

***** EXAMINATION *****

FUNDAMENTALS OF PROPERTY RIGHTS AND BOUNDARIES

1. **Hiatuses and overlaps may cause:**
 - a) ownership problems
 - b) surveying problems
 - c) legal problems
 - d) All of the above

2. **Surveyors resolve hiatuses and overlaps:**
 - a) by applying case law precedents
 - b) by applying statute law
 - c) by applying federal law
 - d) None of the above

3. **The Latin word 'hiatus' means:**
 - a) to gape
 - b) to open
 - c) to find
 - d) to look

4. **Hiatuses result because a survey adjoining the original survey:**
 - a) ignored area calculations in the original survey
 - b) ignored existing monumentation in the original survey
 - c) ignored bearings and distances in the original survey
 - d) All of the above

5. **The court case of Weyerhauser v. United States affirmed that:**
 - a) no hiatus existed
 - b) an overlap existed
 - c) a hiatus existed between two township lines
 - d) both a hiatus and overlap existed

6. **A similarity between the Weyerhauser and the Macmillan cases is:**
 - a) the second surveyor created a hiatus
 - b) both cases were heard by the same court
 - c) both hiatuses were created by private surveyors
 - d) All of the above

7. **Maxson created hiatuses and overlaps because:**
- a) he did not find the original SE and SW corners of his township
 - b) his compass was not in adjustment
 - c) his chain was not in adjustment
 - d) All of the above
8. **The original patentee of Macmillan's property was:**
- a) the United States
 - b) the State of Nevada
 - c) A.J. Hatch
 - d) the Central Pacific Railway Company
9. **The difference in time between the Hatch and Maxson surveys was:**
- a) 8 years
 - b) 16 years
 - c) 24 years
 - d) 32 years
10. **The government resolved the hiatus in Township 33 North:**
- a) by extending the section lines south to Hatch's line
 - b) selling the hiatus to a new patentee
 - c) retaining the hiatus
 - d) by extending the section lines north to Maxson's line
11. **The court case of Vaught v. McClymond affirmed that:**
- a) a hiatus cannot exist
 - b) a hiatus is disposed of in the original patents
 - c) monuments prevail over courses and distances in a section
 - d) None of the above
12. **The court case of Adams v. C.A. Smith Timber Co.:**
- a) was ruled in favor of Adams
 - b) favored Smith because his patent was senior to Adams' mineral claim
 - c) was a case of junior rights ruling over senior rights
 - d) showed Smith's survey was fraudulent
13. **The court case of Lindsey v. Hawes ruled that:**
- a) overlaps caused by occupied fences will hold over previous patents
 - b) a patent must be occupied to be valid
 - c) a corrected patent will govern over any previous bona fide rights
 - d) a corrective resurvey could not affect the original patent rights
14. **Branson sued Wirth because:**
- a) the original patentee had sold his land with an incorrect description
 - b) Wirth's property overlapped Branson's property
 - c) there was a hiatus between their property
 - d) Branson's deed contained errors because of Wirth's description

15. **The result of Branson v. Wirth was:**
- a) a valid patent cannot be issued a second time to another party
 - b) a valid patent should be reissued to correct surveying errors
 - c) a valid patent will prevail over any surveying errors
 - d) None of the above
16. **In Russell v. Maxwell Land Grant Co, the court ruled:**
- a) the first survey has senior rights
 - b) first surveyed will be first patented
 - c) a survey does not create title; it only defines boundaries
 - d) a survey may create title
17. **A fact in the case Russell v. Maxwell Land Grant Co was:**
- a) Russell had valid senior title
 - b) the Maxwell Land Grant Co property was surveyed first
 - c) the Maxwell Grant title was confirmed in 1860; Russell's in 1871
 - d) the Maxwell Grant was surveyed in 1875
18. **In the case of US v. State Investment Co.,**
- a) the grant was made in 1835
 - b) the grant was made in 1860
 - c) the grant was made in 1861
 - d) the grant was made in 1882
19. **In the case of US v. State Investment Co.,**
- a) the grant was surveyed in 1835
 - b) the grant was surveyed in 1860
 - c) the grant was surveyed in 1861
 - d) the grant was surveyed in 1882
20. **In the case of US v. State Investment Co:**
- a) the adjoining sections to the west were surveyed in 1835
 - b) the adjoining sections to the west were surveyed in 1860
 - c) the adjoining sections to the west were surveyed in 1861
 - d) the adjoining sections to the west were surveyed in 1882
21. **'de minimis lex non curat' means:**
- a) a minor law doesn't fix things
 - b) a law for minor changes is not going to cure anything
 - c) the law does not concern itself about trifling matters
 - d) minimize the law if you need a cure
22. **The subject of Van Amburgh v. Hitt was:**
- a) a slight conflict of a senior monument
 - b) a slight conflict of a junior monument with a senior survey line
 - c) a hiatus
 - d) accretion

23. **The principle stated in Washington Rock Co. v. Young was:**
- a) a senior line may be located using a more ascertainable junior line
 - b) when the junior survey is ambiguous, the senior line holds
 - c) the junior line controls when the senior line is more certain
 - d) Any of the above
24. **A result of Washington Rock Co. v. Young is:**
- a) the senior survey prevails
 - b) the junior survey is always suspect
 - c) the junior survey controls when the senior survey corners are certain
 - d) the closing corners on a township line may be the best evidence
25. **Clear title to the same land may be held by**
- a) One person or group
 - b) Two adjoiners or groups
 - c) More than one person
 - d) Any of the above
26. **Hiatuses are the concern of**
- a) Adjoining owners
 - b) Courts having legal jurisdiction
 - c) Land surveyors
 - d) All of the above
27. **Hiatuses are usually address by**
- a) Common law
 - b) Statute law
 - c) Both a and b
 - d) None of the above
28. **Determinations of the boundaries of hiatuses are based on**
- a) facts
 - b) relationships
 - c) evidence
 - d) all of the above
29. **Hiatuses were caused by**
- a) poor instrumentation
 - b) rough terrain
 - c) errors in placing monuments
 - d) any of the above
30. **In the court case, Haydel v Dufresne said that**
- a) original surveys were always correct
 - b) original surveys could not be overthrown
 - c) original surveys should be corrected
 - d) any of the above

31. **The court case Cragin v Powell held that**
- a) the plat is not part of the original grant
 - b) the plat is part of the original grant
 - c) the plat is sometimes part of the original grant
 - d) none of the above
32. **The Mora Grant was made in**
- a) 1815
 - b) 1825
 - c) 1835
 - d) 1845
33. **The Mora Grant was confirmed by Congress on**
- a) June 21, 1860
 - b) June 21, 1870
 - c) June 21, 1880
 - d) June 21, 1890
34. **The Mora Grant was first surveyed by**
- a) Edward Tiffin
 - b) Thomas Means
 - c) Abraham Lincoln
 - d) William Seward
35. **The Mora Grant was first surveyed**
- a) In 1861
 - b) In 1865
 - c) In 1869
 - d) In 1873
36. **The Mora Grant was originally described by**
- a) Wood monuments
 - b) Pipes
 - c) Natural monuments
 - d) All of the above
37. **Means ran west on the north line of the Mora Grant**
- a) To a mound he made at the NW corner of the Grant
 - b) To a mound he made short of the NW corner of the Grant
 - c) To a pipe he set at the NW corner of the Grant
 - d) To a pipe he set short of the NW corner of the Grant
38. **At the southwest corner of the Mora Grant, Means**
- a) Made a mound
 - b) Set a stone
 - c) Set a pipe
 - d) Set a wood stake

39. **In 1882, Compton extended the rectangular township surveys and**
- a) Attempted to close on the west boundary of the Mora Grant
 - b) Attempted to close on the south boundary of the Mora Grant
 - c) Attempted to close on the north boundary of the Mora Grant
 - d) Attempted to close on the east boundary of the Mora Grant
40. **Compton overlapped the**
- a) West side of the Mora Grant with rectangular surveys
 - b) East side of the Mora Grant with rectangular surveys
 - c) North side of the Mora Grant with rectangular surveys
 - d) South side of the Mora Grant with rectangular surveys
41. **In 1882, the owners of the Mora Grant were**
- a) The US government
 - b) The New Mexico state government
 - c) The Mexican government
 - d) State Investment Company
42. **The dispute in the court case See Ben Realty Co. v Gothberg**
- a) Were 'off line closing corners'
 - b) Were meandering fence lines
 - c) Were riparian rights
 - d) Were effects of erosion
43. **Rectangular surveys were made of Township 33 S, Range 68 W**
- a) 6th PM in Colorado in 1851
 - b) 6th PM in Colorado in 1861
 - c) 6th PM in Colorado in 1871
 - d) 6th PM in Colorado in 1881
44. **The boundaries of the Maxwell Grant were surveyed in**
- a) 1860
 - b) 1871
 - c) 1878
 - d) 1897
45. **The title to the Maxwell Grant were confirmed in**
- a) 1860
 - b) 1871
 - c) 1878
 - d) 1897
46. **In 1873, the Pioneer Mineral Monuments was established at the**
- a) SE corner of the Pioneer Place Mine, Lot 37
 - b) NE corner of the Pioneer Place Mine, Lot 37
 - c) SW corner of the Pioneer Place Mine, Lot 37
 - d) NW corner of the Pioneer Place Mine, Lot 37

47. **In 1888, A.T. Smith, Deputy Mineral Surveyor, surveyed the**
- a) Eden Placer Mine, Lot 37
 - b) Eden Placer Mine, Lot 47
 - c) Eden Placer Mine, Lot 57
 - d) Eden Placer Mine, Lot 67
48. **A.J. Hatch surveyed Township 33 N, Range 48 E, Mount Diablo**
- a) Meridian in 1859
 - b) Meridian in 1869
 - c) Meridian in 1879
 - d) Meridian in 1889
49. **Dennis Hathorn surveyed the Sixth Standard Parallel South**
- a) In 1855
 - b) In 1865
 - c) In 1875
 - d) In 1885
50. **In 1896 William Heydon received a contract to survey**
- a) Township 27 South, Range 8 West, Willamette Meridian
 - b) Township 28 South, Range 8 West, Willamette Meridian
 - c) Township 29 South, Range 8 West, Willamette Meridian
 - d) Township 27 South, Range 9 West, Willamette Meridian
51. **The survey of the 1896 William Heydon contract was**
- a) Approved September 10, 1877
 - b) Approved September 10, 1887
 - c) Approved September 10, 1897
 - d) Approved September 10, 1899
52. **The 1896 Heydon surveyed noted the land between**
- a) T 27 S, R 8 W and T 28 S, R 8 W as hiatus land
 - b) T 27 S, R 8 W and T 28 S, R 8 W as a conflict
 - c) T 27 S, R 8 W and T 28 S, R 8 W as a gap
 - d) T 27 S, R 8 W and T 28 S, R 8 W as no mans land
53. **Surveyors of T 33 N, R 49 E, MDM had conflicts**
- a) On the east line of the township
 - b) On the south line of the township
 - c) On the west line of the township
 - d) All of the above
54. **Along the south line of T 33 N, R 49 E, MDM, Maxon's corners**
- a) Were north of Hatch's corners
 - b) Were south of Hatch's corners
 - c) Were in agreement with Hatch's corners
 - d) None of the above

55. **The final approved plat of T 33 N, R 49 E, MDM**
- a) Divide the hiatus in half
 - b) Divide the hiatus into fractional lots
 - c) Showed the hiatus as one lot
 - d) None of the above
56. **Lot 47, Placer conflicted with**
- a) Section 34
 - b) Section 33
 - c) Section 32
 - d) Section 31
57. **A solution to junior senior rights conflicts**
- a) May be using the senior line
 - b) May be using the junior line
 - c) May be dividing the overlap
 - d) Any of the above
58. **If the junior survey was monumented and the senior survey was not**
- a) The junior survey would hold
 - b) The senior survey would hold
 - c) Either a or b
 - d) None of the above
59. **If the senior survey was monumented and the junior survey was not**
- a) The junior survey would hold
 - b) The senior survey would hold
 - c) Either a or b
 - d) None of the above
60. **Conflicts between junior and senior surveys can take place**
- a) In fractional sections
 - b) In regular sections
 - c) In land grants and patents
 - d) Any of the above

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