

# Agenda

## Resolving Boundary Disputes

C. E. Howard

- 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

## Identifying, Classifying and Locating Easements

A. Barton

- 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

## Locating Land Boundaries on Paper (And on the Ground)

D. Bowles

- Interpreting land descriptions
  - Metes and bounds
  - Lot and block
  - Dos and don'ts for writing descriptions
- Applying principles of boundary location
  - Collecting and evaluating all types of boundary evidence: documents, physical evidence, people, surveys
  - Locating the described land on a map
  - Locating the described land on the ground
  - Understanding and using geographic information systems (GIS)
- Solving land description and boundary location problems

## Understanding Utility Easements and Rights of Way

P. Barkhurst Jr.

- Current law on utility rights of way
  - State laws and regulations
- Types of utilities affected
  - Electric, water, natural gas, telecommunications, communications
- Basis for and definition of the easement
- Encroachments and interferences
- Maintenance
- Condemnation law
- Current issues involving utility easements

## Understanding Riparian and Water Rights

R. Johnson

- 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

## Defining Trespass and Adverse Possession

K. Silcocks

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

## Boundaries and Easements

Corpus Christi, TX - Wednesday, July 17, 2019



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# Learning Objectives

## You'll be able to:

- Solve** land description and boundary location problems.
- Classify**, create, locate and maintain private easements.
- Resolve** boundary disputes using techniques such as litigation, arbitration, mediation, agreements and title insurance.
- Defend** against claims for adverse possession.
- Comply** with rules regarding access to surface and groundwater.



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# Boundaries and Easements

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- Locate** land boundaries on paper and on the ground
- Review** Texas riparian and water rights
- Understand** when and how to use different types of easements
- Discuss** utility easements and rights of way
- Learn** how to define trespass and adverse possession
- Resolve** boundary disputes

## Continuing Education Credits

- |  |  |
|--|--|
| <b>Attorneys &amp; Paralegals</b>                | <b>Professional Engineers &amp; Land Surveyors</b> |
| 8.0 Texas CLE hours                              | 8.0 PDHs   |
| TBLS: 8.0 Real Estate Law (Attorney & Paralegal) | <b>Landmen</b>                                     |
| 8.0 Administrative Law (Attorney)                | 8.0 AAPL CE Hours                                  |
| <b>Texas Escrow Officers</b>                     |  |
| 8.0 Escrow-Title CE Hours                        |  |



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# Faculty

**C. Elaine Howard** *Andrews Myers P.C., Houston*  
Ms. Howard is a trial attorney focusing on commercial litigation, real estate disputes and employment law. She has handled evictions, lockouts, title and lien priority disputes, foreclosure on real and personal property, Fair Housing Act violations, enforcement of deed restrictions, ad valorem taxes, easements, adverse possession, boundary disputes, and disputes arising out of the acquisition of real property. Ms. Howard has handled hundreds of landlord/tenant disputes primarily but not exclusively on the landlord's side. She has represented lenders and loan servicers in matters involving foreclosures and lending practices. Ms. Howard advises individuals seeking to acquire property about their possible liabilities and consults on the closing documents and indemnification agreements. She received her B.A. degree in Economics, Political Science and Managerial Studies from Rice University (TX) and her J.D. degree, *magna cum laude*, from the University of Houston Law Center.

**Aaron Barton** *Branscomb | PC*  
Mr. Barton is a shareholder in the firm's Business and Real Estate Groups. He has been practicing law for over a decade, representing businesses, title companies, developers, lenders, and individuals in a wide variety of business, financing, leasing, and real estate transactions. Prior to joining Branscomb | PC, Mr. Barton also represented title insurers and businesses in business and real estate litigation matters. This experience has assisted him in delivering legal services to the firm's clients with an eye to avoiding litigation, and he is able to structure transactions to better protect clients in the event a dispute arises in the future.

**Deward Bowles** *B&B Surveying Company*  
Mr. Bowles is an independent professional land surveyor and owner of B&B Surveying Company in Houston. He began working in the field of land surveying in 1978 and is certified as a registered professional land surveyor in the State of Texas. Mr. Bowles has given seminars to lawyers, real estate professionals and other land surveyors on land surveying principles, practice and codified standards. He has been an expert witness in a number of legal actions centering around boundary disputes and land surveyor negligence claims. Mr. Bowles has given expert testimony regarding boundary resolution, minimum standards and minimum content regarding land surveys. He is a member of the Texas Society of Professional Surveyors and a former member of the American Congress on Surveying and Mapping.

# Seminar Information

**Hyatt Place Corpus Christi**  
6773 South Padre Island Drive  
Corpus Christi, TX 78412  
(361) 985-8888

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

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**Cancellations:** Cancel at least 48 hours before the start of the seminar, and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another seminar or the self-study package. You may also send another person to take your place.

**Paul Barkhurst** *Barkhurst and Hinojosa, P.C., San Antonio*  
Mr. Barkhurst has extensive litigation experience in business and real estate disputes. He has developed a special concentration in the area of eminent domain, representing governmental entities as well as landowners in numerous lawsuits. He has successfully represented numerous owners in ranch power line takings. Mr. Barkhurst also represents governmental entities in construction disputes, and he has represented contractors and subcontractors in private disputes. He also has extensive experience handling complex business dissolution and injunction cases. Mr. Barkhurst has a B.A. degree, with honors, from Southwest Texas State University and a J.D. degree, *magna cum laude*, from Texas Tech University, and he is a former USAF Captain and F-111 Aviator.

**Russell Johnson** *McGinnis Lochridge, Austin, TX*  
Mr. Johnson has a multifaceted water law practice, with an emphasis on matters involving land use, water rights and the Endangered Species Act (ESA). His clients are generally landowners, industries, mineral owners and developers seeking to acquire, safeguard, develop or convey water resources. Mr. Johnson advocates on their behalf before the courts, the Texas Legislature and administrative agencies. Over the years, Mr. Johnson has participated extensively in legislation related to groundwater management. Prior to joining the firm, he represented a large municipal water system in a variety of matters, including legislative efforts to create the Edwards Aquifer Authority, efforts to modernize Texas water law with Senate Bill 1 (1997) and Senate Bill 2 (2001) and subsequent legislation related to groundwater management. He continues these efforts at each legislative session. He is a board member of the Center for Water Law and Policy at Texas Tech University School of Law, as well as an adjunct professor at Texas State University teaching water policy.

**Kristina Silcocks** *Foley & Lardner LLP, Austin, TX*  
As a member of the Government Affairs Practice and Austin Litigation Team at Gardere Wynne Sewell, Ms. Silcocks focuses her practice on civil litigation and government-related matters. She primarily focuses on eminent domain and inverse condemnation, representing both condemning authorities and property owners, having represented clients in over 250 special commissioners' hearings and in over 25 condemnation and inverse condemnation jury trials. Ms. Silcocks also has extensive experience handling civil litigation, including contract, employment, and tort cases. She is well-versed in other government-related issues, including open records laws, contract procurements, bid protests, environmental disputes and other regulatory issues with a variety of state and local agencies. Prior to joining Gardere in 2011, Ms. Silcocks spent 15 years in the Office of the Attorney General of Texas primarily representing the Texas Department of Transportation, including the last five years as chief of the Transportation Division.

## Continuing Education Credit Information

This seminar is open to the public. The State Bar of Texas has approved HalfMoon Education as a CLE provider for attorneys. This course offers 8.0 CLE hours, including no ethics hours. The Texas Board of Legal Specialization has awarded 8.0 hours in the specialty areas of Real Estate Law and Administrative Law for attorneys and Real Estate Law for paralegals..

Texas Department of Insurance has approved this course for 8.0 Escrow-Title continuing education hours.

This seminar offers 8.0 PDHs to Texas professional engineers to whom the subject matter is professionally relevant.

The Texas Board of Professional Land Surveying has approved this program for 8.0 professional education hours.

The Association of Professional Landmen has accredited this event for 8.0 RL, RPL or CPL recertification credits and no CPL/ESA or ethics credits.

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.

**Can't Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!**

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.

# Registration

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How to Register	<b>Registrant Information</b> Name: _____ Company/Firm: _____ Address: _____ City:_____State: _____ Zip_____ Occupation: _____ Email: _____ Phone: _____  <b>Additional Registrants:</b> Name: _____ Occupation: _____ Email: _____ Phone: _____  Name: _____ Occupation: _____ Email: _____ Phone: _____  Email address is required for credit card receipt, program changes, and notification of upcoming seminars and products. Your email will not be sold or transferred.  ( )  I need special accommodations. Please contact me.	
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<b>Tuition</b> ( ) <b>I will be attending the live seminar.</b> Single Registrant - <b>\$289.00</b> . Three or more registrants from the same company registering at the same time - <b>\$269.00</b> each. ( ) <b>I am not attending.</b> Please send me the self-study package: <input type="checkbox"/> Downloadable MP3 Audio/PDF Manual for <b>\$269.00</b> . <input type="checkbox"/> CD/Manual Package for <b>\$289.00</b> . (S&H included. Please allow five weeks from seminar date for delivery)
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