

LS Exam Review Seminar 2012

Simultaneous Conveyances

Ian Wilson, PLS



Shaping the future.





Definition of Simultaneous Conveyance

Several parcels created:

at the **same time**,

by the **same person(s)**,

through the **same instrument**,

all parcels having **equal standing**

and therefore **no senior rights**.

Created by...

Governed by...

Final Maps

SMA 66433 - 66443

Parcel Maps

SMA 66444 - 66450

Carefully crafted deeds

Fundamental Principles:

A subdivider cannot legally convey title to or subdivide the land of another person or entity.

The boundaries and corners of a subdivision are determined by and dependent upon the lot lines of an older subdivision or the boundary lines of a metes and bounds description.

Two types of maps:

Protracted...

Lots are located by measurement from subdivision boundary

Monumented...

In this case original survey and monuments control over plat

This principle does not apply to lines erroneously established by later surveys (not original)

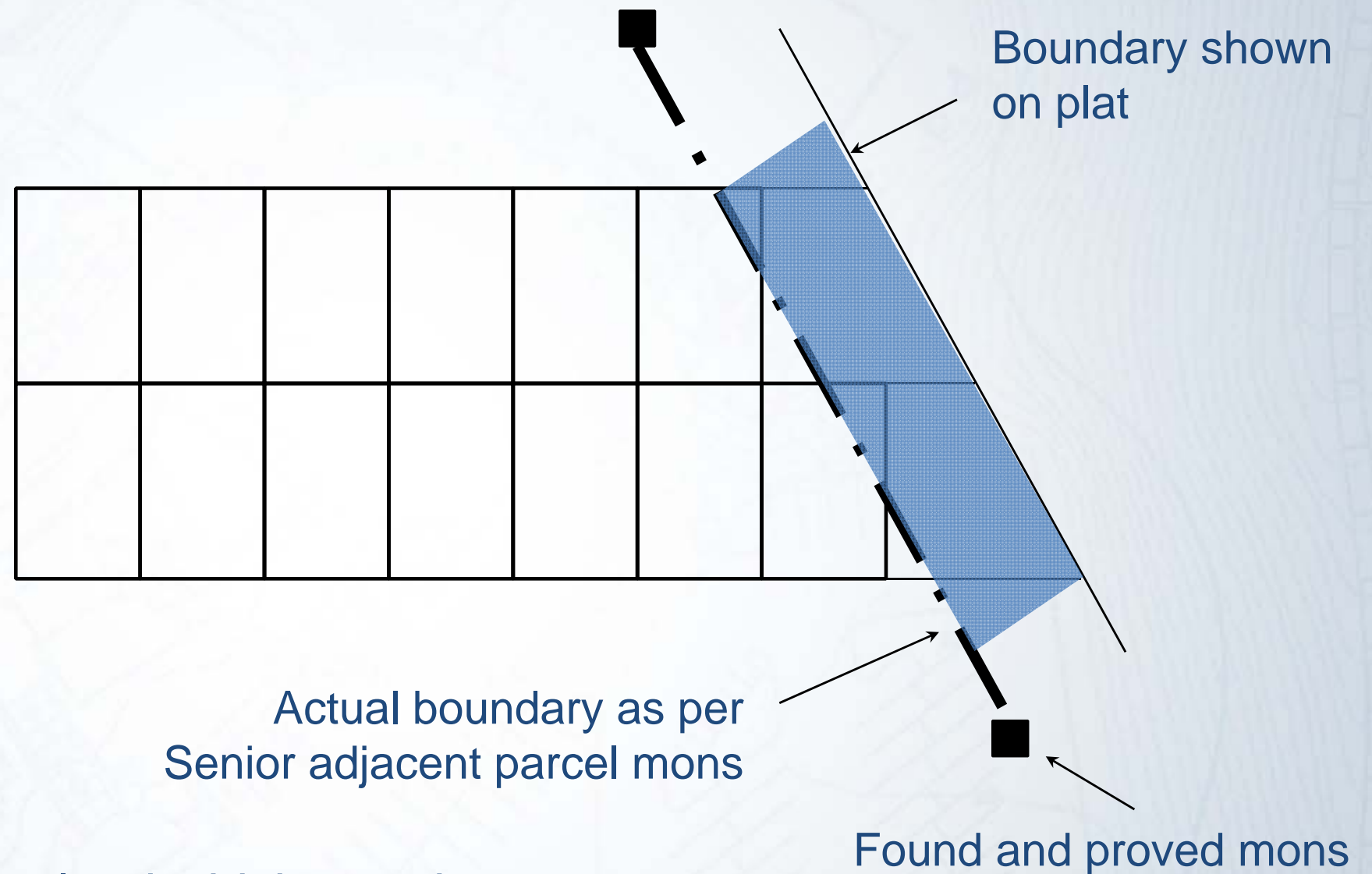
Conflict between Plat and Mons

A subdivider (e.g. developer) who **incorrectly describes** the boundaries of a subdivision lot, but owns all the land monumented, conveys title to the land incorrectly described (per monuments)

Surveyor has **no right to change the positions of the lots** after new owners have acted with respect to physical monuments, even though they were not set in accordance with his/her plat or field notes

Original set mons control facts given on plat, unless intent is clearly otherwise

Senior Rights on Subdivision Boundary



- Cannot convey land which you do not own
- Construed against the grantor (non-government)

PRORATION

Fundamental Principles:

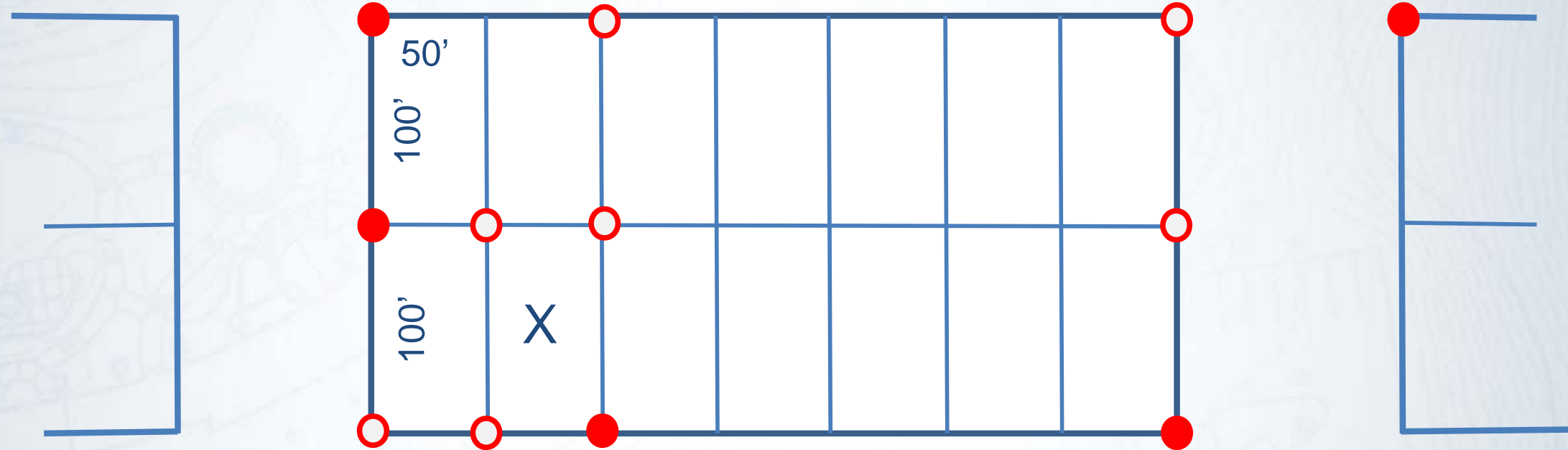
In the absence of original undisturbed monuments or evidence to the contrary, the **exact width** of a street (or alley) as shown on the map or plat determines the location of said street and the corresponding block lines.

Excess or deficiency occurring within a given block should not be prorated in other adjoining blocks.



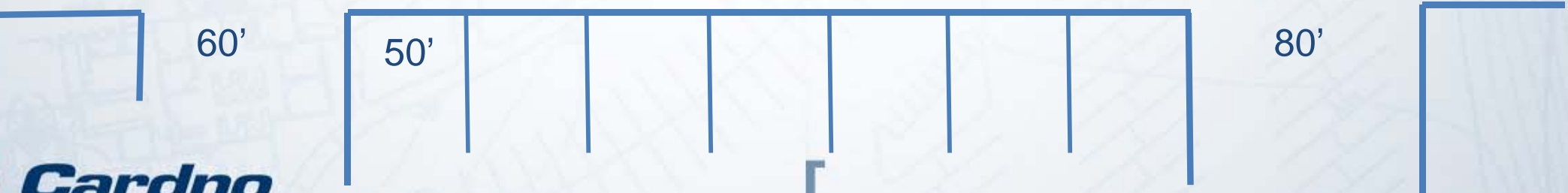
60'

60'



60'

60'



Remember:

The answer rarely lies in the math!

The emphasis of this program
is on making Sound Decisions
based on Defendable Principles
supported by Established Laws.

Quiz!

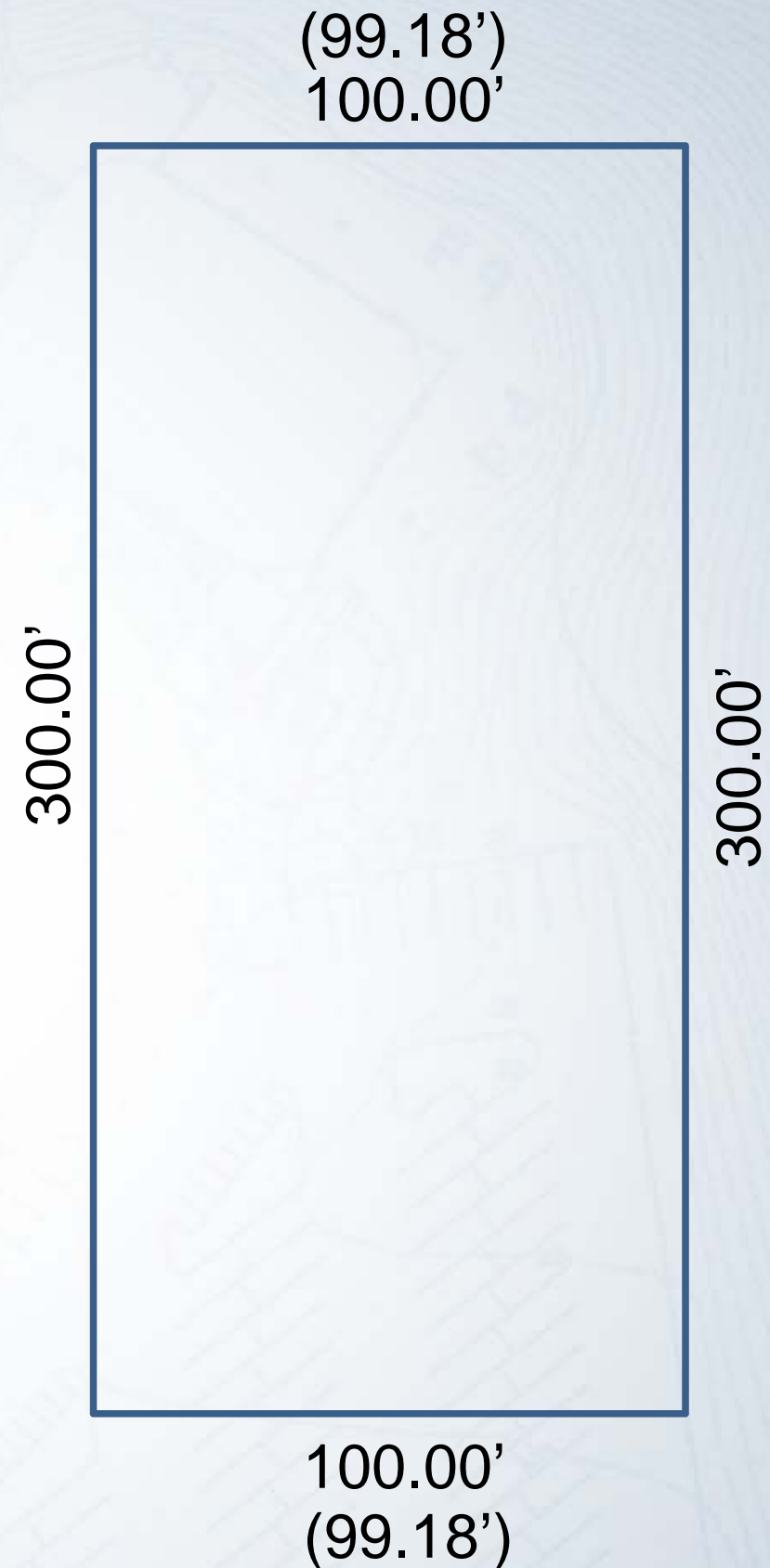


Brown owns Lot 8. Record dimensions are 100.00 feet east-west and 300.00 feet north-south.

Brown conveys a portion to Black in 1929 by:
All of Lot 8 except the west 50.00 feet...

How wide is Black's lot?

- a) 49.59'. Intended to sell $\frac{1}{2}$.
- b) 50.00'. Black is senior to Brown.
- c) 50.00'. Black is grantee. Construe against Grantor.
- d) 49.18'. Exception is senior.

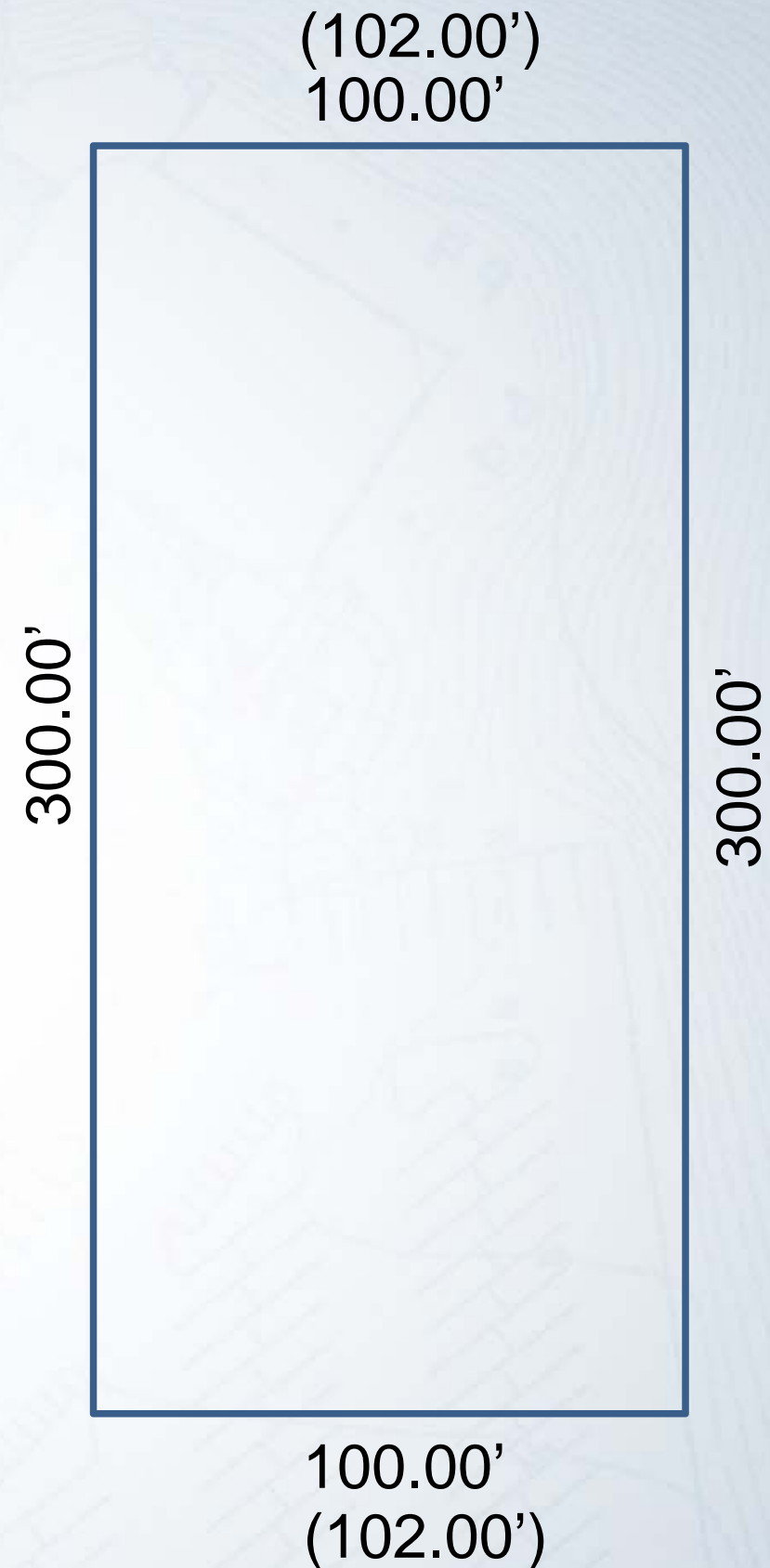


Brown owns Lot 8. Record dimensions are 100.00 feet east-west and 300.00 feet north-south.

Brown conveys a portion to Black in 1929 by:
All of Lot 8 except the west 50.00 feet...

How wide is Black's lot?

- a) 51'. Intended to sell $\frac{1}{2}$.
- b) 50'. Black is senior to Brown.
- c) 50'. Black intended to sell east 50'. Excess was unknown.
- d) 52'. Exception is senior.



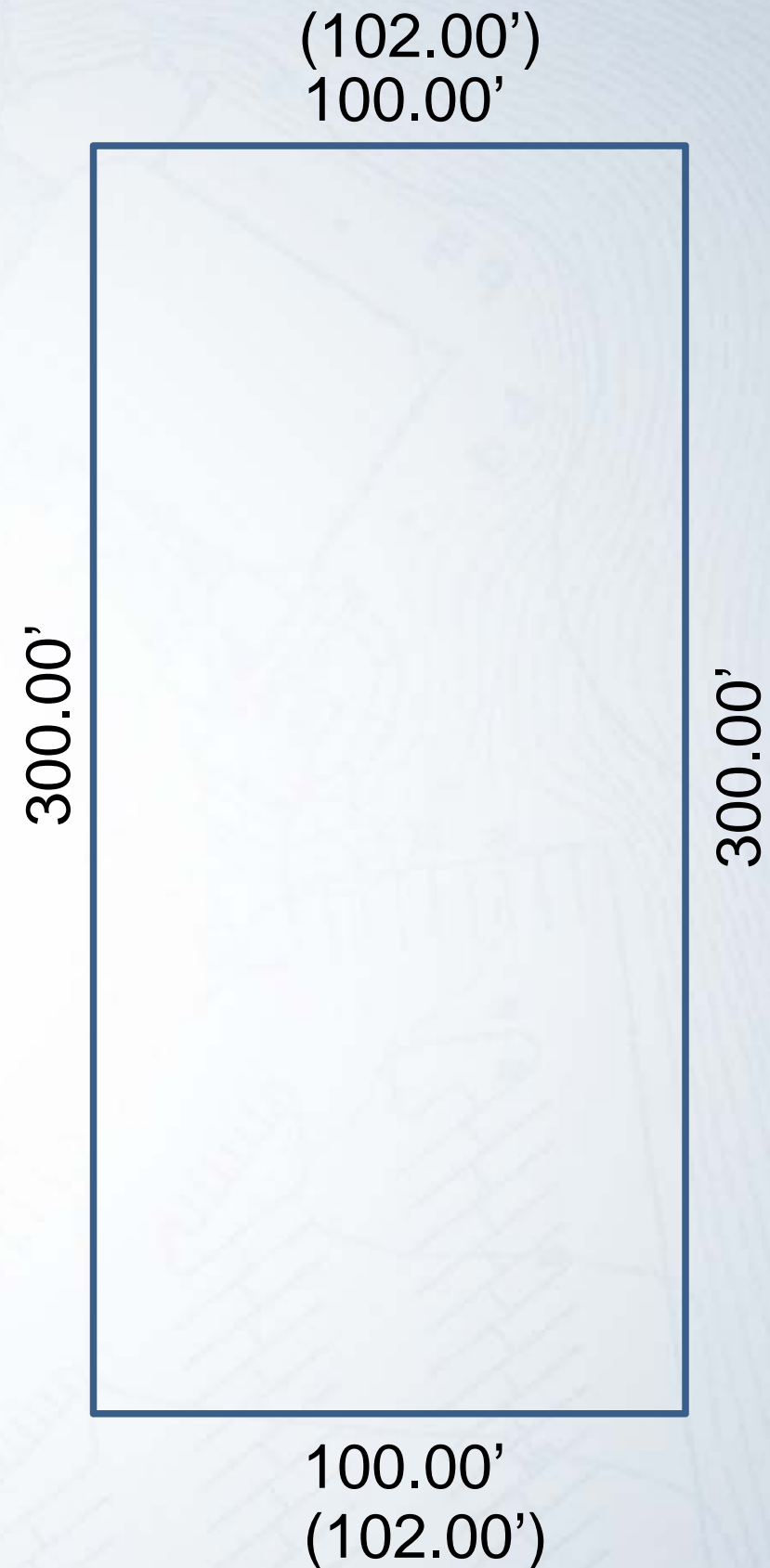
Brown owns Lot 8. Record dimensions are 100.00 feet east-west and 300.00 feet north-south.

Brown conveys a portion to Black in 1929 by: ...the west 50.00 feet...

Brown conveys a portion to White in 1932 by: ...the east half...

How wide is White's lot?

- a) 51'. Only gets what deed delivers.
- b) 50'. Record is 100' making $\frac{1}{2} = 50'$.
- c) 50'. Black is senior & gets excess.
- d) 52'. White is junior and gets remainder.



“...thence North 298 feet to the West line of Green...

- 1) Call to a monument
- 2) Call to an adjoiner
- 3) Controls if Green is senior
- 4) Is ambiguous

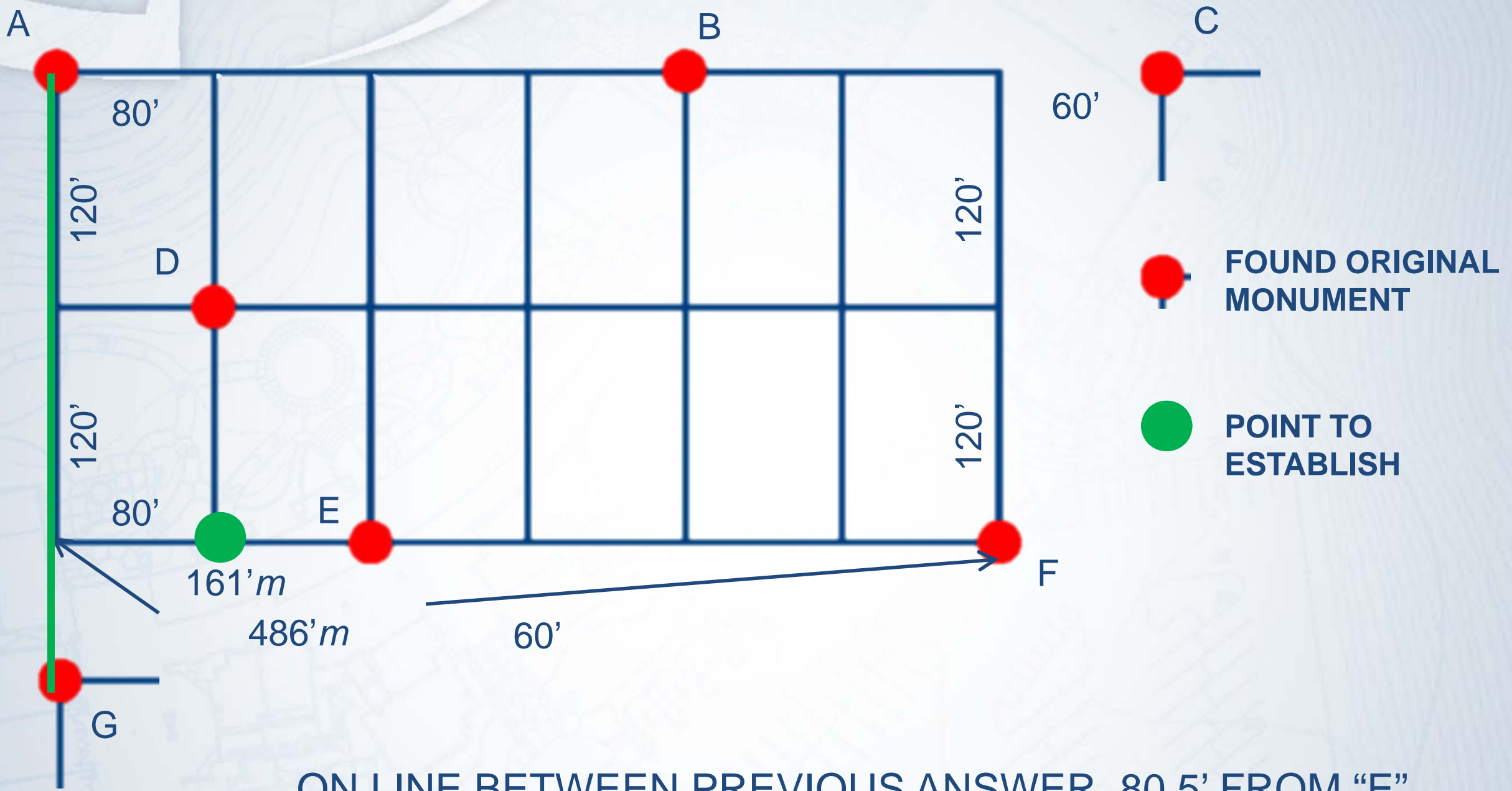
a) 1, 3, 4

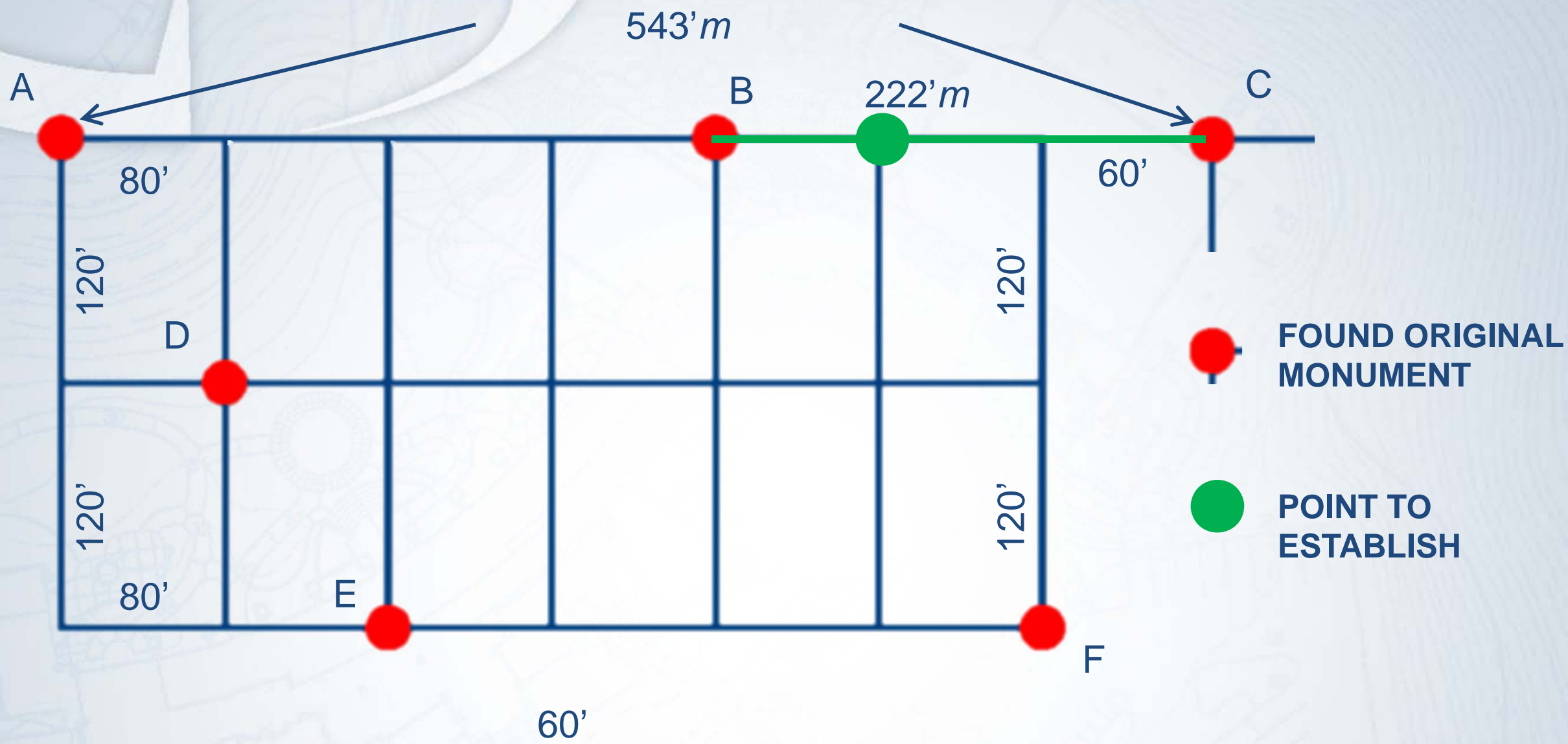
b) 2, 3, 4

c) 1, 2

d) 3, 4

e) 2,3





ON LINE BETWEEN "B" AND "C"
 $(222' - 60') / 2 = 81'$ FROM "B"



Questions....

Answers....

Wrap Up....