

# NEW HAMPSHIRE LAND SURVEYORS ASSOCIATION

PO Box 689 – 77 Main Street

Raymond, New Hampshire 03077-0689

TELEPHONE: 800-698-5447 - 603-895-4822 - FAX: 603-462-0343

web site address: [www.nhlsa.org](http://www.nhlsa.org)

email address: [info@nhlsa.org](mailto:info@nhlsa.org)

TO: MEMBERS, FRIENDS, AND NEWLY LICENSED LLS's  
SUBJECT: **NHLSA FALL QUARTERLY MEETING**

#### PRESIDENT

WAYNE C. MCCUTCHEON  
492 Washington Street  
Claremont, NH 03743  
603-542-7352

#### PRESIDENT ELECT

BRYAN L. BAILEY  
217 Cotton Hill Road  
Gilford, NH 03249-6986  
603-528-3734

#### VICE PRESIDENT

EDWARD L. ROGERS  
296 Poor Farm Road  
New Ipswich, NH 03071  
603-878-0814

#### SECRETARY

ROBERT E. SMITH, JR.  
11 Prospect Street  
Dover, NH 03820-3304  
978-388-2157

#### TREASURER

JAMES VERRA  
101 Shattuck Way, Suite 8  
Newington, NH 03801-7876  
603-436-3557

#### PAST PRESIDENT

DAVID M. COLLIER  
PO Box 913  
Alton, NH 03809-0913  
603-225-6770

#### DIRECTORS

##### NSPS Director

MARK C. SARGENT  
21 Maple Street  
Center Barnstead, NH 03225-3601  
603-225-6770 (2010-2012)

##### Prof. Practice Director

JAMES M. O'NEIL  
31 West Drive  
Bedford, NH 03110  
603-471-1699 (2010-2012)

##### Education Director

RUSSELL JAMES HUNTLEY  
331 Poocham Road  
Westmoreland, NH 03467-4107  
603-355-1532 (2008-2010)

##### Publications Director

MARK C. STEVENS  
70 Kimball Pond Road  
Canterbury, NH 03224-2301  
603-783-4404 (2009-2011)

##### Gov. Affairs Director

TIMOTHY F. BERNIER  
PO Box 3464  
Concord, NH 03302-3464  
603-753-2220 (2008-2010)

#### EXECUTIVE

##### ADMINISTRATOR

BARBARA CORMIER  
77 Main Street  
Raymond, NH 03077  
603-895-4822

This meeting will be held at the **Lake Opechee Inn and Spa**, located at 62 Doris Ray Court, Lakeport, NH. More specifically, our event will be held in the Winnisquam Room.

Do you like surprises? We hope so! After the fall quarterly business meeting, the after dinner presentation will remain a mystery. After all, you don't stay for the dinner and the presentation for the CEUs, right? We hope you stay for the great company of your fellow surveyor and the entertainment. Please join us as we all learn together what we're in for. For those of you who don't like surprises, or can't stand the anticipation, check the website—maybe an update will be there!

A Case Studies seminar will also be offered at Lake Opechee Inn and Spa on the day of the quarterly business meeting to provide an opportunity for those of you that have set aside the entire day to attend both. You may attend just the seminar, just the quarterly business meeting, dinner and speaker, or stay for all three.

Why not take advantage of spending time in the Lakes Region. The sales and operation manager has offered us a special on overnight rooms for Thursday and Friday. The Sylvan Rooms that look over the back of the grounds will be available for \$169, and the Lake View Rooms will be available for \$209. This will offer you and your guest(s) a \$60 savings off their regular room rates.

**NOTE:** To save on printing costs, both meeting & seminar registration forms are included together, but you can detach them and submit either one or both.

## MEETING SCHEDULE

**FRIDAY – SEPTEMBER 24, 2010**

**4:00 - 4:45**

**Committee Meetings**

**4:45 - 6:00**

**Business Meeting**

**6:00 - 9:00**

**H'doeuvres, Dinner & Surprise**

**PRICE FOR THE EVENING MEAL & PRESENTATION IS: \$45.00 PER PERSON**

Questions call: The NHLSA Office @ 603-895-4822

(over)

## Fall Quarterly - September 24, 2010

### RESERVATION DEADLINE:

Please make every effort to mail your registration in before September 17<sup>th</sup>

Make checks payable to **NHLSA** and mail to PO Box 689, Raymond, NH 03077

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

COMPANY: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

OTHER ATTENDEES: \_\_\_\_\_  
\_\_\_\_\_

				Check#
<b>Roast Breast of Chicken</b>	_____	x	\$45.00	_____
<b>6oz. Filet Mignon</b>	_____	x	\$45.00	_____
<b>Meeting Only</b> <i>(save a stamp, email the office)</i>	_____		N/C	

AMOUNT ENCLOSED: \_\_\_\_\_

Choice of Entrée Dinner, House salad with fresh field greens, candied walnuts and dried cranberries served with balsamic vinaigrette, Fresh baked bread, Green beans, Herbed wild rice, Liquid chocolate cake, Freshly brewed coffee and assorted teas

**If paying by CREDIT CARD: FAX completed registration form to: 603-462-0343**

Indicate credit card: \_\_\_ Visa \_\_\_ Mastercard \_\_\_ AMEX \_\_\_ Discover

Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Name on Card: \_\_\_\_\_

Signature: \_\_\_\_\_

[CARDMEMBER ACKNOWLEDGES RECEIPT OF GOODS AND SERVICES  
IN THE AMOUNT OF THE TOTAL SHOWN HEREON AND AGREES TO PERFORM  
THE OBLIGATION SET FORTH BY THE CARDHOLDER'S AGREEMENT WITH THE ISSUER]

IF A CONFIRMATION OF RESERVATIONS IS REQUESTED,  
PLEASE ENCLOSE A SELF-ADDRESSED, STAMPED ENVELOPE

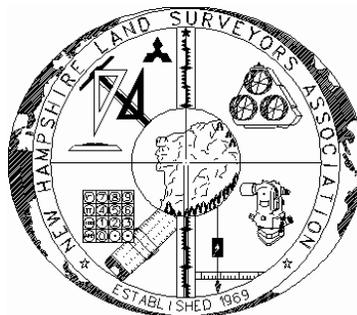
New Hampshire Land Surveyors Association  
P.O. Box 689  
Raymond, NH 03077

# 2010 CASE STUDIES SEMINAR

Friday  
September 24, 2010  
The Conference Center at  
The Lake Opechee Inn & Spa  
(Opechee Room)  
62 Doris Ray Court  
Laconia, NH  
877-300-5253

## 2.0 Continuing Education Units

Sponsored by  
New Hampshire  
Land Surveyors Association



## Seminar Description

There will be **four** cases presented.

### Cases & Speakers

**Case 1—*Is Justice Blind or Does She See 20/20?*** Along with input from Mark Stevens, this case will be presented by **David Mann and Dennis McKenney**. David will focus on Primary Evidence; Law of Evidence; Conclusive Evidence; Burden of Proof; Written Intention of the Parties; Interpretation of Terms; Action/Inaction of Parties; Extrinsic Evidence; Rules for Interpretation of Writings; and the Role of the Surveyor. Dennis will address the following questions: Should the order of importance of conflicting title elements matter to surveyors, to the judge?; Shouldn't the boundary surveys of adjoining tracts substantially agree on boundary lines and record evidence?; Is justice blind?; Lastly, Was the profession of surveying given its proper due and respect in my case before the Cheshire County Superior Court?

**David** is a Licensed Land Surveyor in New Hampshire and Vermont. He is a Past-President of NHLSA and a Chairman of the History Committee. David is also the editor of VLS Cornerpost and a perpetual student of the history of New Hampshire and Vermont. **Dennis** spends most of his working time in the retracement of boundary lines or dealing with timber and trees as I have now for 30+ years. When I'm not doing these ostensibly for profit activities, I spend a lot of time fixing the things my wife tells me are broke and splitting firewood for heat and hot water in the coming winter. Once in awhile I drag out a 'harp' and jump on stage with a blues band because its cheaper than an hour with a mental health therapist and way more fun.

**Case 2—*Bad Planning***. This case will be presented by **Wayne McCutcheon**. "I have been involved with the land surveying profession for five decades and it has been a rewarding experience. It is the kind of occupation that makes you feel that there are few other things that you had rather be doing. All practitioners that offer their services to the public are subject to constructive criticism occasionally, but when my business partner was unfairly chastised in his absence at a public planning board meeting by members of the board, I decided that it was time to take legal action."

When Wayne's not doing his thing out in the field, or the office, he and his wife, Jean, can be found tandem paddling their recently restored 18' Old Town guide canoe, or sitting by a classic automobile, in a field at a car show, or attending a barbecue, soccer, basketball, or track event, proudly cheering on their grandsons.

**Case 3—*Rangeways in New Hampshire***. **Hank Amsden** presents our third case. In 1764, the Hanover Proprietors clearly articulated what became a 'give title/receive easement' municipal policy, legislatively confirmed for rangeway exchanges in 1766 and 1791. From 1813 to present, a search of NH Supreme Court activity revealed only 3 cases specifically mentioning rangeway use and ownership, one of which was tangentially cited by the court in 2009. Although the legality of the practice was judicially noticed in 1834 (*COPP v. NEAL*), no

## Cases & Speakers—continued

subsequent case seems to address the specific question of title, suggesting judicious legislative mitigation. The 3 cases will be briefly reviewed with mention of recent legal and municipal activity, showing the subtle quagmires implied. A recent compendium on the subject, *THE RANGEWAYS OF NEW HAMPSHIRE*, by two authors from Salisbury will also be introduced and utilized in this preliminary introduction to a 200+ year old surveyor's brain teaser.

Having 3 score and 10 (+!) is OK, but **Hank** still hasn't mastered CARLSON 2004, despite data collectors but likes to eat out occasionally. Practicing in Weare some years ago, inevitably involved the RANGEWAY issue (Weare is a clearcut, straightforward rangeway town). About 1990 the NHLSA asked him to present a short review of rangeway principles. Since that time, a large corpus of documents and hidden issues regarding this rather unique colonial phenomenon have emerged. What is presented today should be considered as no more than seminal. Other voices from sites throughout the state should enter the lists on the subject and get us all up to speed. There may be rumblings in the legislature on the rangeway subject and the Association should be informed and ready when that time comes.

### Case 4—Cutting Traverse Lines or Timber Trespass?

This case presented by **F. Webster Stout** involves a survey he performed in Lyman, NH for a court case on the difference between a survey and the area call on a deed. Along with his company, he was sued for "timber trespass" for the cutting of trees for the traverse line.

**Web** has been in Surveying for 31 years. He attended the Thompson School of Applied Science at UNH. His first surveying job was in Rifle, Colorado where he was the only employee of "Shale County Surveying" performing both field and office duties. He returned to NH and worked for 3 surveying companies before starting his own business in 1994. His interests and hobbies include hunting, fishing, boating, and the ocean.

## General Information

To insure a seat, **please register soon** by completing the attached registration form and mail it ASAP. Handouts will be available for download prior to class (please provide email address).

### Cost\*

<b>Member</b>	<b>\$ 125.00</b>
<b>Non-member</b>	<b>\$ 175.00</b>
<b>Special Rate</b>	<b>\$ 20.00</b>

**Deadline: September 17<sup>h</sup>—If payment is not received by this date, please add an additional \$25.00.**

**No refunds will be allowed after September 17<sup>h</sup>.**

For information about registration, contact the NHLSA office at 1-800-698-5447 (in state) or 603-895-4822 (out of state).

For information about the seminar, contact: Michael Bemis @ 603-524-1468.

For information about the facility, contact: The Conference Center at The Lake Opechee Inn & Spa @ 877-300-5253

## Schedule

(subject to change)

7:30-8:00	Registration; Coffee & Tea
8:00-9:45	David Mann & Dennis McKenney <i>Case 1: Is Justice Blind or Does She See 20/20?</i>
9:45-10:00	Break; Snacks & Beverages
10:00-11:15	Case I continued
11:15-12:00	Wayne McCutcheon <i>Case 2: Bad Planning</i>
12:00-1:00	Buffet Lunch (included) (House Marinated Grilled Steak Strips & Grilled Atlantic salmon)
1:00-2:15	Hank Amsden <i>Case 3: Rangeways in New Hampshire</i>
2:15-2:30	Break; Beverages
2:30-3:45	F. Webster Stout <i>Cutting Traverse Lines or Timber Trespass</i>
3:45-4:00	Q&A; Sign-Out

Continuing Education Units: 2.0

4:00-4:45	Committee Meetings
4:45-6:00	Fall Quarterly Business Meeting
6:00-9:00	Hors d'oeuvres, Dinner, Surprise (separate registration)

## 2010 CASE STUDIES SEMINAR

September 24, 2010

Sign up for:	Time	Price
<input type="checkbox"/> Member	7:30-4:00	\$ 125.00
<input type="checkbox"/> Non-member		\$ 175.00
<input type="checkbox"/> Seminar Matching Fund Program		\$ 20.00

Make check payable to NHLSA

Total: \_\_\_\_\_  
 Check  
 Visa  
 Mastercard  
 American Express  
 Discover  
 Exp. Date \_\_\_\_\_

Credit Card Number: \_\_\_\_\_

Signature \_\_\_\_\_

CARDMEMBER ACKNOWLEDGES RECEIPT OF GOODS AND SERVICES IN THE AMOUNT OF THE TOTAL SHOWN HEREON AND AGREES TO PERFORM THE OBLIGATIONS SET FORTH BY THE CARDHOLDER'S AGREEMENT WITH THE ISSUER

Company \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Phone \_\_\_\_\_

Others attending \_\_\_\_\_

Return To:

	<b>New Hampshire Land Surveyors Association</b>
P.O. Box 689 Raymond, New Hampshire 03077-0689  Phone: 603-895-4822 Fax: 603-462-0343 Email: <a href="mailto:info@nhlsa.org">info@nhlsa.org</a> Website: <a href="http://www.nhlsa.org">www.nhlsa.org</a>	