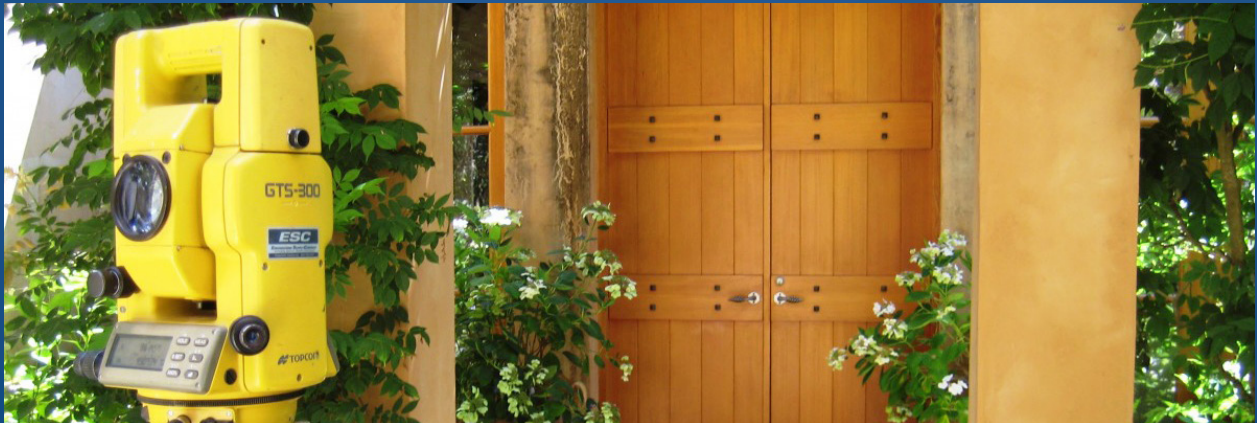


# TOP TEN LAND SURVEYING DISASTERS TO AVOID



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# INTRODUCTION

One of the most overlooked parts of purchasing a home or property is the land survey.

## WHY USE LAND SURVEYORS?

When you purchase a property, you are legally responsible for all things on the property, including existing structures like fences and buildings. However, this is only one of the many reasons to get a professional land survey done.

Identifying easements and encroachments is essential before starting a new project to avoid possible legal complications. Here, we'll discuss the legal and personal ramifications of not getting a land survey completed.

These are the top ten reasons for getting a professional land survey done and the disasters avoiding in doing so. Whether it is for your current property or the planning of site improvements, the importance of a land survey cannot be overstated.



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# 1. MOVING AN ALREADY INSTALLED FENCE

If you are planning on fencing any portion of your property, it is essential to get a survey done, so the fence is installed entirely on the property line.

Moving a newly installed fence costs more than an original installation and if you have placed your fence on your neighbor's property, it will have to be moved.

Even though a fence could be easily modified to accommodate an unknown easement, the cost to change it may include new materials and a possible hardscaped pathway.

Avoid this by getting a professional land survey, where you can properly identify your property lines and easements to avoid the headache, added costs, and potential legal actions of installing a fence without a survey and stakeout.



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## 2. BUILDING PROJECT GETS SHUT DOWN

If the original surveying company has inaccurate boundaries or missed easements on your property, your project could get shut down before it's completed.

Until the proposal plans for the project conform to the existing easements on your property, the project will remain on hold which becomes very costly.



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# 3. LOSING PROPERTY VALUE

If you fail to get a land survey done for your current property, you may be unaware of previous or current encroachments, easements or adverse possessions.

Easements are especially troublesome if not properly identified, some easements may even be considered publicly accessible areas, which may pose an annoyance or trouble down the road, especially if the homeowner is unaware of them. It could actually limit the property's development potential as well.

In order to properly identify boundaries, encroachments and easements on your property to avoid future headaches, a professional land surveyor will help in properly locating these areas.



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# 4. NOT QUESTIONING YOUR NEIGHBORS BUILDING PLANS

Not knowing where your property ends could allow your neighbors to encroach on your property with a new building or fence. If you fail to question your neighbors, you may lose any chance at recourse against them in an adverse property possession, or you may end up in a drawn out legal battle over the new construction, legally known as estoppel.

In adverse possession, which we'll touch on later, you could actually lose part of your land to your neighbor, simply for not contesting the encroachment or adverse use.



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# 5. WASTED LEGAL FEES

If you fail to hire a licensed surveying company, the results of your land survey will hold no weight in court.

Even if the property assessment is correct, if a licensed professional didn't perform it, the court will not accept it into evidence. This most certainly lead to losing a court case that you should have rightfully won.

Only a professional land surveyor can help to resolve issues in court and any other property related issues. They are also the only ones properly trained.



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# 6. NOT HAVING PROPER DOCUMENTATION

If you are planning an addition to your home, obtaining the proper permits is a must.

Without a survey, the permits may not be obtainable. Additions can mean anything from a change in the use of the garage to the installation of an in-ground pool. These changes are all governed by strict codes for distance from existing property lines, utilities and easements as well as other zoning requirements.



For example, if your land is used as an access path to a public beach, you may not be able to put up a fence without a gate if it obstructed the easement.

If you do so without obtaining a survey, you will be forced to remove the additions, resulting in wasted money and materials.

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# 7. GETTING SUED IN BOUNDARY DISPUTES

One of the biggest problems you can have by not getting a professional land survey is the possibility of getting sued by a neighbor for an encroachment, whether it was intentional or not.

You may want to put up a fence, a wall, plant a wind break, extend a driveway or create any number of other structures near the edge of your property.

If you fail to measure the area correctly and end up on your neighbor's property, you will have to remove it and return the neighbor's property to its original state.

These situations also have a tendency to cause conflict, resulting in legal action when one or both parties are "sure" that they are right. It's a very uncomfortable situation when neighbors aren't getting along.

A professional land survey can help to avoid and resolve any such situations.

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# 8. UNINSURED SURVEYING COMPANIES

When you are looking for professional land surveying companies, make sure you choose one that is adequately insured.

You don't want to be left liable if the company miscalculates your property lines, which results in judgments against your property. You don't want to be responsible if they put a new building, fence, or pool in the wrong location.

If you do get sued, you want to make sure that the company that was at fault remains responsible and liable for the work they performed.



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# 9. LOSING PROPERTY TO ADVERSE POSSESSION

One of the more interesting cases of surveying working in your favor is by preventing the loss of pieces of your property to adverse possession.

A thorough survey will reveal any encroachments that may be claimed as adverse possessions by neighbors who have built on your land.

If you fail to have a proper survey, these neighbors or building owners will be able to claim the land as their own. If the encroachment goes uncontested over a certain period of time – 15 years in Connecticut – the neighbor who is encroaching your property actually has a case for claiming the piece of property as his or her own since there was never any recourse taken.

This is why it's critically important to completely understand your property lines prior to buying a new home. A professional land surveying company will help to identify property lines and if there are any existing encroachments and possible adverse possession cases at the site before you invest your money into it.

This could also pose a huge problem should you ever sell the property, as you may be liable after the sale for non-disclosure.

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# 10. YOU GET WHAT YOU PAY FOR

If you try to go the cheap route and hire an uninsured or unlicensed land surveying company, you are setting yourself up for a possible major debt.

Construction isn't cheap and placing it on another's property will result in having to do it twice plus the cost of demolition on the first building.

An uninsured or unlicensed land surveyor will not cover these costs. They will come directly from your pocket. You simply can't afford this kind of mistake to be able to come back on you. Hiring a fully licensed and insured land surveying company will prevent this from happening.



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# PROTECT YOUR INVESTMENT

So, whether you are ready to make a new home purchase, or you haven't had a survey done on your current property, call in a licensed company for a land survey. Give yourself the peace of mind that you deserve, protect the investment that you've made, and properly identify your property the right way.



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