

BOUNDARY LINES

Know, Mark, and Protect What You Own

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Much of the United States was originally surveyed 175 years ago or more, and many times since then in some instances. However, even today, boundary line disputes happen. As a result, it is very important to know exactly where your property is. Common disputes in the Southeast arise from others accidentally trespassing on your property and/or cutting your trees, or you accidentally trespassing on your neighbor's property. Most of these disputes can be eliminated with an inexpensive task of painting your boundary lines. Also, in legal matters, properly marking your property lines can be a distinct advantage if you do discover a trespass has occurred on your property.

Most importantly, you must know the exact location of your boundary line before you even consider marking your boundaries. This is usually accomplished during the purchase of your property when a deed is surveyed, and recorded. Today, surveyors usually identify property corners with metal pipe and flagging so the property corner can be found later using a metal detector. The idea is to mark the point with something that will not rot, weather, or burn, so that it could be easily located for many years.

If you have not located your property boundaries, it is possible to locate them yourself. This requires work and some caution to make sure you don't permanently mark the boundaries in the wrong location. Be very careful because you could be liable for your mistakes. Since most deeds have been surveyed in the past, there should be some evidence, if you know what you are looking for.

First, you must locate the legal description for your property which will specify the distances and bearings (compass directions) of each of your property boundaries. The legal description is usually associated with the deed for your property or a previous deed it references. Your deed is available in the office of the revenue commissioner or circuit clerk at the county courthouse where the land is located. Courthouse personnel can help you find this information if you ask for assistance. Once you acquire

the legal description, you are ready to start locating your property lines.

In addition to your legal description, you will need several other pieces of equipment such as a compass, biodegradable flagging, and a 100-foot measuring tape. Using your legal description, try to find the most obvious of your property corners. This corner could be along a road, or a well-established boundary with a neighboring property owner. In the past, many section corners were identified using concrete markers. Other items used to mark property corners included rocks, piles of rocks, iron, wooden stakes, lighted posts, trees with multiple "blazes" (cuts in the tree, often painted), and iron axles.

Once you have located an obvious property corner, use your legal description, compass, and measuring tape to find your next property corner. In many cases, using the compass and measuring tape will only get you in the vicinity of your property corner. Then you must painstakingly search in detail for some indication of the corner marker. Sometimes it is necessary to work toward a corner marker from opposite directions. After locating the property corner, you can lay out a temporary boundary line between the two corners using biodegradable flagging. Move on to the next property corner, continuing to work around your entire property. Afterwards, contact your neighbors for agreement regarding the locations you've flagged as the actual property boundaries. Hopefully, some or all of your lines will have significant evidence indicating this is the true boundary. Once you've reached agreement about the property lines, you can paint your boundaries.

In recent years, several Southeastern states passed trespass laws which have specifications when marking property boundaries. Therefore, it is best to determine these requirements before proceeding. These laws make it easier to prosecute when trespass has occurred. Marking your property boundary can still benefit you civilly in legal matters, even if your state does not have such specifications.

In states that do not have these requirements in their trespass laws, consider the following common specifications and practic-



es. Mark trees within 3 feet of the property line at distances of 50 to 75 feet apart. The mark should be made 3-6 feet above the ground. The area where the paint is to be applied should be scraped to allow the paint to adhere longer. A common tool for scraping away loose bark and debris is the draw knife. Safety should be your top priority when using the draw knife. Also be careful not to cut into growing tissue of the tree. The mark is commonly **one** vertical line (stripe) with a minimum size of 2 inches by 8 inches, but can be larger depending on the diameter of the tree. It should be clearly visible when entering your property. Trees that are actually on the property line can be marked all the way around the tree. The paint is applied using a brush, usually when weather will permit drying for 2-3 hours. Corner trees are marked with **three** stripes and an “X” with the lower end of the stripes pointing toward the property corner. Property lines that change directions should be marked with **two** vertical stripes. Paint only the top of monuments. Painting and erecting metal fence posts are common when dealing with young timber.

Boundary lines are usually marked using boundary-marking paint, an oil-based paint developed for use on trees which can be purchased from suppliers such as Forestry Suppliers and Ben Meadows. Common boundary-marking paint brands include Nelson and BarkMark.

These are just a few tips to assist with locating and marking your property boundaries. Keep in mind that problems do occur, particularly when boundaries have not been surveyed for many years. When difficulties arise, you should seek professional assistance. Adjusting property monuments is a crime, even when it appears to be incorrectly placed. Remember, there are licensed professionals available for resolving these problems.