



*An affiliate of the National Society of
Professional Land Surveyors*

Aaron F. Leach, Editor
121 Executive Center Drive, Suite 248
Columbia, S. C. 29210-8419
(803) 750-7524

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GENERAL MEMBERSHIP MEETING

SATURDAY – November 19, 2011
10:00 AM

RIPLEY'S AQUARIUM
MYRTLE BEACH, SC



*Lunch Provided to Members in
Attendance Along with a Complimentary
Ticket to Tour the Aquarium*

PRESIDENT’S MESSAGE

Hello Fellow Surveyors!

It has been an interesting start to an interesting year. I am quite confident that all of our past trials have made us more dedicated to our profession and to the Society, and more determined to make the most of what we have left to do. I would like to start my term by thanking the members of the Executive Committee for standing by our purpose, even when it seemed more than they had volunteered to do.

This year I want to actively pursue getting Trigstar established in the State. This is a tool which we can use to get in front of the young people out there who have promise. It is so very important to talk to children before they have decided what they want to be ‘when they grow up’. I challenge each Chapter to talk to at least one High School in their area about the program and get



it set up so that next years’ students can begin participating. I also encourage you to go to your local Middle Schools and talk to the 6th and 7th graders. They are just beginning to look at where they are headed in life and if they have aptitude in Math and a love of the outdoors, where else should they go but to Surveying?

We have an exciting year ahead of us. From re-working the proposed changes to our Constitution to bring it into the 21st century, through getting a great website up and running with a members-only page for all the important information that you need to know, to having our Education Conference and Convention organized by a great team to be the best we have had yet! I am looking forward to a busy, fulfilling and successful year with your help.

Sincerely,
Frankie Manhardt, PLS
SCSPLS 2011-12 President



RIPLEY’S AQUARIUM IS THE SITE OF THE
NOVEMBER 19, 2011 GENERAL MEMBERSHIP MEETING

Ripley’s Aquarium in Myrtle Beach will be the site of the first SCSPLS General Membership meeting of the 2011-12 year. Lunch will be provided to SCSPLS members in attendance along with a ticket to tour the aquarium after the meeting.

Bring your family! Ripley’s Aquarium is located in Broadway at the Beach, an entertainment and dining complex that features restaurants, rides, shops and the 85,000 square foot Ripley’s Aquarium. The Aquarium has thousands of exotic sea creatures on display, hourly dive shows, “Touch-a Ray-Bay” where guests can reach out and touch rays as they glide by, and much more! SCSPLS will have discounted admissions tickets to the Aquarium for guests.

Plan to be there! We must have a headcount to give to the staff at the Aquarium so they will know how many lunches to prepare and how many tickets we’ll need. *Please fill out the form below if you plan to attend the meeting and return to the SCSPLS office (along with your payment for additional tickets if applicable) no later than Nov. 14th:*

SCSPLS
121 Executive Center Dr., Ste. 248
Columbia, SC 29210
Fax 803-750-7523
Email kim@scspl.com



Member Name: _____ No. Attending Meeting: _____

Additional Tickets Needed for Guests:
If you’d like to include lunch with your aquarium ticket, please indicate the number of lunches and add to your total.

Ages:	Aquarium Tickets			Lunch Tickets		
Adult (12+)	\$14.50	X _____ = _____	Total Adult Tickets + \$11.50	X _____ = _____	Total Lunch	
Children (6-11)	\$ 7.50	X _____ = _____	Total Children 6-11 + \$11.50	X _____ = _____	Total Lunch	
Children (2-5)	\$ 3.50	X _____ = _____	Total Children 2-5 + \$11.50	X _____ = _____	Total Lunch	
Total Enclosed = \$ _____						

Makes checks payable to SCSPLS or call the SCSPLS office to make payment by credit card, 803-750-7524.
WE HOPE TO SEE YOU THERE!



SCSPLS GENERAL MEMBERSHIP MEETING SATURDAY, NOVEMBER 19 2011 - 10:00 AM

Ripley’s Aquarium, Myrtle Beach, South Carolina

- Welcome:**
Invocation:
Meeting Format: Robert's Rules of Order,
Agenda Approval:
Approval of Minutes of GM Meeting:
CONSENT AGENDA FOR THE FOLLOWING ITEMS:
1. President’s Report:
2. Financial Report:
3. Delegate Reports:
 - SC Council of Eng. & Surv. Soc.
 - NSPS Governor
 - SMAC/GIS Delegate
 - SC Utilities Committee
 - The Auxiliary**4. 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**5. District Director’s Reports:**
 - District 1
 - District 2
 - District 3
 - District 4
 - District 5
 - District 6**6. Committee Reports:**
 - Activities & Programs
 - Constitution & By-Laws
 - 2012 Convention
 - Education
 - Ethics & Standards of Practice
 - GPS-VRS
 - Insurance
 - Internet
 - Legal & Legislative
 - Membership
 - Newsletter, Plat Contest & Surveyor of the Year
 - Office Relocation Committee
 - PAC Research Committee
 - Past Presidents Council
 - Public Relations
 - Scholarship Committee
 - Survey Contest
 - Yearbook**NORMAL AGENDA ITEMS:**
Old Business:
Insurance Update
Constitution & By-Laws Motions
New Business:
Board of Prof. Eng. & Surveyors’ Report
Closing Comments
Adjournment

- President Frankie Manhardt
- President Frankie Manhardt
President Frankie Manhardt
June 11, 2011
- President Manhardt
Lee Frank
- Carl Bostick
Henry Dingle
Bill Tripp
Aaron Taylor
- Bill Tripp
Thomas Andersen
Mike Johnson
Bobby Foster
Erwin Balk
Ray Cook
Greg Jenness
Tad Abraham
Earl O’Brien
Ferrell Prosser
Wayne Reynolds
Bill White
Jody Mitchell
- Chuck Dawley
Dennis Johns
Tom Abraham
Billy Martin
Burnett Jenkins
Mike Culler, Jr.
- Aaron Leach
Ronnie Tyler
Kent Hudson
Greg Jenness
Bobby Foster & All Chapter Reps.
Mark Mills
Dennis Clinkscales
Dale Swygert, Exec. Comm.
Dennis Johns & District Directors
Dennis Clinkscales
Aaron Leach
Dennis Johns
Dennis Clinkscales
Dale Swygert
Chuck Dawley
- Northwest Chapter
Dennis Clinkscales
- Dennis Clinkscales
President Manhardt/Ronnie Tyler
- President Manhardt

Lunch will be provided for all paid SCSPLS members in attendance and one entrance ticket to the Aquarium.

SCSPLS 2011-2012 Meeting Dates

GENERAL MEMBERSHIP MEETINGS:
November 19, 2011
Myrtle Beach, Ripley’s Aquarium, Meeting Room 10:00 AM
February 8, 2012
Columbia, Hilton Double Tree Hotel and Conf. Center
June 17, 2012
Myrtle Beach, Sheraton Myrtle Beach Convention Center Hotel

BOARD MEETINGS:
February 8, 2012
Columbia, Hilton Double Tree Hotel and Conf. Center
June 17, 2012
Myrtle Beach, Sheraton Myrtle Beach Convention Center Hotel

Other Important Dates

EDUCATION CONFERENCE & TRADE SHOW
Hilton Double Tree Hotel (formally Radisson)
2100 Bush River Rd., Columbia, SC. February 9-10, 2012

CONVENTION Sheraton Hotel and Convention Center,
Myrtle Beach, SC. Co-Location with the SC Engineering
Conference. June 14-17, 2012

Committee Chairmen for 2011-12

Activities & Programs*	Aaron Leach
Auxiliary*	
Constitution & By-Laws*	Ronnie Tyler
Education*	Greg Jenness
NSPS Delegate*	Henry Dingle
Convention*	Kent Hudson
Council of Engrs. & Surveyors Soc.	Carl Bostick
Ethics & Standards of Practice*	Bobby Foster & All Chapter Reps.
GPS-VRS	Mark Mills
Insurance	Dennis Clinkscales
Internet	Dale Swygert, Executive Board
Legal & Legislative*	Dennis Johns & All District Directors
Membership*	Dennis Clinkscales, Secretary of Board
Newsletter*	Aaron Leach
Past Presidents Council	Dale Swygert
Plat Contest	Aaron Leach
Public Relations*	Chuck Dawley
SC Utilities	Aaron Taylor
Scholarship Committee *	
SMAC/GIS Committee	Bill Tripp
Survey Contest	Northwest Chapter
Surveyor of the Year	Aaron Leach
Trade Show	Executive Board
Yearbook	Dennis Clinkscales

*Standing Committees (10) •Elected Position

Changes in SCSPLS Leadership



At the Sept. 9th meeting of the SCSPLS Board of Directors, Frankie Manhardt was appointed to fill the unexpired term of Ben Christensen as SCSPLS President for 2011-12. Lee Frank was then appointed to fill Frankie's vacated position as Treasurer for the remaining 2011-12 term.

Also at this meeting, the Board of Directors voted to recall the motions of the proposed Constitution changes that were passed at the July 29th Board meeting. The recall of these original motions makes the Constitutional Changes Ballots null and void. A motion was then passed sending the recalled motions back to the Constitution & By-Laws Committee to be re-worked and discussed at the next scheduled board meeting on Feb. 8, 2012. Members will have an opportunity to discuss the recalled motions at the November 19th General Membership meeting before the Committee brings them back to the Board in February. All chapters and members are encouraged to discuss changes and present to Mr. Ronnie Tyler, chairman of the Constitution and By-Laws Committee, any changes or additions suggested before the February board meeting.

The Board would like to thank all members who responded with additional input on these changes, and ask for continued support as we move forward this year.

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Exciting News From IMC about Lidar Services...
IMC and partners have acquired a Trimble Harrier 68i Lidar sensor coupled with a 60mp digital camera & Applanix POSTrack 510 IMU. This sensor boasts up to 400Khz PRR and is mounted in a fixed wing or Helo. Please contact us for more details.

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4

Health Insurance Open Enrollment

The South Carolina Society of Professional Land Surveyors has partnered with Small Business United and ETMG, LLC to offer a customized insurance benefits package to all SCSPLS members.

**Enroll
Online
Today**

<http://www.sbu.org/scspl>

Visit sbua.org/scspl to view plans, search providers, and enroll online.
Or call 888-SBUA-INS (888-728-2467) to enroll.

Comprehensive, benefit-rich health insurance is within your reach.

Act now!

OPEN ENROLLMENT DATES

October 16 - November 15, 2011 for coverage effective December 1, 2011

Medical Plans

- Guaranteed issue
- Maternity Coverage - Covered if Currently Pregnant
- Low \$10 copays for physician office and specialist visits
- No deductibles
- PPO plans utilizing national PHCS network

Additional Plans

- Ameritas Group Dental Plans
- CriticalMed for Critical Illness
- EyeMed Vision Benefits
- Medicare Supplemental & Medicare Advantage
- Solo(k) Retirement Plans for 1099 Individuals
- SBU Multiple Employer 401(k) Plan



MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING

Saturday, June 11, 2011 Marriott Resort Hotel & Spa, Hilton Head, SC

A meeting of the Board of Directors of South Carolina Society of Professional Land Surveyors was held Saturday, June 11, 2011 at 9:15 AM, at Marriott Resort Hotel & Spa, Hilton Head, South Carolina.

Members in attendance were:

Officers:

- | | |
|----------------------------|------------------|
| • President | Dale Swygert |
| • President Elect | Ben Christensen |
| • Vice President | Kent Hudson |
| • Secretary | Aaron Leach |
| • Treasurer | Frankie Manhardt |
| • Immediate Past President | Lewis Moore |

Delegates:

- | | |
|------------------------------|---------------------------|
| • SC Council of Eng. & Surv. | Carl Bostick, Absent |
| • NSPS Governor | Henry Dingle |
| • SC Utilities Committee | Aaron Taylor, Absent |
| • The Auxiliary | Charlotte Swygert, Absent |

Chapter Representatives:

- | | |
|------------------------------|----------------------------|
| • Aiken Chapter | Bill Tripp, Absent |
| • Central Chapter | Thomas Andersen, Absent |
| • Coastal Chapter | Nancy Frasure, Absent |
| • Foothills Chapter | Billy Martin |
| • Grand Strand Chapter | Erwin Balk |
| • Low Country Chapter | Ray Cook, Absent |
| • Midlands Chapter | George Bradley, Jr, Absent |
| • Mid-State Chapter | C. A. Shealy, III, Absent |
| • Northwest Chapter | John R. Long, Absent |
| • Pee Dee Chapter | Ferrell Prosser, Absent |
| • Thomas C. Anderson Chapter | Wayne Reynolds, Absent |
| • Tri-County Chapter | Bill White, Absent |
| • Upper Piedmont Chapter | Mike Byars, Absent |

District Directors:

- | | |
|--------------|--------------------------|
| • District 1 | Chuck Dawley, Absent |
| • District 2 | Dennis Johns |
| • District 3 | Tom Abraham, Absent |
| • District 4 | Dennis Clinkscales |
| • District 5 | Burnett Jenkins, Absent |
| • District 6 | Mike Culler, Jr., Absent |

Executive Secretary:

Brenda Smith

OTHER MEMBERS PRESENT: Thurl Amick, Sr., Lee Frank, Terry Hatchell, Robert Praete, Ronnie Tyler and Keith Wilson.

GUESTS PRESENT: Pete Moore, Virginia Association of Surveyors President.

President Dale Swygert called the General membership meeting of the SCSPLS to order on Saturday, June 11, 2011 at 9:15 AM at the Marriott Resort Hotel and Spa, Hilton Head, SC. President Swygert stated that the meeting would be conducted under Robert's Rules of Order.

MEMORIALS: Memorials were presented for the following surveyors who passed away this past year: C. Ashley Abel,

Archie Deaton, Hugh Farley Longshore, III, and Lamar Reddick.

REPORTS FROM OUT OF STATE GUESTS AND NSPS: **VIRGINIA ASSOCIATION OF SURVEYORS (VAS):** Mr. Peter Moore, President of VAS, gave a brief update on their Society.

Continuing Education has passed in Virginia with no pre-approval of seminars. Registered PLS have to receive 15 hrs. per year with a two year licensing renewal period. VAS convention seminars were well attended but not all the other events. Business seems to be increasing slightly for surveyors in Virginia.

NSPS: Mr. Joe Baird reported on updates from NSPS. At the San Diego meeting in July, NSPS will consider reorganization efforts. LightSquared intrusion into satellite frequencies of GPS was discussed with ongoing updates. Members are encouraged to write local senators and representatives concerning this issue. Mr. Baird also encouraged national membership from local members. Other topics of interest at NSPS are discussed in NSPS Governor's report below.

AGENDA: A motion and second was made to accept the reports in the Consent Agenda. Agenda unanimously approved.

FINANCIAL REPORT: Mrs. Frankie Manhardt's report stated that checking and savings account balance is \$184,825.52; subsidiary checking balance is \$272.00; and the Merrill Lynch scholarship account balance is \$51,060.02. Anyone wishing to view the budget may see Mrs. Manhardt after the meeting.

DELEGATE REPORTS:

SC COUNCIL OF ENGINEERING & SURVEYING SOCIETY: No report.

NSPS: Mr. Henry Dingle's written report stated the big issue before NSPS at this time is the on-going debate regarding Light Squared. ACSM members are very concerned about this matter, not only from the perspective that the Light Squared signal will negatively impact GPS use on a broad scale, but also that the "high-precision" users, like Surveyors, could be left in the lurch if accommodations are made only for other users whose precision requirements are not as stringent. Also at the upcoming July meeting, after discussions with other Governors over the last few months, a final resolution on the ACSM/NSPS restructuring, or at least clear direction on how NSPS plans to move forward is anticipated. At this time Mr. Dingle feels the best option is to support ACSM being the sole member organization that represents the entire Surveying community.

Mr. Dingle also gave a verbal report. At the April 2, 2011, Board and General Membership Meeting, Mr. Dingle was asked to contact the NSPS Governor for NC and inquire about the possibility of NCSS requiring members be Chapter, State and NSPS members with their NCSS membership. After much discussion the NCSS board decided to table the issue for this year because of the financial burden on members which would

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

increase their dues \$120 per year for NSPS membership.
SMAC/GIS DELEGATE: No report.
SC UTILITIES COMMITTEE: No report.
THE AUXILIARY: No report.

CHAPTER REPORTS:

Aiken: No report.
Central: No report.
Coastal: Ms. Nancy Frasure’s written report stated the Coastal Chapter has held 6 meetings from September, 2010 to April, 2011, with an average of 25 members present at the meetings.
Foothills: Mr. Billy Martin’s written report stated the Chapter has met twice since last report, with an average of 12 members and 2 guests in attendance. The April meeting featured discussion of bad deed descriptions and the May meeting featured Penny Forrenger, local historian, who gave a history lesson on the early days of land surveyors in the area and their deeds and maps.
Grand Strand: Mr. Erwin Balk’s written report stated the chapter has met twice since last report, with an average of 19 members and 2 guests in attendance. The April meeting featured a presentation on King’s Grants by Wendell Powers. The May meeting was a live reptile seminar held at Kinlock Plantation.
Low Country: Mr. Terry Hatchell gave a verbal report on the activity of the Low Country Chapter. The Chapter met in March to discuss the “stake-out” crews and what the chapter plans to do to address the issue with the State Board. They also discussed future chapter meetings and hope to spur more interest in their area and have more meetings in the 2011-12 fiscal year.
Midlands: No report.
Mid-State: No report.
Northwest: Mr. John Long’s written report stated the Northwest Chapter held 8 meetings in 2010-2011, with an average of 16.4 members and .9 guests in attendance. General meetings were held Sept.-Dec., 2010 and Feb.-May, 2011. The Chapter held a seminar on April 15, 2011, with Christina Mazer & Austin Hochstetler presenting on Wilderness First Aid. Participants earned 7.5 PDH. The Chapter requested SCSPLS propose awarding extra PDHs for active chapter officers, in addition to the 2 PDHs that can be earned by just attending the chapter meetings.
Pee Dee: No report.
Thomas C. Anderson: No report.
Tri-County: Mr. Bill White’s written report stated the Tri-County Chapter has met three times since last report, with an average of 12 members in attendance. The year ended with the annual Surveyor of the Year event at Joe Baird’s log cabin on his farm. Mr. Baird provided a wonderful steak supper, the weather was nice, and the attendance was good. Mr. Kent Hudson was recognized as the Tri-County Surveyor of the Year.
Upper Piedmont: No report.

DISTRICT DIRECTORS REPORTS:

District 1: No report.
District 2: No report.

District 3: No report. Defer to Chapter reports.
District 4: No report.
District 5: No report.
District 6: No report.

COMMITTEE REPORTS:

Activities: No report.
Constitution and By-Laws: Mr. Ronnie Tyler’s written report stated there was a Constitution and By-Laws meeting on May 13, 2011. Earlier this year Mr. Ben Christensen, President-Elect, with the Board’s approval created a committee to look at making proposed changes to the SCSPLS Constitutions and By-Laws. The first meeting was held in the SCSPLS Office in Columbia to start the process of deliberation on proposed changes and revisions. It is normal for revisions to the Constitution and By-Laws to take considerable time. Some of the current changes being considered relate to law changes that have been brought about by the LLR. With changes made in the law, Surveyors are now licensed to practice in three separate disciplines (1) Professional Land Boundary Surveyors, (2) Professional Photogrammetric Surveyors, and (3) Professional Geographic Information System (GIS) Surveyors. Consideration is being given to include all surveyor disciplines into the Society. At the same time all membership categories plus all other areas of the Constitution of the Society are being reviewed to consider if other changes may be needed. The Committee proposed to meet again in July. Updates will be provided as things progress.
2011 Convention: No report.
Education: No report.
Ethics & Standards of Practice: No report.
GPS-VRS: No report.
Insurance: Mr. Dennis Clinkscales’ written report stated after the April 2, 2011 meeting at Oconee State Park, the board tabled a vote on the life insurance based on a new program that would provide a variety of insurance to all members of the society. This plan would give each member an option to purchase life insurance on an individual basis not paid by the society. The other insurance purchases possible will include limited health, vision, long term care, Medicare supplemental and Medicare advantage plans, disability, etc. This would give members with current health issues options they might not be able to have without being a member of our society. Mr. Clinkscales also gave a verbal report of the updates on the insurance. He has received approval of our group to a voluntary insurance plan replacing our life insurance and accidental death and dismemberment insurance. Members of SCSPLS can sign up with a group and select individual plans needed and will be billed personally. Many other plans are included such as dental, medical and life insurance with guarantee coverage regardless of any personal health issues. The SCSPLS board will review the plan at the July meeting and make recommendation for a vote.
Internet: Mrs. Frankie Manhardt’s written report stated service for the SCSPLS server is being discontinued and the committee is investigating options for a replacement service. Once the server issue is resolved, we will be able to re-vamp the website

MINUTES OF SCSPLS GENERAL MEMBERSHIP MEETING (CONT)

and create all the functions we have been working on over the past year. The committee is also consulting with a website management company to set up the member-only page as the script is too involved for the ‘amateur’ IT committee members.
Legal and Legislative: Mr. Dennis Johns gave a verbal report. There was some member participation recently on the Tort Reform issue with several members contacting their elected officials and voicing the opinion of the SCSPLS. He believes it is a good idea to continue having the Legal and Legislative Committee comprised of all district directors and hopes to be able to communicate more within the committee in the future. Mr. Johns also pointed out that SCSPLS Lobbyist, Joe Jones, has been doing a good job keeping him informed and updated on legislative issues that may be significant to surveyors.
Membership: Mr. Kent Hudson’s written report stated there are currently 449 SCSPLS members: Full – 362, Associate – 26, Complimentary – 19, Emeritus – 26, Student – 1, Sustaining – 15. Membership at year end for 2009-10 was 498. Current membership this year is down 49 members from 2009-10, and there was a gain of 28 new members. Membership was down 36 members in 2009-10 from 2008-09, but gained 46 new members that year. At present, 185 members from 2010-11 have renewed their membership for 2011-12. There is 1 Full member application to be approved at the July, 2011 board meeting and 11 Emeritus applications.
Newsletter: No report.
Past President’s Council: No report.
Plat Contest: Winners of the plat contest will be announced at the banquet tonight.
Public Relations: No report.
SC State Parks: No report.
Scholarship: No report. Mr. Robert Praete, Committee Chairman, has been selling tickets for the iPad at the convention and the winner will be announced tonight at the banquet.
Survey Contest: There was no Survey Contest at the convention this year.
Surveyor of the Year: Surveyor of the Year ballots have been counted and the winner will be announced at the banquet.
Yearbook: No report.

BUSINESS:

Board of Prof. Eng. & Surveyors:
Mr. Ben Christensen and Mr. Dennis Johns both attended the last LLR meeting. Mr. Christensen plans to attend these meetings as SCSPLS President to support Mr. Thurl Amick and Mr. Gene Dinkins on issues that are important to surveyors. Mr. Thurl Amick gave a report on the current issues at the State Board of Registration for Professional Engineers and Surveyors as well as presented a portion of a seminar at the convention from the licensing board. At this time, there is no decision from the judge regarding the DHEC issue of coastal surveying. The October 2013 exam will be the last paper testing for the FS and FE exams. Computer based testing will begin in 2014. When this is implemented, the schedule for testing will be offered at various sites across the state with various testing dates. At this time, there will not be a state specific computer testing

for PE and PS exams. The IRC consists of two surveying and two engineering positions, and will go to a 4 year term with scheduled rotations of new members. This committee reviews violations and refers opinion to the investigators and legal administration. Mr. Amick encouraged members to report violations in order to fix problems which arise. As Mr. Amick begins to battle the construction staking issue, other members may also be called on to attend meetings to show support as well. After much research, Mr. Amick presented his position on this issue. His opinion will be posted on the SCSPLS website for anyone to review. Please send your opinions to Mr. Amick on this issue. \$10 of all registration fees are reserved for education and research. There is also \$1.6 million in reserve funds held by State Treasurer which cannot be touched. Mr. Christensen also told those in attendance to be careful when filling out the registration application to the board and make sure that you actually have the PDHs indicated on the application. All PDHs should be completed at time of signing. New wording will be on this year’s licensing renewal for indicating PDH requirements met. Please note that the licensing renewal notice from LLR and dues notice from SCSPLS are two different dues structures not to be confused.
2011-12 Election Results: Mr. Lewis Moore gave the results of the 2011-12 election: President-Elect - Kent Hudson; Vice President- Aaron Leach; Treasurer – Frankie Manhardt; Secretary – Dennis Clinkscales; NSPS Governor – Henry Dingle; District 1 Director – Chuck Dawley; District 3 Director - Thomas Abraham; District 5 Director – Burnett Jenkins.
Installation of Officers: Mr. Joe Baird installed the 2011-12 SCSPLS officers and congratulated them all for being selected for this honor by their peers. The newly elected officers were sworn in by Mr. Baird followed by the memberships’ pledge to support the new officers and the SCSPLS mission.

Closing Comments

President Swygert encouraged members to go to www.saveourgps.org and join the coalition to stop LightSquared. Also, contact your legislator and let them know South Carolina’s concern over LightSquared interfering with GPS. President Swygert said it has been his honor and privilege to serve as SCSPLS President the past year and thanked everyone for their support. He then passed the gavel to President-Elect, Mr. Ben Christensen. Mr. Christensen moved to adjourn the meeting.

Respectfully submitted,

Aaron F. Leach, SCSPLS Secretary 2010-11

SCSPLS Membership Renewal Reminder
2010-2011 SCSPLS Members had until October 1, 2011 to renew their membership for the fiscal year July 1, 2011-June 30, 2012. By the authority of the Constitution and the Executive Board of the SCSPLS, members not renewed by that date have been dropped from the membership of the Society and all benefits terminated. Any member wanting to join after October 1, 2011 must reapply and pay a \$10.00 application fee plus yearly dues.

SCSPLS BOARD OF DIRECTORS

July 1, 2011 to June 30, 2012

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What To Do With Fences

By Knud E. Hermansen PhD, PLS, PE, Esq.

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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 surveyor 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

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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 facie assumption, some courts will assume at the outset that the location of an existing fence accurately marks the location of the record boundary. 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 to 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 comer 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 comer locations. This interpretation assumes the builder attempted to place the fence on a straight line between two comer monuments, starting at one comer and building the fence toward the other comer. As he moved away from one comer monument and was out of sight of the other comer, the direction of the fence deviated from a direct line between the comers. However, once he came close enough to the other comer, the fence builder was able to visually correct his direction and head more or less back toward the second comer. 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 comers. Once the comer locations are reestablished, a straight line is

protracted between the comers 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 comer 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 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. Knud Hermansen is a licensed surveyor, engineer, and attorney at law in several states. He teaches in the surveying program at the University of Maine and has a consulting business specializing in dispute resolution, title, easements, and boundary location.

1 See Pencil v. Buchart, 551 A.2d 302, 306-307 (Pa.Super. 1988), Yoho v. Stack, 540 A.2d 307, 310 (Pa.Super. 1988). Also see, e.g., (dissenting opinion) West Virginia Pulp & Paper Co. v. I. Natwick & Co., 123 W.Va. 753, 777 (1941); Caputo v. Mariatti, 113 Pa.Super. 314, 173 A. 770 (1934); Cole v. P. & L. E. R. R. Co., 106 Pa.Super. 436 (1932); Adams v. Tamaqua Underwear Co., Pa., 161 A. 416 (1932); Keech v. Delaware County Trust Co., 297 Pa. 442,147 A. 96 (1929); Zirkle v. Three Forks Coal Company, 103 W.Va. 614, 622, 138 S.E. 371 (1927); Winding Gulf Colliery Co. v. Campbell, 72 W.Va. 449,466 (1913); Wilcox v. Snyder, 22 Pa.Super. 450 (1903); and Kime v. Polen, Pa., 8 A. 783 (1887). Also cf. Roth v. Halberstadt, 258 Pa.Super. 401, 392 A.2d 855, 857 (1978); Allison v. Oligher, 141 Pa.Super. 201, 14A.2d 560, 571 (1940); United Thacker Coal Co. v. Red Jacket Jr. Coal Co., 146 C.C.A. 241,232 F. 49, 58 (1916); Thompson v. Hill, 137 Ga. 308,73 S.E. 640, 643 (1912); Koch v. Gordon, 231 Mo.645, 133 S.W. 609, 610 (1910); Grier v. Pennsylvania Coal Co., 128 Pa. 79, 154A. 449, 451 (1889). 2 See, e.g., Barba Inv. Co. v. Walker, Pla.App., 350 So.2d 509,512 (1977); Kahn-Reiss v. Detroit & Northern Say. & Loan, Mich., 228 N.W.2d 816, 824 (fn.6) (1975); Siegel v. Renkiewicz Estate, Mich., 120 N.W.2d 876, 879 (1964); Di Virgilio v. Ettore, 188 Pa.Super. 526,149 A.2d 153 (1959); Chicago Club of Lake Geneva v. Ryan, 203 Wis. 272,234 N.W. 488,491 (1931); and W. P. Thompson v. W. P. Zartman Lumber Company,

55 Pa.Super. 302 (1913) 3 See, e.g., Metcalfv. Buck, 36 Pa.Super. 58 (1908) 4 See, e.g. W. P. Thompson v. W. P. Zartman Lumber Company, 55 Pa.Super. 302 (1913) and Reilly v. Mountain Coal Co., 204 Pa. 270, 54 A. 29 (1903). Also cf. West Virginia Pulp & Paper Co. v. I. Natwick & Co., 123 W.Va. 753, 765 (1941). See also, Lewis v. Yates, 62 W.Va. 575, 592 (1907) quoting from Owen v. Bartholomew, 9 Pick. 520 5 Cf. Ralston v. Groff, 55 Pa. 276 (1867) 6 Contra. Reiter v. McJunkin, 8 Pa.Super. 164 (1898) and Potts v. Everhart, 26 Pa. 493 (1856) 7 Cf. Di Virgilio v. Ettore, 188 Pa.Super. 526,149 A.2d 153 (1959); Kron v. Daugherty, 9 Pa.Super. 163 (1898); Ralston v. Groff, 55 Pa. 276 (1867); Ogden v. Porterfield, 34 Pa. 191 (1859); and McCoy v. Hance, 28 Pa. 149 (1857) 8 Cole v. P. & L. E. R. R. Co., 106 Pa.Super. 436 (1932) 9 Caputo v. Mariatti, 113 Pa.Super. 314, 173 A. 770 (1934); State v. Herold, 76 W.Va. 537,542 (1915); and Morris v. Dalrymple, 18 Pa.Super. 287 (1901). But c.f. Hatfield v. Workman, 35 W.Va. 578, 585 (1891) quoting from Manufacturing Co. v. Packer, 129 U.S. 688,9 Sup.Ct.Rep. 385; Ogden v. Porterfield, 34 Pa. 191 (1859); Hagey v. Detweiler, 35 Pa. 409 (1860); Armstrong v. Hall, 15 Pa. 23 (1850); and Sweigart v. Richards, 8 Pa. 436 (1848). 10 See Huffman v. Mills, 131 W.Va. 219, 223, 46 S.E.2d 787 (1948) quoting Teass v. City of St. Albans, 38 W.Va. 1, 17 S.E. 400 (1893), Clear Fork Coal Company v. Anchor Coal Company, 111 W.Va. 219, 229,161 S.E. 229 (1931); George v. Collins, 72 W.Va. 25, 28 (1913); and Harman v. Alt, W.Va., 71 S.E. 709, 710 (1911). 11 See George v. Collins, 72 W.Va. 25, 28 (1913) and Harman v. Alt, W.Va., 71 S.E. 709 (1911) 12 See Harman v. Alt, W.Va., 71 S.E. 709, 710 (1911) but cf. State v. Lillie Mounts, 118 W.Va. 53, 56, 150 S.E. 513 (1929) 13 Somon v. Murphy Fabrication & Erection Co., 160 W.Va. 84,90,232 S.E.2d 524 (1977), quoted from, Bitonti v. Kauffield Co., 94 W.Va. 752, 120 S.E. 908 (1923) 14 Cf. McCoy v. Hance, 28 Pa. 149 (1857) 15 See. e.g., Youker v. Grimm, 101 W.Va. 711, 719-720,133 S.E. 695 (1926) and State v. Herold. 76 W.Va. 537, 542 (1915) 16 Cf. Reiterv. McJunkin, 8 Pa.Super. 164 (1898) 17 quoted from Gillespie A Treatise on Land-Surveying at page 155 (Appleton & Company. New York, NY: 1881).



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Licensing Ceremony

The S.C. Department of Labor and Licensing announces the following were recently licensed as Professional Land Surveyors.



Mike Culler, III, Floyd Sweatt, Heath Brown, Ben Christensen, Stephen Parker, Jeffery Edmonston, Ray Billbrough, Kent Hudson

Those passing PLS exam in April, 2011:
Charles E. Bell
Raymond W. Billbrough, III
John B. Black
B. Heath Brown
Christopher L. Culbertson
Michael Culler, III
Jeffery E. Edmonston
Phillip A. Harris
Jay C. Hipp
Joshua B. Huntley
William C. Hutchins
R. Ray Lugar
Stephen S. Parker
Shawn T. Rumberger
Floyd A. Sweatt, Jr.

2011 Scholarship Winners

Patrick A. Buhler, The Citadel

\$1,000
scholarship

Ronald D. McCoy, Jr., ETSU

\$1,000
scholarship

SCDOT Wins SASHTO Award for Plans Online Project

SCDOT has made 1.9 million digitally scanned image files of roadway construction plans available at the click of a button on the Internet. This 13-year project replaced the old, cumbersome method of reviewing plans in person. South Carolina has the fourth largest state-maintained highway system in the nation, with more than 41,000 miles of roadways and 8,344 bridges. For decades, the only way to access state highway plans was to use a card catalogue system to order plans and then wait a few days for them to be delivered to a central location. SCDOT employees began working to convert highway plans to digital files in 1997. Today, the Plans Online system is available internally to SCDOT employees and externally to surveyors, engineers, city, county, and local offices requiring access to the plans to complete their work, greatly improving efficiency and reducing costs.



NEWS From NSPS

It has been seven weeks since the ACSM Congress voted to disband and the NSPS began the process to create a new "unified organization" that would represent the broad definition of the "Professional Surveyor". Many of you have asked if anything has been done to begin this process. Let me tell you what has been accomplished and what goals have been set.

1. A Strategic Planning Committee has been appointed to conduct a financial analysis of our existing organizations and make recommendations for new membership categories and rates within the new organization. The committee is comprised of representatives from all of the member organizations and chaired by Pat Smith (TX), Chair of the NSPS Board of Governors. This committee has been asked to complete its mission by the end of September to enable a budget to be prepared and dues notices for next year to be mailed.
2. The combined Membership Committee/Member Benefits Committee/Public Relations Committee has been directed to review all of the current benefits being offered to the membership to determine the perceived value of these benefits. They are to recommend what benefits should continue, what needs to be modified or discarded, or new benefits that need to be added. They too have been asked to complete their study by the end of September.
3. Executive Director Curt Sumner and staff had a preliminary

discussion with our accounting firm of Gelman, Rosenberg, and Freedman to discuss the financial impacts of our reorganization and the reporting to the IRS.

4. The NSPS Executive Committee has directed Executive Director Sumner to request a proposal from the law firm of Weinberg, Jacobs, and Tolani for legal services related to the combining of the affected organizations.
5. The NSPS Executive Committee is waiting for the final financials from the Survey Summit to determine what financial steps will be necessary to complete the current fiscal year and plan the 2012 budget.

Work is progressing. We are working at a deliberate pace as we proceed. There are still many things to do before we can complete our objective and we do not want to blindly plunge headlong into the unknown.

We have started the journey to a new organization where we want all professional surveyors to be a member. We ask for your continued support.

Sincerely,
Bill Coleman, PLS GISP
NSPS President



Congratulations to NSPS Award Winners!

Terry M. Watson

Winner of the 2011

NSPS Excellence in Surveying Award

Keith A. Wilson

1st Place Winner in Plat Contest

Miscellaneous Maps Category

NCEES seeks responses to Professional Activities and Knowledge study related to the Fundamentals of Surveying exam



NCEES is conducting a survey to improve our understanding of the current knowledge

required for newly graduated surveyors and surveyors in training, and allow us to make sure the Fundamentals of Surveying examinations reflect current best practice. Your answers will be treated confidentially, and reported only as grouped data. Be assured that your input adds to the integrity of the process. We appreciate you sharing your expertise with us. It is important to

capture as many aspects of fundamental surveying as possible. It should take less than 30 minutes to complete the survey. If you need to complete the survey in more than one session, you may return to the survey if you use the same computer and have "cookies" enabled. The survey will return to the place you last exited. Please DO NOT hit "Done" on the very last page of the survey before completing the survey, otherwise, you will not be allowed to go back. When you are ready, click the following link, or copy it and paste it into your browser: https://www.surveymonkey.com/s/NCEES_FS_ContentReview

Lobbyist Report State House Report

Senate Transportation Committee Holds Hearing on SCDOT

Joe Jones, SCSPLS Lobbyist

Transportation Committee Chair, Senator Larry Grooms, convened the Transportation Committee Sept. 9 concerning the highly publicized SCDOT finances. Twelve of the 16 committee members were present, an indication of this issue's importance.

State Treasurer Curtis Loftis spoke first. As one senator remarked, Mr. Loftis' presentation was hard on the DOT, but with follow-up questions from senators, the Treasurer credited the department with doing a pretty good job. Also, Secretary St. Onge gave a good rebuttal to Mr. Loftis' charge that he had asked the department for information, but did not get a timely or acceptable response. Mr. St. Onge said he did not want to give quick answers to complicated questions without giving his staff time to fully research the responses.

Mr. St Onge told the senators Mr. Loftis had requested specific information for a specific date, and his staff was concentrating on working on the financial problems and researching data for a specific date in the past would take away from necessary work to take care of the current monetary issues.

SCDOT gave ACEC-SC a briefing on the department's financial situation at its partnering meeting Aug. 5. Much of this information was included in the secretary's presentation.

The secretary said the most serious problem was missing a State Infrastructure Bank (SIB) payment. Not offering excuses for the missed payments, he said the mistakes were due to oversight caused in part by fiscal year end close-out activities and implementation of the SC Enterprise Information System, a software system designed to standardize business process throughout state government.

Ms. Debra Roundtree with SIB was asked to address the missed payment. She reported when the DOT made its payments and the department is current with payments now. She said her legal staff is looking into the SIB's responsibilities and recourses if future payments are late. Overall, she said she was confident the DOT was on track and did not believe these late payments would affect bond ratings.

Beyond the financial situation, two issues were on some senator's minds: I-73 and I-85. Senator Ryberg questioned the five projects the department submitted for bond revenue, one of which is the I-73 project. Senator Peeler cited the poor condition of the 26 miles of I-85 in Spartanburg and Cherokee Counties and asked the secretary why other projects, like

those in the bond package, are moved when I-85 is not in the package.

Secretary St. Onge said the commission had chosen to seek funds for some of these projects for economic development reasons, and that the department was well aware of the poor conditions of I-85 which is costly and ranks in the teens on the STIP list.

Senator Campbell asked the secretary if projects that may be delayed might cost more than they would cost under the current schedule. Mr. St. Onge replied that they might but said there will be more deferrals.

A senator asked if the department might find itself in this same financial position again. The Secretary said the department is hard at work to avoid the situation again, and his department would be looking to build its cash balance throughout the year, but it would try to have enough money in the bank to cover the possible expenditures next summer when construction invoices may again be high.

Senator Cleary said, "We keep asking the DOT to do more with less. How do we think it can go on?" After the hearing, I talked to him in the hall and asked about an increase in the gas tax. He said, "I'm for it; I have an educated constituency, and they understand, but it won't go anywhere up here. Too many signed the pledge."

We have talked to legislators about increasing the gas tax for years, but we should push it more. As long as we have people legislating by signing pledges we are stuck.

A conclusion I walked away with yesterday is not genius, but the one thing I see is there is going to be less work from the DOT unless something dramatically changes – like a real, federal 6-year transportation appropriation bill or more state funds are found which I do not see happening.

Although there were some forceful questions put to the secretary by some senators, overall the department was defended by most senators. Furthermore, Secretary St. Onge, Mr. John Walsh and Ms. Angela Feaster did a good job at the hearing.

Go here to view Mr. St Onge's PowerPoint from the hearing: <http://www.scdot-transfer.org/scdotphotos/scdotpresentation.pdf>

William R. Coleman Presented Life Service Award

William R. (Bill) Coleman, PS, was presented with the SCSPLS Life Service Award at the NSPS 2011 Spring Conference in San Diego, California in July. NSPS Governor for SC, Mr. Henry Dingle, presented the award at the Governor's meeting during the conference.

Mr. William R. (Bill) Coleman was nominated by fellow surveyors Joe Baird and Dennis Johns to receive a Life Service Award from SCSPLS. Mr. Coleman has been in the surveying profession for over forty years. He is involved in leadership roles in both North and South Carolina and on the national level.

Born in Sweetwater Tennessee, Mr. Coleman received his B.S. in Forest Management from NC State University in Raleigh, NC, in 1970. He became a registered surveyor in North Carolina in 1973 and in South Carolina in 1976. He worked in several private firms as Survey Supervisor until going to work at Charlotte-Mecklenburg Utilities as Survey Manager in 1984. He left the utilities company in 2008 and went into private practice at Coleman Consulting.

Mr. Coleman has given unselfishly to the surveying profession locally, statewide and nationally. He has been a member of SCSPLS for over 30 years, and served as President of the Midlands Chapter of SCSPLS in 1980. Also an active member of NCSS, he has served there as both a Chapter president from 1986-1987 and NCSS president in 1992. Mr. Coleman has been a member of ACSM/NSPS since 1974 and served on several committees for NSPS, including Program Committee, Nominating Committee, Restructure Committee, PAC Committee and chaired the Technical Program Committee. Mr.



Coleman was the NSPS Area 3 Director from 1999 to 2008 and NSPS Governor for NC from 1996-1999. He is currently the President of NSPS.

Mr. Coleman's numerous awards include NCSS President's Award in 1986, 1989 and 2003; NCSS Guiding Light Award in 2008; and was presented the commission as "Kentucky Colonel" by the Kentucky Association of Surveyors 2006. Mr. Coleman graduated from the NCSS Institute in 1989 and has published articles in the NCSS Tarheel Surveyor and wrote Survey Standards for Charlotte-Mecklenburg Utilities Design Standards.

SCSPLS Life Service Award Recipients

The SCSPLS Life Service Award recognizes lifetime contributions toward the advancement of land surveying as a profession in South Carolina. The SCSPLS Board of Directors voted to approve the Policy Statement of the SCSPLS Life Service Award at the April 26, 1996 Board meeting.

The following are recipients of this award:

1. **Mr. Sid Miller**, Easley, SC, Convention 1996, Springmaid Beach, Myrtle Beach, SC
2. **Mrs. Mary M. Law**, SC Department of LLR, Columbia, SC, July, 1996, SCESS Awards Dinner
3. **Mr. Gary Thompson**, NSPS Area 3 Governor, Convention 1999, Landmark Hotel, Myrtle Beach, SC
4. **Mr. Thurl and Mrs. Helen Amick**, Simpsonville, SC, 2000 Convention, Landmark Hotel, Myrtle Beach, SC
5. **Mr. Larry Coker**, Lexington, SC, Convention 2003, Kingston Plantation, Myrtle Beach, SC
6. **Mr. Al Whitworth**, Lexington, SC, 2003 Convention, Kingston Plantation, Myrtle Beach, SC
7. **Mr. Terry M. Watson**, Conway, SC, 2005 Convention, Kingston Plantation, Myrtle Beach, SC
8. **Mr. Charles J. Ido**, SC Department of LLR, Columbia, SC, 2006, Convention, Kingston Plantation, Myrtle Beach, SC
9. **Mr. Joe H. Baird**, Clover, SC, 2007 Convention, Kingston Plantation, Myrtle Beach, SC
10. **Mr. Edward F. Woodward**, Rock Hill, SC, 2009, Given while a patient at Hospice House & Com. Care, Rock Hill, SC
11. **Mr. Gene L. Dinkins, Sr.**, Columbia, SC, 2010 Convention, Wild Dunes Resort, Isle of Palms, SC
12. **Mr. Albert G. Wolfe**, Inman, SC, 2010 Upper Piedmont Chapter Christmas Banquet, Piedmont Club, Spartanburg, SC
13. **Mr. William R. Coleman**, Dallas, NC, ACSM/NSPS Spring Conference, July, 2011, San Diego, CA

Col. Thomas Dion Receives LeTellier Cup



SC Section President Charlene Cassidy with Col. Thomas Dion

Col. Thomas Dion was honored at the SC Engineering Conference and Trade Show on June 11, 2011 with the American Society of Civil Engineers South Carolina Section's LeTellier Cup. The LeTellier Cup award was established by the South Carolina Section in 1999 to recognize a person in the state of South Carolina who has contributed significantly to the Civil Engineering Profession through technical excellence, education, or service to the profession. The award is named for Colonel Louis S. LeTellier, whose life work made him "An Engineer's Engineer". Section President Charlene Cassidy presented the award to Col. Dion during the conference banquet Saturday evening. Col. Dion was selected for this honor because of his commitment and devotion to the civil engineering profession through his teaching, scholarship, service, and mentoring of civil engineering students and graduates during his tenure at The Citadel as well as service to the profession in the State of South Carolina.

Thomas Dion received his undergraduate Bachelor of Science degree from The Citadel in 1968 and his Master degree from Clemson University. He has been a significant part of the civil engineering program at The Citadel for well over 34 years. He is a Registered Professional Engineer and Registered Professional Land Surveyor in the state of South Carolina.

Gene Dinkins, PE, PLS Named SCSPE Engineer of the Year



The SC Society of Professional Engineers awarded Gene Dinkins, PE, PLS as the Engineer of the Year at the 2011 SC Engineering Conference Awards Banquet at Hilton Head Island, SC in June. When presenting the 2011 Engineer of the Year Award, Ms. Marguerite McClam, PE said "I can't think of anyone more deserving of this unique distinction; he is a true professional who advocates engineering, and giving back to the community."

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david@CornerstoneSE.netOffice: (843) 871-9706 Ext. 12
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 Email: dennisj@carolinasurveying.com

Gene L. Dinkins, P.L.S., P.E.
 President

 (803) 254-0518
 (803) 765-0993 fax

 724 Beltline Blvd.
 Columbia SC 29205

gdinkins@coxanddinkins.com



coxanddinkins.com

**Frankie Manhardt, PLS**
 TEL 843.576.2520
 FAX 843.576.2521
 CELL 843.514.6028
 fmanhardt@ch-engr.com

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 Beaufort, SC 29901

E-mail: surveyor@islc.net

**Stephen Moore, Jr., PLS**

Survey Program Manager

 DIR 919.256.5474
 MOBILE 919.761.4266
 FAX 919.788.0232
 smoore@ch-engr.com
 3220 Glen Royal Road
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