

Lynn C. Doyle, PE  
Mobile  
Chair

James R. Montgomery, PE  
Decatur  
Vice-Chair

Veston W. Bush, Jr. PLS  
Abbeville  
Secretary

Preston L. Jackson, PE  
Indian Springs

Thomas F. Talbot, PE  
Birmingham

Regina A. Dinger  
Executive Director

State of Alabama

COPY



**Board of Licensure for**

**Professional Engineers and Land Surveyors**

The RSA Union  
100 North Union Street, Suite 382  
Montgomery, Alabama 36104-3762

August 23, 2000

**Mailing Address:**

P. O. Box 304451  
Montgomery, Alabama 36130-4451

**Telephone Number**

(334) 242-5568

**Fax Number**

(334) 242-5105

Mr. J. Danny Cooper  
Alabama Association of REALTORS  
522 Washington Avenue  
Montgomery, AL 36104

Dear Mr. Cooper:

The Board of Licensure for Professional Engineers and Professional Land Surveyors is charged under the Code of Alabama to regulate the professions of engineering and land surveying. Their primary purpose is to protect the public by helping to safeguard life, health and property and to promote the public welfare. It is in this role that the Board is writing you to address their concerns about the increasing use of affidavits signed by property owners in lieu of obtaining a new survey to verify property boundaries for financing purposes and for the conveying of property.

Many scenarios may occur that could cause the affidavit to be inaccurate some of which are unintentional. Over the years the survey pins could have been removed or relocated. The survey being verified may be several years old and the easements or rights of way may have changed since the drawing of the survey. If the easements are not used many property owners forget that they exist. Fences, decks, swimming pools, etc. have been added to the property but have been there for so many years that the property owner has forgotten that they are not on the survey, especially if the additions were done at the time of the property purchase. The survey may have been accomplished before the additions were done.

The Board realizes that there are many variations of this affidavit and that this is not a new practice. Most affidavits ask the owner to verify very technical areas and make determinations that a majority of property owners are not qualified to make. One affidavit provided to this office asks the property owner to state they have personal knowledge of the location of all easements and improvements on subject property, that the applicant has located all property corners of subject property and has inspected the lot lines. They are also asked to certify that there are no encroachments onto adjoining property, streets or alleys or easements by any building structures or other improvements on subject property and that there are no encroachments onto subject property by buildings, structures or other improvements situated on adjoining properties. This affidavit is not for the property owners individual use, but is being

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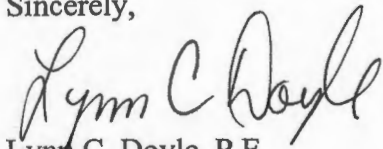
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We would encourage you to limit the use of these affidavits and to promote the use of new surveys. We are asked on numerous occasions to intervene in property line disputes. We do not have the authority to settle property disputes and must tell them that only the courts have the authority to adjudicate property line disputes. What money may have been saved during the closing of the property by the use of the affidavit is nothing close to what it is going to cost if the new property owner has to go to court.

The Board of Licensure for Professional Engineers and Land Surveyors respectfully requests you review your procedures on the use of these affidavits and either limit their use or explain to the individuals involved, both the sellers and buyers, what the ramifications might be if indeed the affidavit is found to be incorrect. Are we really protecting the public, your client, by using these affidavits instead of having an up-to-date survey? We don't think so.

Sincerely,

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Mr. Dan Bailey  
Alabama Bankers Association  
534 Adams Avenue  
Montgomery, AL 36104

Dear Mr. Bailey:

The Board of Licensure for Professional Engineers and Professional Land Surveyors is charged under the Code of Alabama to regulate the professions of engineering and land surveying. Their primary purpose is to protect the public by helping to safeguard life, health and property and to promote the public welfare. It is in this role that the Board is writing you to address their concerns about the increasing use of affidavits signed by property owners in lieu of obtaining a new survey to verify property boundaries for financing purposes and for the conveying of property.

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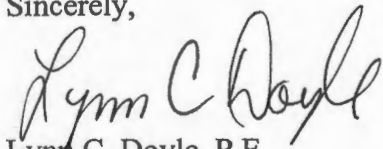
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Mr. Scott Latham  
Community Bankers Association of Alabama  
1320 Carmichael Way  
Montgomery, AL 36106

Dear Mr. Latham:

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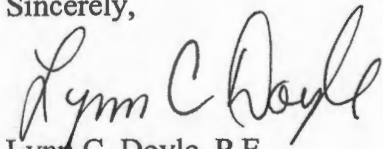
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Mr. Keith B. Norman, Executive Director  
State Bar Association  
415 Dexter Avenue  
Montgomery, AL 36104

Dear Mr. Norman:

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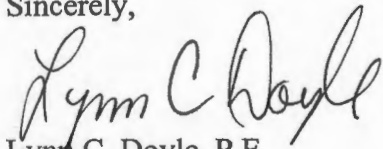
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