

Agenda

Boundary Survey Basics

C. Sherby

- How are land boundaries created?
- Interpreting legal descriptions
 - Aliquot parts (PLSS), simultaneous, metes-and-bounds, sequential
- Conflict and ambiguities: Rules of construing descriptions (ORS and other guidelines)
- Unwritten rights, intention, interpretation
- “Why doesn’t your survey match the description”
 - Examples and explanations

Identifying, Classifying and Locating Easements

A. Resto-Spotts

- What is and is not an easement
- Reviewing state law on easements
- Creating easements: easements by necessity, easements by use, written easements
- Identifying critical distinctions between easements in gross, easements appurtenant and prescriptive easements
- Maintaining easements
- Knowing when and how to terminate easements
- Obstructing use of easements and determining remedies for obstruction

Defining Trespass and Adverse Possession

J. Zahniser

- Defining trespass Reviewing the history of adverse possession
- Maintaining a claim for adverse possession
 - Statute of limitations
 - Elements of a claim
- Defending against a claim for adverse possession
- Examining recent adverse possession cases

Understanding Riparian and Water Rights

P. Mohr

- History and development of riparian rights
- Determining land boundaries near the water line
- Determining access rights to surface waters
- Determining rights to groundwater
- Complying with regulations restricting access to and use of surface water and groundwater

Resolving Boundary Disputes

J. Howsley

- Types of boundary disputes
 - Adverse possession, easements, boundaries
- Obtaining and reviewing boundary evidence
- Methods for establishing disputed boundaries
- Participating in dispute resolution techniques
 - Litigation, arbitration, mediation, agreements, title insurance
- Examining boundary dispute case studies: exploring techniques for resolving sample disputes

Boundaries and Easements

Portland, OR - Friday, April 5, 2019



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Learning Objectives

You'll be able to:

- Discuss** land boundaries, legal descriptions and boundary surveys.
- Learn** about types of boundary disputes, discuss how to obtain boundary evidence, and explore dispute resolution techniques.
- Review** state law on easements, including rules for creating, maintaining and terminating easements.
- Understand** riparian and water rights, and review regulations restricting access to and use of water.
- Define** trespass, and get tips on maintaining and defending against a claim for adverse possession.



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Discuss land boundaries, legal descriptions and boundary surveys

Review state law on easements, and learn how to create, maintain and terminate easements

Define trespass and learn how to maintain a claim for adverse possession

Understand riparian and water rights and regulations restricting access to and use of water

Discuss types of boundary disputes, and review resolution techniques

Continuing Education Credits

Attorneys

7.5 Oregon CLE Hours
7.5 Washington CLE Hours

Engineers & Land Surveyors

7.5 PDHs



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Faculty

Christopher Sherby is a professional land surveyor and contract/project manager with 20 years of experience, holding licenses in Oregon, Washington, Idaho, Nevada and Utah. He is an owner of S&F Land Services, a surveying and remote sensing firm with three offices throughout Oregon. Mr. Sherby’s experience includes performing field and office survey support on a range of projects from small boundary and topographic surveys to very large federal projects. Managing 15-35 person surveying teams for the past 10 years, he prides himself on encouraging the education and professional growth of staff at all levels. Mr. Sherby was previously an instructor in Oregon Institute of Technology’s Geomatics program and has been instructing classes at Clark College’s Surveying and Geomatics program for the past 10 years. He holds a B.S. degree in Geomatics from the Oregon Institute of Technology and is a 2012 graduate of Leadership Clark County.

Armand Resto-Spotts is an attorney with Jordan Ramis who focuses his practice on land use, real estate, and environmental law. His experience includes advising and representing developers and homeowners in local and state land use controls, including zoning, critical areas, and property rights. He has handled land use administrative appeals and litigation, primarily concerning the State Environmental Policy Act. He has also assisted clients in drafting and reviewing transactional documents, including purchase and sale agreements, easements and covenants, and boundary line adjustments.

Jacob Zahniser is an attorney with Miller, Nash, Graham & Dunn, LLP. A construction lawyer, construction litigator, and trial attorney, Mr. Zahniser focuses his practice on construction and real estate litigation, as well as handling insurance coverage disputes arising from construction defects. As a construction lawyer, he has represented a wide variety of construction industry clients ranging from contractors, suppliers, and insurance policy holders and assignees, to commercial property owners, landlords, and homeowners associations. Mr. Zahniser is experienced in all forms of construction litigation, including payment disputes and lien claims, insurance coverage, leases, purchase and sale agreements, development rights, adverse

possession, property lines and easements, and development disputes. He is also a member of the Executive Committee for the Oregon State Bar Construction Section.

Peter Mohr is an attorney with Jordan Ramis. As an environmental and natural resources lawyer, he is committed to helping clients secure both certainty and fairness within the regulatory context. Mr. Mohr has dealt with many different jurisdictions and agencies throughout the western United States during his career, providing a high level of expertise in state and federal law to both public and private clients involving environmental and natural resources, energy, and real property issues. With a practice that has a strong emphasis in water law, Mr. Mohr has successfully pursued water rights applications for agricultural, commercial, hydro power, special district and governmental uses before both state courts and administrative agencies. He has successfully defended senior commercial scale water rights against claims of statutory forfeiture, resolved numerous water facilities right-of-way and water rights title disputes, and has completed countless water rights transactions, large and small.

Jamie Howsley is an attorney with Jordan Ramis. Land use law is not only his career, but his passion. Mr. Howsley had the great fortune of growing up around land use, and eventually he followed in the footsteps of his father, a respected planner and land use attorney. This unique upbringing provided a basis for understanding the evolution of the regulatory environment surrounding land development. Mr. Howsley has served the Northwest home building industry in many capacities in Oregon and Washington, including as current chair of the Portland Home Builders Association Government Relations Committee, as a board member of the Oregon Home Builders Association, in various roles with the Building Industry Association of Clark County, and as a Legal Committee member of the Building Industry Association of Washington. A land use attorney is an integral part of any development team and he prides himself on being a dedicated professional who knows how to navigate the myriad of complex rules and relationships encountered in land development. Mr. Howsley is known for finding creative, cost-effective solutions to challenges that could hamper a project.

Seminar Information

Doubletree Hotel Portland
1000 N.E. Multnomah Street
Portland, OR 97232
(503) 281-6111

Tuition

\$289 for individual registration
\$269 for three or more registrants from the same company at the same time.

Included with your registration: Complimentary continental breakfast and printed seminar manual.

Receive a reduced tuition rate of \$101 by registering to be our on-site coordinator for the day. For availability and job description, please visit www.halfmoonseminars.org.

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Continuing Education Credit Information

This seminar is open to the public. The Oregon State Bar and the Washington State Bar MCLE Board have each approved this course for 7.5 CLE hours for attorneys.

This activity offers 7.5 PDHs to Oregon professional engineers and land surveyors to whom the subject matter is professionally relevant. Educators and courses are not subject to preapproval in Oregon.

Attendance will be monitored and reported, as required. Attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

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Audio recordings of this seminar are available for purchase starting at \$269. See registration panel for more information and please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Additional Learning

Webinar Series

National Electrical Code

- **National Electrical Code, Part I**
Wed., March 6, 2019, 11:00 AM - 3:30 PM CST
- **National Electrical Code, Part II**
Thurs., March 7, 2019, 11:00 AM - 3:30 PM CST
- **National Electrical Code, Part III**
Fri., March 8, 2019, 11:00 AM - 3:30 PM CST

Commercial Solar Peaker Batteries

- **Commercial Solar Peaker Batteries, Part I**
Wed., March 13, 2019, 11:00 AM - 3:15 PM CDT
- **Commercial Solar Peaker Batteries, Part II**
Thurs., March 14, 2019, 11:00 AM - 2:15 PM CDT

Handling Ethical Issues in Professional Engineering Practice

Fri., March 15, 2019, 11:00 AM - 12:00 PM CDT

For more information visit:
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Registration

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- () **I am not attending.** Please send me the self-study package:
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 - ☐ CD/Manual Package for **\$289.00**.
- (S&H included. Please allow five weeks from seminar date for delivery)

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