands Chapter, Joe McIntyre reported that he has met with the Park Manager to determine which lines needed surveying. A good many of the lines have been marked in the past week. The Midlands Chapter has set control at strategic locations by GPS to be used to complete Boundary. Mr. Ben Christensen stated that Mr. Lou Fontana contacted the Aiken Chapter to survey some areas around the grave yard at Redcliff Plantation. The chapter will be working on this project soon.

Scholarship: Mr. Burnett Jenkins' written report stated that tickets have been sold during the convention and drawing will be held at the Awards Banquet tonight. Items raffled are shopping spree at Tanger outlet, hunting trip for 2 days and three nights, Auto Level, and Knife. Remington shotgun and a Wii Game system and 19" HDTV will be raffled next year and tickets are now on sale for those items.

Survey Contest: Central Chapter will be in charge of the games this year.

Surveyor of the Year: Mr. Lewis Moore stated the Surveyor of the Year award will be presented tonight at the Awards Banquet.

Trade Show: President Bobby Foster reported that the Trade Show was a great success as it moved to the Education Conference in March, 2008, in Columbia. The board will evaluate this change during the coming year for future.

Website: Mr. Foster reported that the board hired Scarlett's Web design service to update the website this year and add current events.

Yearbook: No report.

BUSINESS:

State Board Report: Mr. Gene Dinkins updated the membership on the current events of the State Board of Registration for Professional Engineers and Land Surveyors including the 4-year Degree Major in Geography and minor in surveying requiring 18 hours at USC in Columbia with a new course in surveying law; NCEES and examination for Professional Surveyors, GIS licensing and testing, legislation and importance of contacting your legislators, on-line renewals for licensing in 2008, and funding of SCSPLS speakers cost at the 2008 convention.

Minimum Standards Manual Changes: Mr. Gene Dinkins and Mr. Thurl Amick, members of the State Board of Registration for Professional Engineers and Land Surveyors, and members of SCSPLS presented a written copy of the compiled comments on the Minimum Standards changes. The changes were discussed with those present. Any surveyor who has other comments should immediately send any further changes they wish to be considered to this LLR Board. A copy of these changes will be on the SCSPLS website at www.scspls.com. The Minimum Standards Manual name will be changed to Standards of Practice Manual for Surveying in South Carolina.

2008-09 OFFICER ELECTION RESULTS: Mr. Ben Christensen presented the outcome of the 2008-2009 SCSPLS Board election as follows: President-Elect: Lewis Moore; Vice President: Dale Swygert; Secretary: Robert A. Praete; Treasurer: Ben Christensen; District 2 Director: Al Whitworth; District 4 Director: Dennis Clinkscales; District 6 Director: Mike Culler, Jr. President for 2008-09 will be R. Lee Frank, II.

President Foster thanked those in attendance for their support of the Society. With there being no further business, motion was made to adjourn with a second. Motion unanimously approved.

Respectfully submitted,

Robert Praete, SCSPLS Secretary

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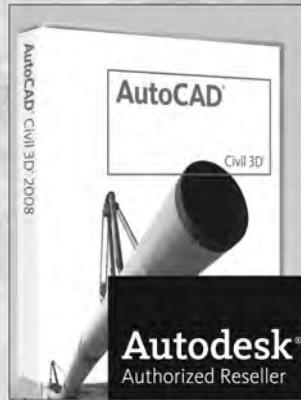
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2008 CONVENTION

LARRY BEASLEY SELECTED 2007-2008 SURVEYOR OF THE YEAR



The South Carolina Society of Professional Land Surveyors recently honored Larry T. Beasley, of Myrtle Beach, SC, owner and president of Beasley Land Surveying, by selecting him South Carolina “Surveyor of the Year” for 2008. Mr. Beasley was presented with this honor at the Society’s Annual Convention on May 31, 2008 at the Kingston Plantation Resort in Myrtle Beach, South Carolina. The Surveyor of the Year Award is presented annually by the Society to a surveyor who has made outstanding contributions to the profession of land surveying in the State of South Carolina.

Mr. Beasley began surveying in Charlotte, N.C. in 1968 and has been a registered professional land surveyor in South Carolina since 1983 and is also registered in North Carolina. He has been surveying along the Grand Strand for the past three decades. Mr. Beasley has been a long-standing member of SCSPLS, serving in many positions and as President in 2005-2006 and currently serving as Public Relations Chairman where he organized Career Day at local schools in the Grand Strand area. He has worked hard on the state level and in the local Grand Strand Chapter. Larry is also a member of the National Society of Professional Surveyors. Larry and wife Barbara have been married 26 years and have 4 children and 5 grand children and are members of Socastee Baptist Church in Myrtle Beach, S.C.. He enjoys bowling, golf, Nascar racing and other sports and bluegrass music.



KINGSTON PLANTATION, MYRTLE BEACH



Results from the Silent Auction held on Saturday, May 31st, 2008 at the SCSPLS Convention, Kingston Plantation, Myrtle Beach, South Carolina. The Auxiliary will determine at the Fall membership meeting an amount to be given to the SCSPLS.

Item Description

- “Line Post” Framed Picture
- “Cooler of Cheer” – Beach Items
- Digital Picture Frame and Memory
- Old Surveyor’s Pictures
- “Masters” Baseball Hat & Pin
- “Masters” Coffee Mug & Golf Towel
- Wind Chime
- State House & Center of Pop. Picture w/ Palm Tree
- “Bass Pro Shop” \$75 Gift Card & “Bass Pro” Restaurant \$75 Gift Card
- Brass Transit
- Arcadian Shores – Golf Items
- “Penn” Fishing Rod
- “Masters” Divot Tool & Logo Balls
- “State House & Center of Pop.” Picture (No Tree)
- IPOD Shuffle and Head Phones

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- David Youmens
- Jetter Pittman
- Jetter Pittman
- Jetter Pittman
- Amy Byrd
- Amy Byrd
- Lesa Jenkins
- Lewis Moore
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- Billy Martin
- Kevin Schwacke
- Donna Foster
- Helen Amick
- Kent Hudson
- ??



2008 PLAT CONTEST WINNERS

Congratulations to the following. First Place winning plats will be entered in the NSPS Plat Contest to be held in February, 2009. Category and Winners:

SUBDIVISION:

First Place: Henry Dingle, B.P. Barber

BOUNDARY:

First Place: Kenneth Crawford, Thomas & Hutton
Second Place: Aaron Taylor, Cornerstone Surveying & Engineering, Inc.

ALTA/ACSM:

First Place: Charlotte Hinely, HGBD
Second Place: Mike Johnson, Forsberg Engineering & Surveying, Inc.

MISCELLANEOUS:

First Place: Burnett Jenkins, Pittman Professional Land Surveying

2008 SCHOLARSHIP WINNERS

Nick Mansfield, Greenville TEC Student - \$500 scholarship
 Michael McLean, The Citadel Student - \$500 scholarship

Winners of scholarship raffle:

- Level: Dale Swygert
- Knife: Donna Foster
- Hunting Trip: Henry Dingle
- Shopping Spree: Donna Foster

2008 CONVENTION GOLF WINNERS

- | | | |
|----------------|------------|------------------|
| 1ST PLACE: | 2nd PLACE: | |
| Lewis Moore | Don Crews | James Strickland |
| Buddy Schwacke | Andy Eades | Donald White |
| Kevin Schwacke | | |

2008 SURVEY GAME WINNERS

- Range Pole Toss - David Youmans
- Instrument Setup - David Youmans (won coin toss w/ Bobby Foster)
- Angle Estimation - Burnett Jenkins
- Pacing - Larry Beasley
- Elevation Difference - Larry Beasley
- Height Estimation - Larry Beasley
- Set Flag on Line - Bobby Damron
- Overall Winner - Larry Beasley



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Friday, May 30, 2008

Friday Breaks	Midlands Chapter
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Saturday, May 31, 2008

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WHAT TO DO WITH FENCES

by Knud E. Hermansen†
Ph.D., P.L.S., P.E., Esq.

ABSTRACT

One of the perplexing problems that land surveyors must face is what to do with fences. Fences are found on or near many boundaries, to include boundaries around woodland, farm, and residential lots. This article was written to provide some suggestions and guidance concerning fences (and for that matter walls, hedgerows, tree-lines, etc.). In particular, the legal significance, practical value, and responsible treatment of fences are examined in this article.



INTRODUCTION

Landowners generally hire surveyors, in part, to determine where they own -- they want the surveyor to locate their ownership boundary. The surveyor, for their part, has been trained to reestablish the location of the boundary as described in the records; that is, the record boundary. Under ideal conditions, the record and ownership boundaries will coincide and the surveyor will meet the client's expectations. A problem arises when the landowner or their predecessor in possession has asserted a claim, as evidenced by prior use and possession, short of or beyond the record boundary -- creating a third category of boundaries known as the possession boundary. Where the extent of use or possession does not coincide with the record boundary, the location of the ownership boundary becomes uncertain since it may coincide with either the record or the possession boundary.

Within this realm of potential confusion stands the fence, sometimes an aid while at other times the nemesis and gist of the problem. The resolution of the confusion depends on the legal significance, practical value, and responsible treatment of the fence. Unfortunately, the confusion is compounded by serenity and fed by ignorance. By its protruding appearance in the woods, along a field, or between homes in a development, a fence seems to make what would ordinarily be uncertain, certain. For the surveyor to interrupt the serenity by casting

doubt on its position or prestige as a boundary marker seems sanctimonious if not an outright declaration of mistrust that is bound to start a bitter boundary dispute between the neighbors. For this reason and others, surveyors are quick to adopt a fence, reluctant to question a fence, ignorant about the legal ramifications, or are simply uncertain about how to handle fences that are on or near boundaries.

The legal significance, practical value, and responsible treatment of a fence can be determined by three steps. The three steps are to: (1) gather information, (2) analyze the information, and (3) apply or communicate the information.

GATHER INFORMATION

The first step to determine the legal significance and practical value of the fence is to gather information on the fence. During the course of the survey, information on the fence can be gathered during the record search, interviews, and field survey. While searching the records for boundary information, the surveyor should determine if any documents cite or portray the fence in a manner that is suggestive of an intent to fix the record boundary along the fence. Any citations to a fence should be scrutinized to determine: (1) the time the fence was built; (2) the fence material, (3) the direction of the fence, and (4) the location of the fence.

Information is also obtained from interviews with the client, neighbors, long-time residents, and other knowledgeable people. During the interview, the surveyor should gather the following information: (1) the maker/builder; (2) builder's frame of mind, purpose, and apparent significance of the fence (e.g. cattle barrier, line fence); (3) approximate age; and (4) past condition of the fence.

Finally, information on the fence is obtained during the field survey (to include the reconnaissance). The most important piece of information to obtain during the field survey is the relative location of the fence with respect to other evidence. This would include any significant meanderings and the geometrical relation between the fence, existing monuments, and major features. In addition, the surveyor should also attempt to collect the following during the field survey or reconnaissance: (1) continuity of the fence (e.g. sporadic, continuous); (2) present condition of the fence (e.g. disrepair, decayed, new); (3) actual age of the fence (i.e. from tree borings); (4) fence material (e.g. woven wire, split rail); and (5) visibility of the fence.

ANALYZE THE INFORMATION

The second step is to analyze the information. The analysis should attempt to classify the fence as one of the following: (1)

the best evidence to the record boundary, (2) evidence to the record boundary, or (3) no correlation to the record boundary.

Best Evidence: The fence may be the best evidence of the record boundary under one or a combination of two or more of the following: (1) rules of construction; (2) recognition/ reputation; (3) process of elimination; and (4) prima facie assumption.

Best Evidence - Rules of Construction: The rules of construction would favor the fence as the best evidence to the record boundary under two different scenarios. The most favorable scenario is when the fence is called for in a valid conveyance, cited in an authoritative record as a monument to the boundary, or constructed as a division fence according to a "fenceline" statute or boundary agreement.¹ The second, less favorable scenario is to determine the fence is in privity and conformance with the location of the original marks and monuments.² Privity stands for the concept that there exists some chain of records, evidence, logic pattern, or other rational explanation that places the fence in the same stead as the original marks. This scenario would be appropriate if the fence were built along the blazed boundary, fence posts replaced the corner marks or monuments (e.g. stakes), or the fence replaced or stands in the place of an earlier fence that was called for as a monument. Under these scenarios, the fence is favored much the same as other monuments are favored under boundary law rules of construction.³

Best Evidence - Recognition/Reputation: A second way a fence may be the best evidence of the record boundary is by recognition and reputation. This concept treats the fence as an "undocumented" monument with authority based on its recognition and reputation. Recognition and reputation as a boundary or "line" fence is based in part on equity and in part on logical assumptions. Equity by way of laches, estoppel, and other equitable principles, would keep settled what has been settled. With the same results, a logical analysis could be constructed to show that the recognition and reputation of a fence as a boundary marker must have been based on some authority since obscured or some intent expressed and accepted long ago.⁴

Best Evidence - Process of Elimination: Recognition and reputation are usually combined with the process of elimination (although not always). The process of elimination, simply described, is that there is no better evidence available to prove the fence does not stand on the record boundary. What better evidence that may have once been available is now unavailable, lost, or suspect. In some cases, there may never have been better evidence other than the fact the people living along or near the fence have always supposed and accepted the fence as the boundary marker.

Best Evidence - Prima Facie Assumption: By way of a prima

Continued on page 20

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Continued from page 19

facie assumption, some courts will assume at the outset that the location of an existing fence accurately marks the location of the record boundary.⁵ To understand this concept, recognize that under the previous methods of interpretation, judges would ordinarily reserve judgment until the party with the burden of proof produces sufficient evidence to show that the fence marks the boundary or the moving party, by a preponderance of evidence, shows the fence in all likelihood coincides with the record boundary. However, if at the outset of the trial the court adopts a prima facie assumption in favor of the fence, the court assumes that the fence marks the location of the record boundary unless other, better evidence is introduced by the opposing party that shows it does not. This last assumption is founded partially on convenience and partially on the premise that: (1) the builder knew where the record boundary was located, (2) the record boundary was discernible to the builder at the time the fence was constructed (e.g. blazed trees), and (3) the builder followed the marks in constructing the fence.⁶

Best Evidence - Prima Facie Assumption (Modified): As a slight modification to the best evidence by prima facie assumption, some courts do not use a prima facie assumption until the fence is shown to have existed undisturbed and uncontested for a period exceeding the statute of limitations (Acquiescence).⁷ This is based on the premise that any fence that has been allowed to stand uncontested for a long time must have been built on the record boundary or else someone should have come forward to dispute (i.e. litigate) its location before the present time. If the fence is shown to have existed for a long time without question or conflict, the opposing party has the burden of coming forward with evidence (not the same as the burden of proof) to show the fence is not on the record boundary.

Evidence: The fence may be classified as evidence (as opposed to the “best” evidence) to the boundary when the fence supports other comparable or better evidence to the record boundary. This classification uses the location of the fence as one piece of evidence among many (e.g. other undocumented monuments, measurements, area, and parol testimony) to help fix the record boundary. Naturally, the evidentiary value of the fence can be improved or minimized by proving or failing to prove such factors as: (1) the fence was built at a time when marks and monuments to the record boundary still existed; (2) the person constructing the fence was a disinterested party and intended to set the fence on the record boundary; or (3) the fence was constructed by previous landowners to stand on the common boundary between them.⁸

No Correlation To The Record Boundary: By eliminating the possibility that the fence is the best evidence or, less favorably, evidence to the boundary, the surveyor is left with the last possibility -- there is no correlation between the fence and the client’s record boundary. In other words, the fence represents the position of another record boundary or a possession boundary not related to the client’s record boundary -- possibly creating a cloud on the client’s or neighbor’s title. Estoppel and adverse possession are two common legal doctrines where a

fence, standing as a possession boundary apart from the client’s record boundary, may alter the client’s rights and cloud the record title.

Estoppel: Estoppel is a legal doctrine that denies a person a legal remedy that would ordinarily be theirs to claim. With estoppel, one landowner is denied the right to claim to their record boundary and the other landowner has the right to claim to the fence lying beyond their record boundary. Estoppel arises when one landowner, by design or innocence; by action or, in some cases, acquiescence (e.g. where the landowner had a duty to assert the truth and did not); misleads another to that person’s detriment; to believe that the fence controls or stands in the location of the ownership boundary;⁹ Examples include an oral agreement followed by possession;¹⁰ acquiescence coupled with possession; and detrimental reliance.¹¹ Estoppel, by itself, does not ordinarily create title until adverse possession is maintained for the time period prescribed by the statute of limitations.¹²

Adverse Possession: Adverse possession is a legal doctrine that creates title in a possessor. Most states recognize adverse possession through statute or common law. Under the common law, adverse possession is founded on the premise (i.e. legal fiction) that any long possession must have been founded on a grant that has since been lost (i.e., lost grant theory). A person asserting title by adverse possession must prove the following six elements (although different jurisdictions may require more, less, or slightly different elements depending on the circumstances): (1) the land was held adverse or hostile to the record owner’s title; (2) possession has been actual (v. constructive); (3) it has been open and notorious (i.e., visible and known); (4) possession has been exclusive or the use by others has been controlled by the possessor; (5) possession has been continuous for the period set forth in the statute of limitations; and (6) possession has been under claim-of-title or color-of-title.¹³

Other Record Boundary: A fence standing apart from the client’s record boundary may also represent another person’s record or ownership boundary (e.g. the neighbor’s). In some cases, this may result in a gap between record titles, while in other cases it may result in an overlap of record titles. In any event, a question of title is usually involved. In most of these cases, the surveyor should treat the fence as an encroachment on the client’s title or a possessory claim for the client.

APPLY OR COMMUNICATE THE INFORMATION

The last step is for the surveyor to apply the information or communicate the information along with his or her analysis and opinion to the client. This step focuses on the proper treatment of the fence. Generally, if the surveyor determines that the fence is the best evidence or, in the alternative, evidence to the boundary, the surveyor uses the fence to help fix the location of the record boundary. In contrast, if the surveyor determines there is no correlation between the fence and record boundary, the surveyor should communicate this information to the client along with the legal ramifications that may result or may have occurred.

Fence as the Best Evidence: If the fence is the best evidence to the record boundary, the fence is used to fix the location of the record boundary. This normally requires the record boundary coincide with the location of the fence (even though the fence may deviate from a straight line).¹⁴ This conforms with the rule of construction that generally holds monuments superior to measurements (i.e. straight lines) should they conflict. Furthermore, the call for a monument is a call for the center, where it stood at the time the original description was prepared.¹⁵

Fence Used As Evidence: On the other hand, if the surveyor has determined the fence is evidence to the record boundary, the fence usually falls partly on the boundary and partly off from the record boundary. The fence is used as one piece of evidence among others to relocate where the corner monuments or the record boundary once stood. All evidence, including the fence location, is analyzed and used in the most favorable light (i.e. the conform rather than conflict), keeping in mind the conditions and situation at the time of the conveyance. As evidence (as opposed to the best evidence) of the record boundary, the record boundary will not be made to follow the meanderings of the fence. Since the fence will not ordinarily coincide with the record boundary along its entire length, one of two different interpretations are used to reestablish the record boundary.

Under one interpretation, only part of the fence is used to help fix the corner locations. This interpretation assumes the builder attempted to place the fence on a straight line between two corner monuments, starting at one corner and building the fence toward the the other corner. As he moved away from one corner monument and was out of sight of the other corner, the direction of the fence deviated from a direct line between the corners. However, once he came close enough to the other corner, the fence builder was able to visually correct his direction and head more or less back toward the second corner. The result is that the fence, as it stands, “bows” or “curves” away from the record boundary (i.e. a straight line). Therefore, under this interpretation, only the end segments of the fence would be used to help fix the location of the property corners. Once the corner locations are reestablished, a straight line is protracted between the corners and any deviation of the fence from the straight line is treated as an encroachment or adverse claim, as the case may be.

Under a second interpretation, the fence builder is assumed to have stayed on or near the boundary, sometimes going off to one side and at other times crossing and going off to the other side -- crossing and recrossing the record boundary. In other words the fence zig-zags along the length of the record boundary. Given this interpretation of the fence construction, the record boundary is located by projecting a “best fit” straight line along the fence (i.e. a least squares best fit). In other words, a straight line is chosen for the record boundary that minimizes the deviations of the fence from the record boundary.

It should be noted that one interpretation does not necessarily always have to be favored over another. The existing pattern of the fence location (bow v. zig-zag), the character of the corner marker (e.g. stream or road v. tree or ridge), and the character

and frame of mind of the builder (conscientious v. noncaring) will influence whether the first or second interpretation is chosen. For example a bow in the fence line would tend to fit the first interpretation while a fence that zig-zags would fit the second interpretation. On the other hand, if the fence builder was heading toward a linear monument, a monument not easily visible to the builder, there is less reason to choose the first interpretation. In contrast, if the builder had a tall tree or point on a ridge that was generally visible along the entire boundary while the fence builder constructed the fence, there is a good reason to choose the second interpretation since the builder would have been able correct the direction of the fence from time to time.

Fence Does Not Coincide: In almost all cases where the record boundary and possession boundary (fence) do not coincide, the surveyor should not ignore the difference or attempt to solve the problem independent of written authority to do so.¹⁶ Where the client’s record boundary is in a different location than the possession boundary, the question of what is the (ownership) boundary becomes a question of law. The surveyor’s responsibility is limited to showing where the boundaries are located, which is a question of fact. As one early practitioner said in the 1800s: “Old fences must generally be accepted by right of possession; though such questions belong to the lawyer [rather] than to the surveyor.”¹⁷

In this situation, the surveyor has a duty to inform the client of any problems that may affect his or her title. Thereafter, it is the client’s problem and prerogative to ignore or take steps to remove the problem affecting their title. If the surveyor fails to properly inform the client or, in the alternative, attempts to decide title questions on his or her own, the surveyor will increase their liability considerably.

Unfortunately, many surveyors find it difficult to come to the client with a potential title problem they have discovered and are unable to solve. In real life, the client is not happy to find out they have a problem, is annoyed that the surveyor cannot solve the problem, and, on top of it all, is mad at the surveyor for demanding to be paid. However, the fault is not with the surveyor because he or she identified and described the problem; the fault is with some prior landowner who failed to have the property surveyed and subsequently failed to build the fence on the record boundary.

If the surveyor should determine a fence does not coincide with the record boundary, the surveyor should take several actions on behalf of their client: (1) The surveyor should carefully locate where the fence stands and describe the fence in relation to the record boundary. (2) The surveyor should describe and document all evidence that would support or refute a possessory claim on behalf of or against their client. (3) If the area is not inconsequential (“de minimis non curat lex”), the surveyor should calculate the area for the client. (4) The client should be notified of the possible adverse or beneficial consequences that result when the possession boundary does not coincide with the record boundary. (5) Finally, the surveyor should suggest some

Continued on page 23

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possible actions the client should consider and discuss with his or her attorney. These include: (a) do nothing, (b) maintain the status quo, (c) negotiate and compromise with the neighbor (e.g. boundary line agreement), (d) recognize any adverse claims, (e) arbitrate, or (f) litigate.

CONCLUSION

A fence is a common object found on or along boundaries. The surveyor should not ignore a fence since the fence may be evidence of the record boundary or, in the alternative, may represent a possession boundary that extends or usurps (i.e. clouds) the client's title. It behooves the surveyor to determine the relative location of the fence, who built the fence, when it was erected, the conditions under which it was erected, the manner in which it was erected, the purpose for its erection, and the authority or weight of the fence as evidence to the record boundary.

If the fence is evidence to the record boundary the surveyor may use it to reestablish or support the location of the record boundary. On the other hand, if the fence does not coincide with the record boundary, the surveyor must explain the possible significance of the difference. The responsibility of the surveyor is not to resolve any conflicting title claims but identify and locate any potential conflicting title claims. This information is communicated to the client (or their attorney) in a clear, understandable, and comprehensive manner. The client may, after receiving legal advice, decide to do nothing, maintain the status quo, negotiate and compromise with the neighbor, recognize any adverse claims, arbitrate, or litigate.

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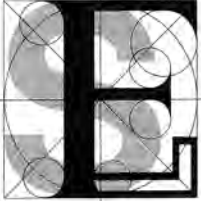
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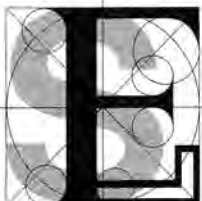
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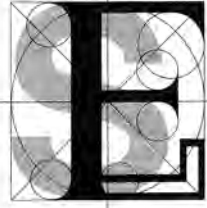
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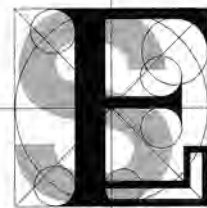
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SATURDAY - OCTOBER 4, 2008

SCHEDULE OF EVENTS



- 10:00 AM Board Meeting
- 1:00 PM General Membership Meeting
- 3:30 PM Cookout/Fellowship
(Sponsored by Hayes Instrument)

Meetings will be held in the UPS Room of the River Center, Saluda Shoals Park,
5606 Bush River Road, Columbia, SC 29212 • Phone: 803-731-5208

**For more information on activities and trails at Saluda Shoals Park
visit their website at <http://www.icrc.net/SaludaShoals/Default.aspx>**