Attorney’s Corner-Legal Tip of the Month

                                                  **The Importance of a Survey**

The art of surveying dates back to the Ancient Egyptians during the building of the Great Pyramid in Giza in 2700 BC.  The Roman Empire was the first civilization who actually employed an official land surveyor within their empire. Later, Napoleon Bonaparte was very enthusiastic about accurate surveying, which is very important when you are planning to conquer the world!

While we do not want to conquer the world, we do want to conquer any unforeseen issues that may arise at the closing table, in advance.  An excellent way in which to do this is to have your purchasers order a survey. Here are some examples of how a survey can be most beneficial.

Surveys can reveal a variety of things. Very basically, they identify the boundary lines of the property.  This can be just for identification purposes, but can be essential if your client wants to later build a fence  or place any additions such as a deck, or a pool on their property.

The survey will set out any encroachments.  If the neighbor’s fence, driveway or wall is over the property line, it will show up on a survey.

If an encroachment is discovered, there are several ways in which this may be addressed:

1)      The Purchasers may elect to close with the encroachment “as is” (the Owners Title Policy would except to any                             claims made as a result of the fence encroachment);

2)      The Purchasers may elect to require that the seller remove the portions of  encroachment,

3)      The Purchasers  can require the seller and the adjoining neighbor enter into an “ Encroachment Agreement”

An encroachment  agreement is in writing, permitting  the encroachment to remain “as is” for so long as all parties agree.  This agreement is recorded and future owners of both properties are subject to the terms and conditions within.   Campbell and Brannon will be happy to draft an encroachment agreement, if the parties require one. An agreement  may prevent  any  litigation down the road.

Surveys  will also  indicate the location of any streams, lakes, pool, gardens, walkways and easements. On one side of the spectrum, there may be general utility easements, which many do not find objectionable. The other side, if there is an ingress egress  easement  over the property, this may send some purchasers  off the roof.   Set back lines are shown on surveys as well. This allows your client to see exactly where their home is built and address any concerns, if the house is over the building lines.

We would encourage any one purchasing real estate in Georgia  to order a survey, for the reasons stated above.  It is just as important for the client purchasing acreage, as it is for the client purchasing a lot in an established subdivision, to have a rendering of their real estate. Knowledge is power and  courthouse records only reveal so much!   Share the advantages of having a survey  with your clients, and you will shine!   They will understand that you really do have their best interest at heart, not just now, but in their future as well.

In the end, ordering a survey requires a one time fee and is and well worth the investment!   With survey in hand, your clients will have peace of mind, and will appreciate you for years to come for having suggested it in the first place.  Who can put a price on that?

**142,000 Net New Jobs in August 2014 — Fewest This Year But YTD Average Monthly New Jobs Best for Any 12 Months Since April 2006**

*Source: Dr. Ted C. Jones*

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The U.S. created 142,000 net new jobs (preliminary) in August 2014, down from 212,000 in July and off from the 202,000 created in August 2013. [Read more >>](http://blog.stewart.com/stewart/2014/09/05/142000-net-new-jobs-in-august-2014-fewest-this-year-but-ytd-average-monthly-new-jobs-best-for-any-12-months-since-april-2006/)

**Economic Outlook Points to Building Momentum**

*Source: Themreport.com*

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Signs increasingly point to economic momentum building in the coming year, according to economists at TD Bank.   [Read more >>](http://themreport.com/news/data/09-25-2014/economic-outlook-points-building-momentum)

**First rise in foreclosure auctions in nearly four years**

*Source:* [*money.cnn.com*](http://money.cnn.com/)

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Foreclosures are up for the first time in nearly four years. But housing experts aren't worried.    [Read more >>](http://money.cnn.com/2014/09/11/real_estate/rise-in-foreclosures/index.html)