

Summary of Legal Descriptions

Perimeter Descriptions

Bounds Descriptions - perimeter descriptions without a direction of travel.

Metes Descriptions - perimeter descriptions with a direction of travel described by a series of measurements.

Metes and Bounds Descriptions - Not included in the types described in this document.

Perimeter descriptions with a direction of travel described by a series of measurements and calls to endpoints.

Strip Descriptions

Strip Descriptions - description of a centerline with an offset on either side can also be a radial description with a center point and a distance or radius around the point. Sometimes stationing is provided along the line with the offset along the stationing.

Area Descriptions

Descriptions by Reference - Reference to a recorded map or plat. These are common "area descriptions". The map or plat contains the linear measurements necessary to describe the areas.

Sectionalized Descriptions - Sectionalized descriptions are based on divisions of the Public Land Survey System. The size and shape of areas are based the rules of division of the PLSS.

Other Descriptions

Description by Calls - Description by reference to physical objects. These are sometimes called deed calls or running out the calls.

Description by Division Line - This is a division of an existing or previously defined area, such as a lot or a PLSS Section, dividing by a described line. This type of description always creates a remainder or other area that must be described as well. The line may be a measurement, such as metes or a natural feature, such as call to a river or a road. This is a combination description because an area must be identified and then divided.

Description by Distance - This is a division of an existing or previously defined area, such as a lot, by dividing by a described line. This type of description always creates a remainder or other area that must be described as well. The distance is usually specified with respect to an existing boundary, such as the the North 50 feet of a lot.

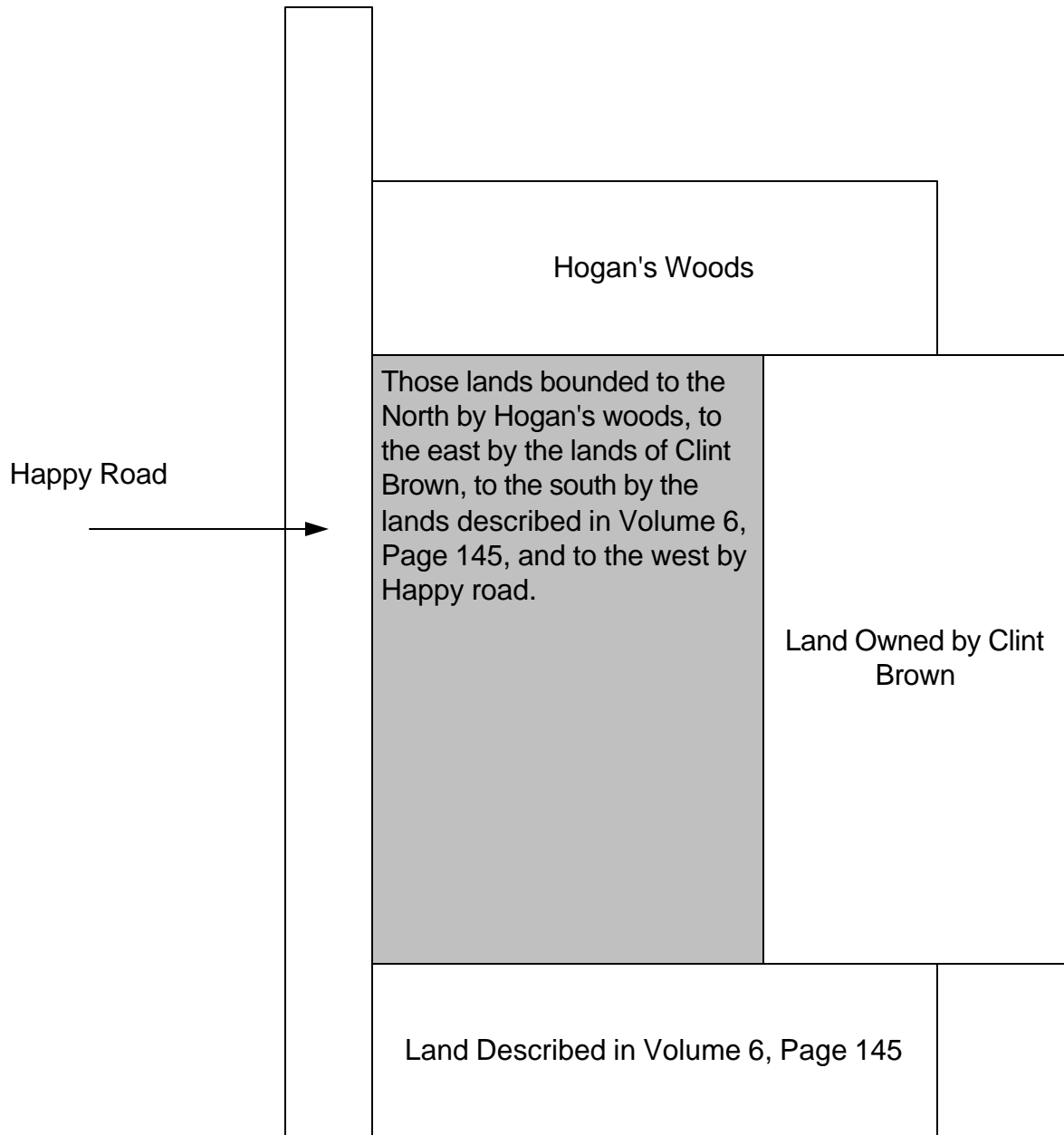
Descriptions by Proportional Conveyances - This is a division of an existing or previously defined area by specifying a proportion of area, such as half or quarter. This type of description always creates a remainder or other area that must be described as well. Proportional conveyances are not the same as sectional descriptions of the PLSS

Description by Exception - This is a division of an existing or previously defined area, and then excepting out an area. The exception can be any exempt area. This type of description always creates a remainder or other area that must be described

Description by Acreage - This is a division of an existing or previously defined area, such as a lot or a PLSS Section, by specifying an area amount. This is similar to the proportional area, except the amount of acreage being described is stated such as 10 acres.

Ambiguous Descriptions - These are descriptions of areas or extents of land that can not be solved without significant research into the intent of the parties participating in the description and subsequent conveyance.

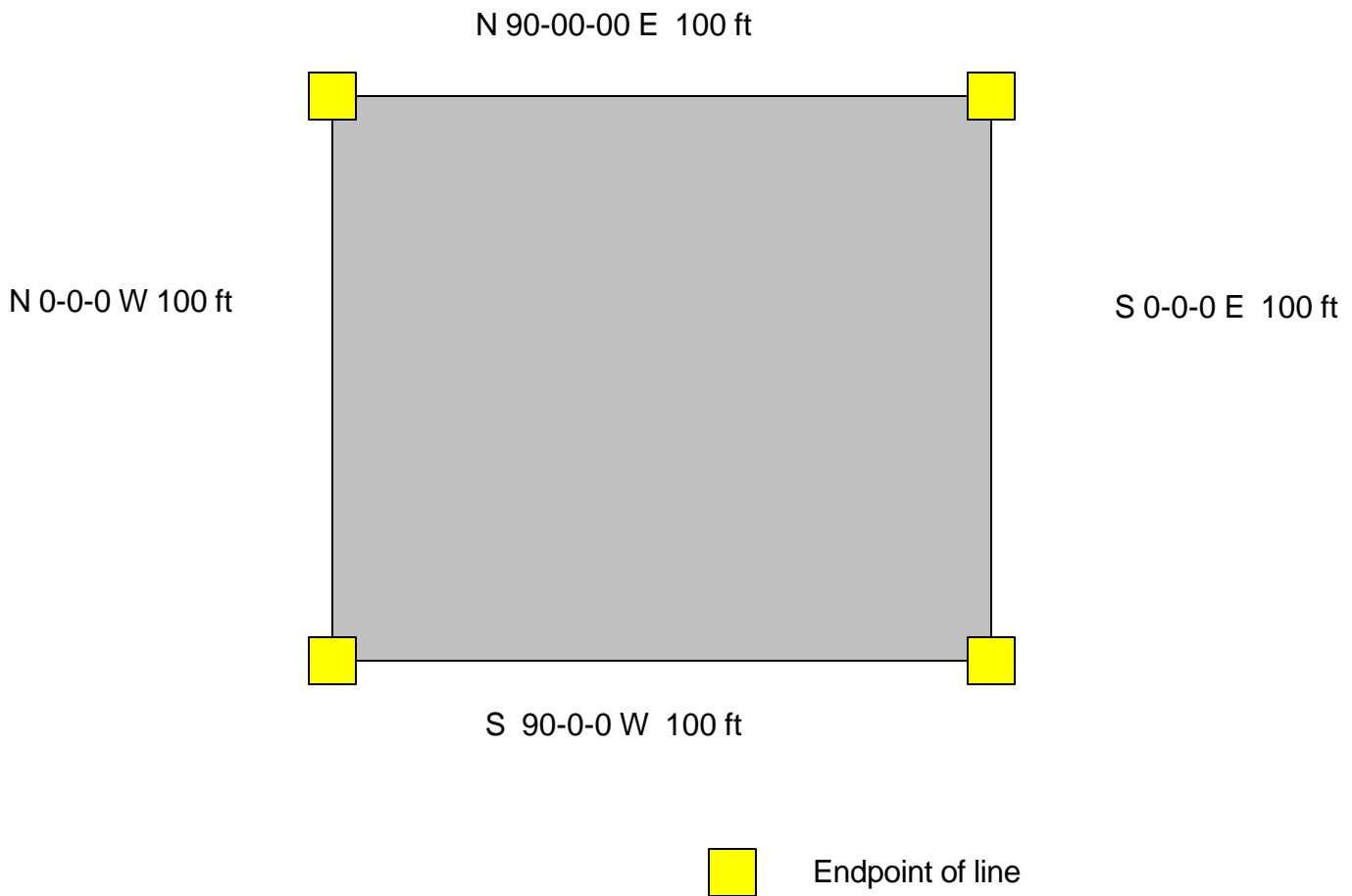
Bounds Descriptions



Bounds descriptions - perimeter descriptions without a direction of travel. Problems include:

1. finding the adjoining lands or bounds and locating them,
2. uncertainty in locating where the adjoining or bounding lands are located with respect to the current parcel. For example in the example above, does the described land extend to the center of the road or the edge of the road.

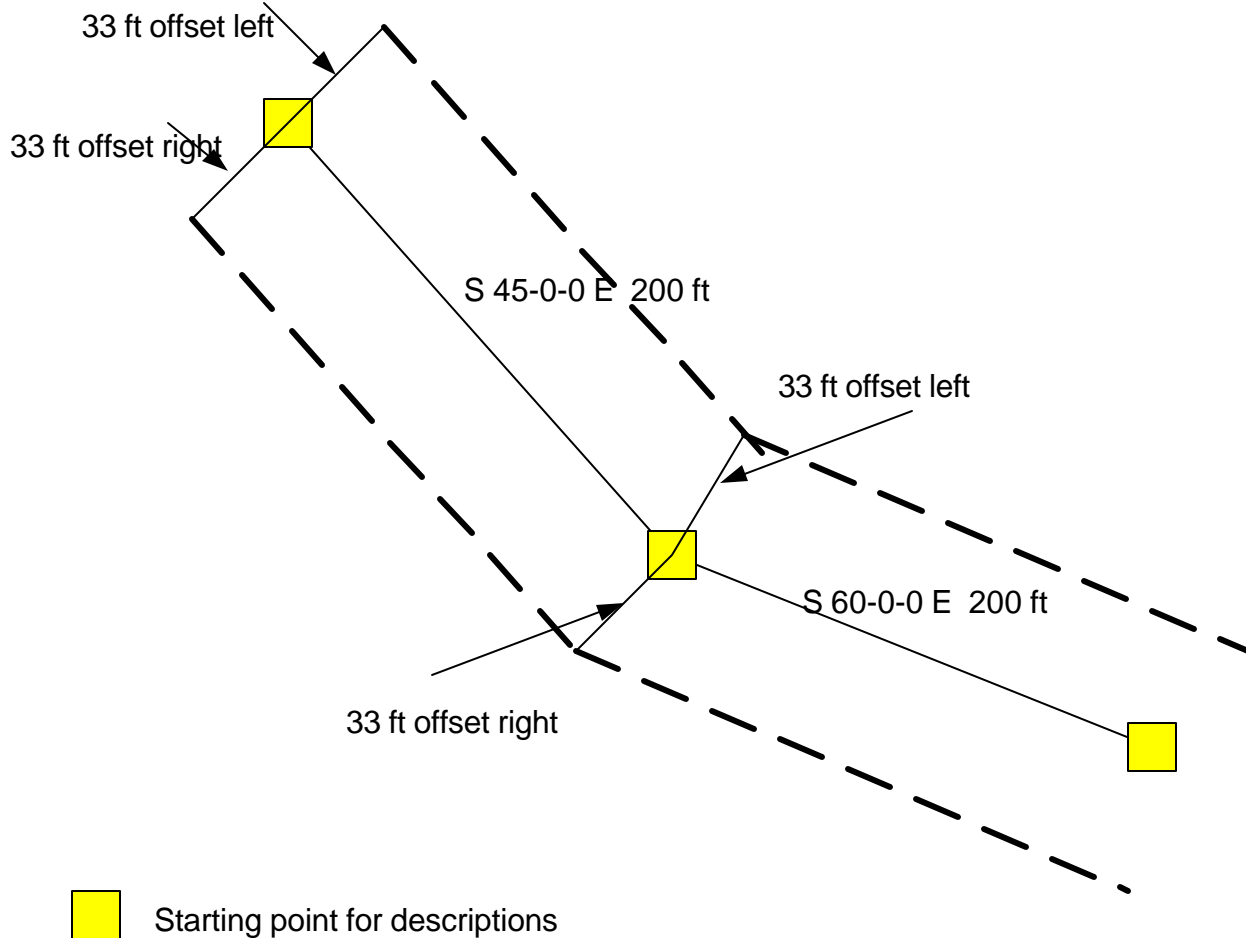
Metes Descriptions



Metes descriptions - perimeter descriptions with a direction of travel described by a series of measurements. Problems include:

1. measurements may not form a closed area,
2. uncertainty in determining the basis of bearing for the directions
3. uncertainty of the units of measure for lengths or distances

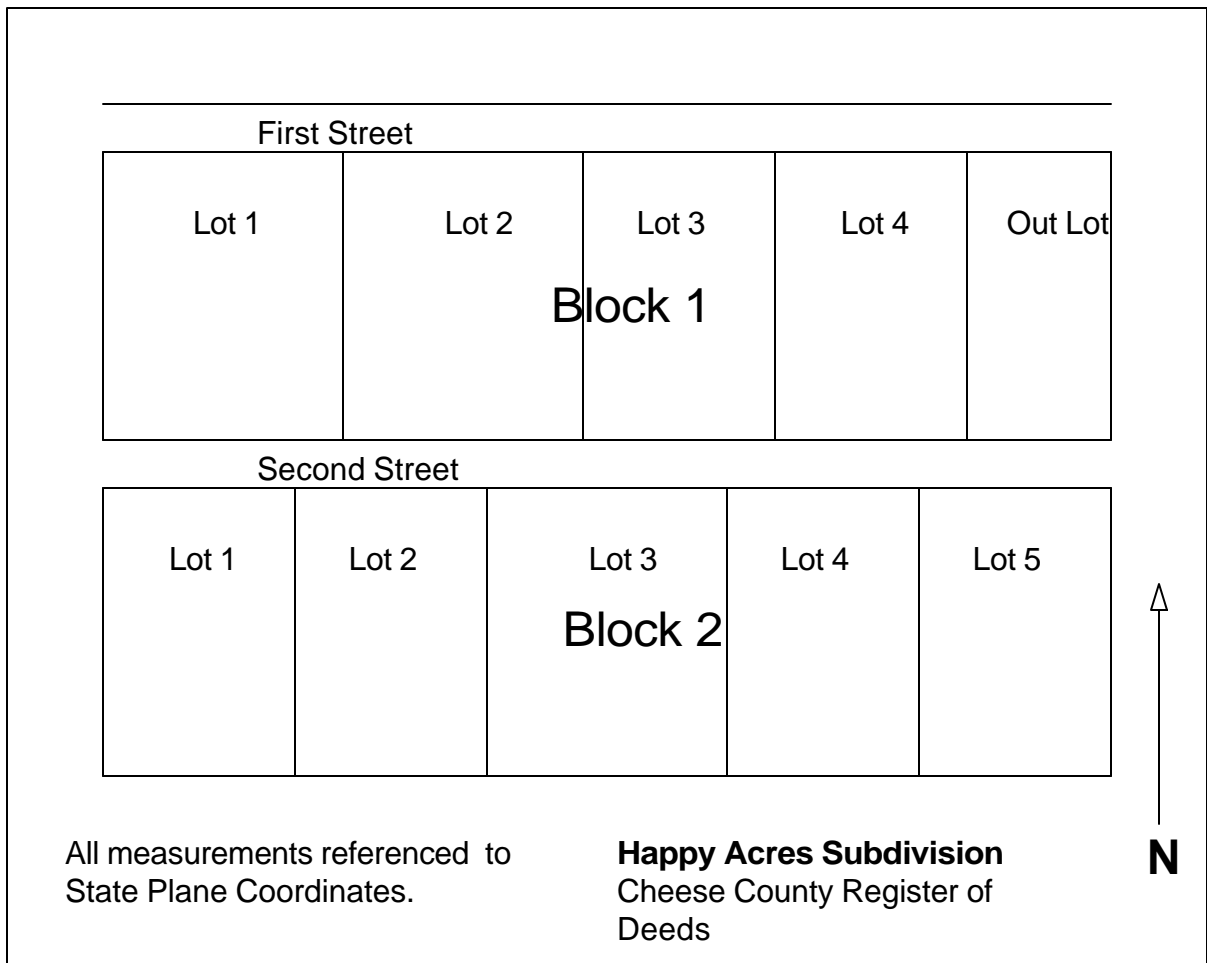
Strip Descriptions



Strip descriptions - description of a centerline with an offset on either side. Can also be a radial description with a center point and a distance or radius around the point. Sometimes stationing is provided along the line with the offset along the stationing. Problems include:

1. determining the location and centerline,
2. determining the shape and location of the ends of the strip
3. handling stationing especially if it is based on project locations and not referenced to a real world location.

Descriptions by Reference

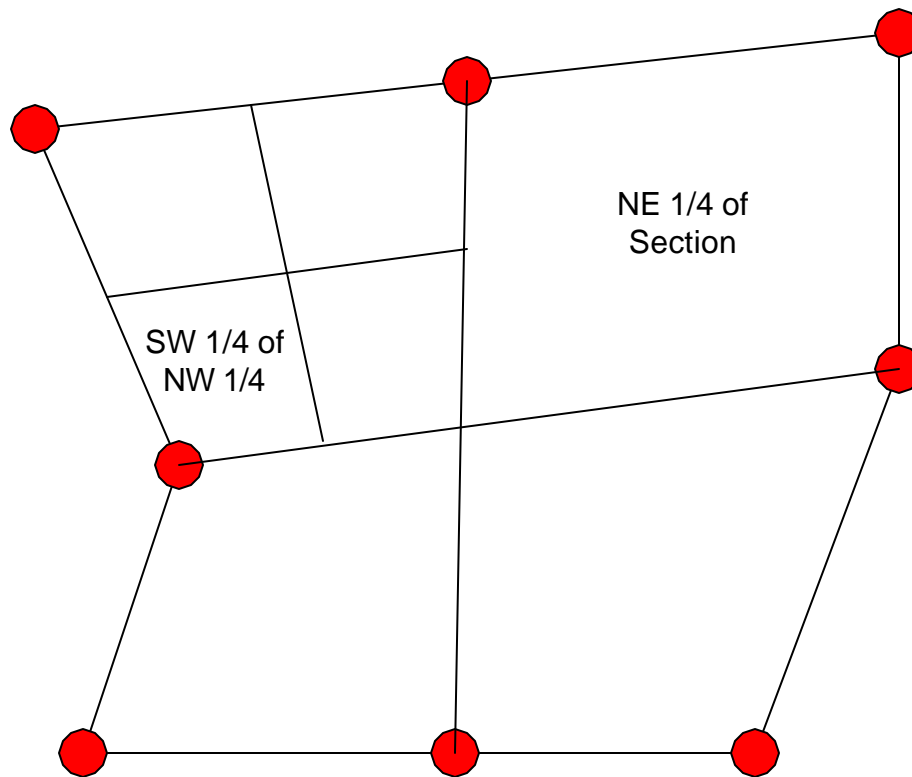


Sample description could be Lot 2 Block 2 Happy Acres Subdivision Cheese County.

Descriptions by Reference - Reference to a recorded map or plat. These are common "area descriptions". The map or plat contains the linear measurements necessary to describe the areas. Problems include:

1. Sometimes these descriptions are made based on combinations of references such as lots 1 and 2 of a block and plat.
2. Plats can be overlapping.
3. It is possible that the measurements within a plat or map may not close into polygons
4. The external boundaries of adjoining plats and maps may not match exactly.

Sectionalized Descriptions

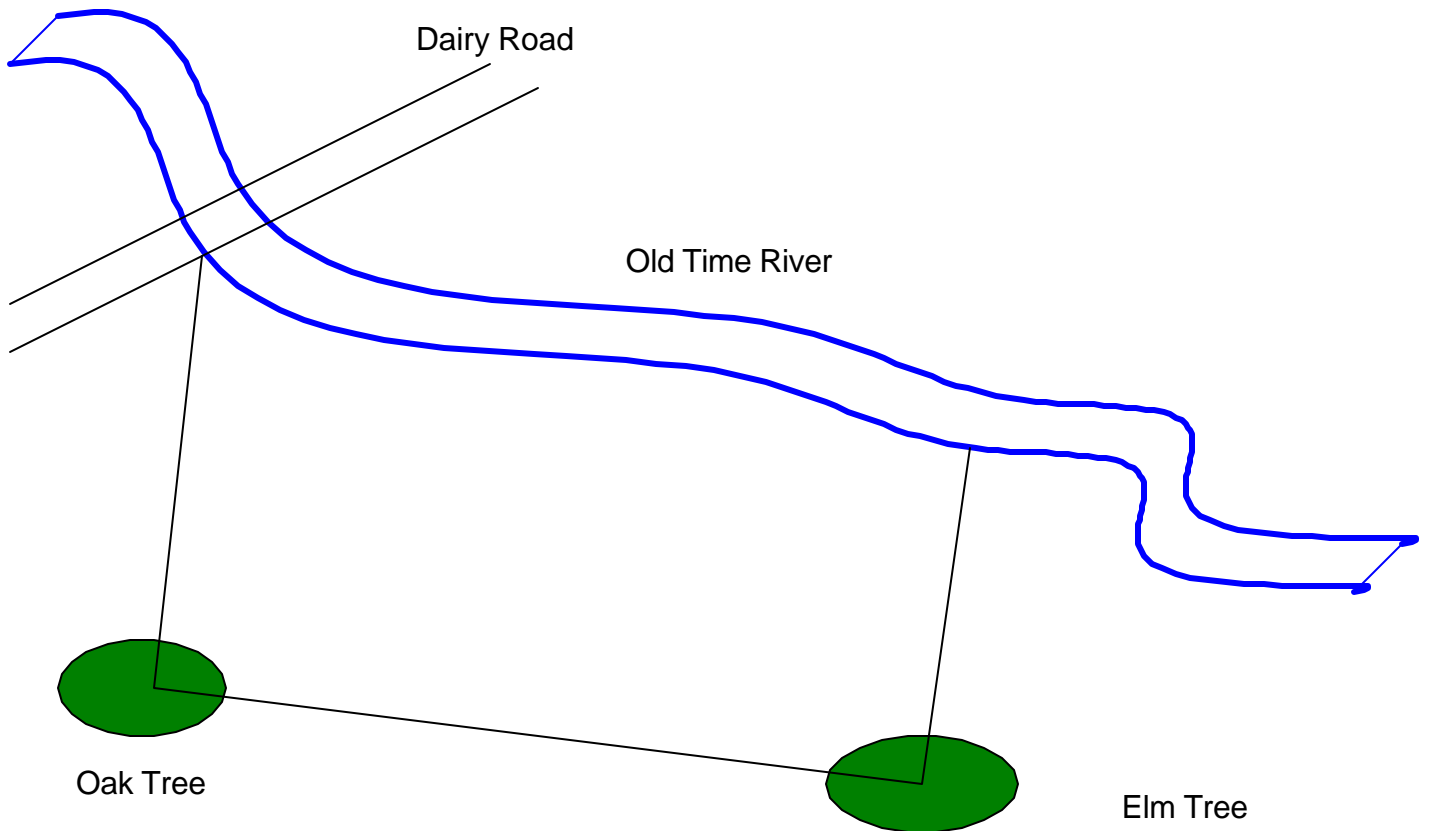


Sample descriptions are portions of sections described as quarters. The divisions are obtained through successive division of halving and quartering based on the rules of division present at the time of the section's first division.

Sectionalized Descriptions - Referenced to a division of the Public Land Survey System (PLSS). The rules and order of division are prescribed from sets of survey instructions, state laws, and possession evidence. Problems include:

1. The rules of the division are established at the time of first division
2. Placed monuments control successive divisions
3. Misunderstanding of the use and division of sections

Description by Calls

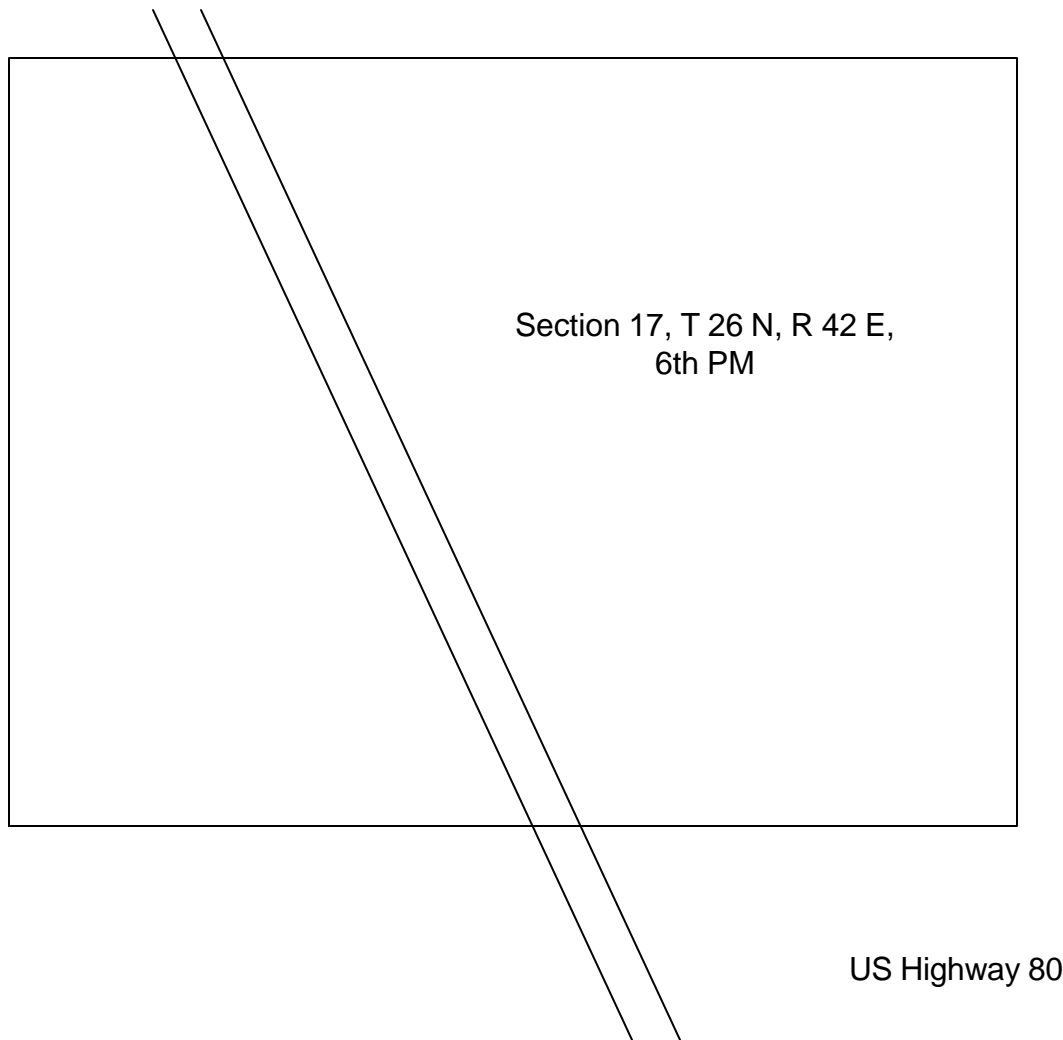


Beginning at the center of old time river where it crosses dairy road, thence southerly to an oak tree, thence easterly to an elm tree, thence northerly to the center of Old Time River, thence along the center or Old Time River to the point of beginning.

Descriptions by Call - Description by reference to physical objects. These are sometimes called deed calls or running out the calls. Problems with Descriptions by Call:

1. Locating the objects can create uncertainty
2. The order of importance of conflicting information from the calls can create uncertainty or ambiguity, for example, if a call mentions a river and a tree as the same point and the two objects are in different places, then the correct location has to be determined

Description by Division Line

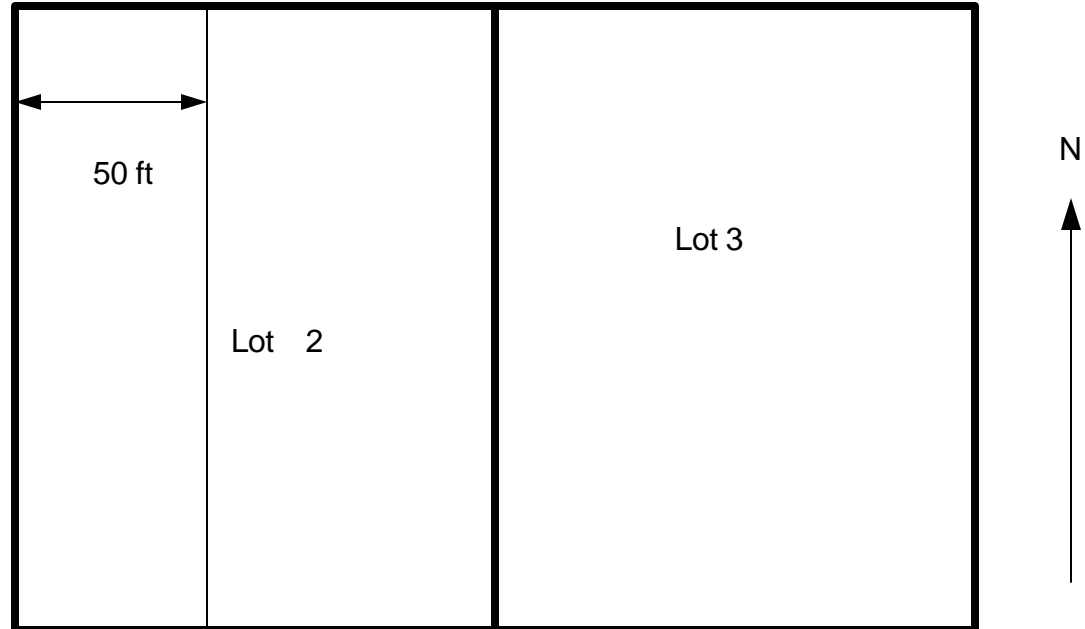


Sample description - all the lands laying west of highway 80, Section 17, T 26 N, R 42 E, 6th PM

Description by Division Line - This is a division of an existing or previously defined area, such as a lot, by dividing by a described line. This type of description always creates a remainder or other area that must be described as well. The line may be a measurement, such as metes, or a natural feature, such as a river, or other feature. This is a combination description because an area must be identified and then divided. Problems with Description by Division Line:

1. Locating the division lines can be difficult, see description by calls
2. This can create uncertainty if the description of the division does adequately account for the entire area.

Description by Distance

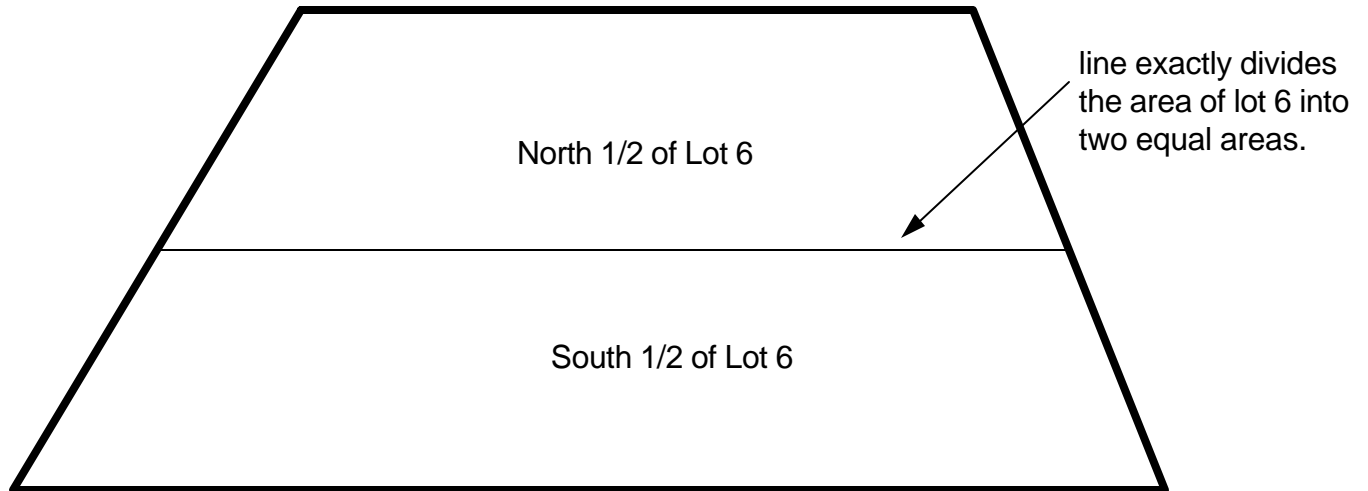


The westerly 50 feet of lot 2.

Descriptions by Distance - This is a division of an existing or previously defined area, such as a lot, by dividing it by a distance from a specified boundary line. This type of description always creates a remainder or other area that must be described as well. The distance has a reference boundary or side and a distance. Problems with Descriptions by Distance:

1. Where to measure the distance from can be a problem of interpretation
2. The definition of parallel and perpendicular can be problematic for the same reason as above, determining where and with reference to which lines and features can be a problem

Descriptions by Proportional Conveyances

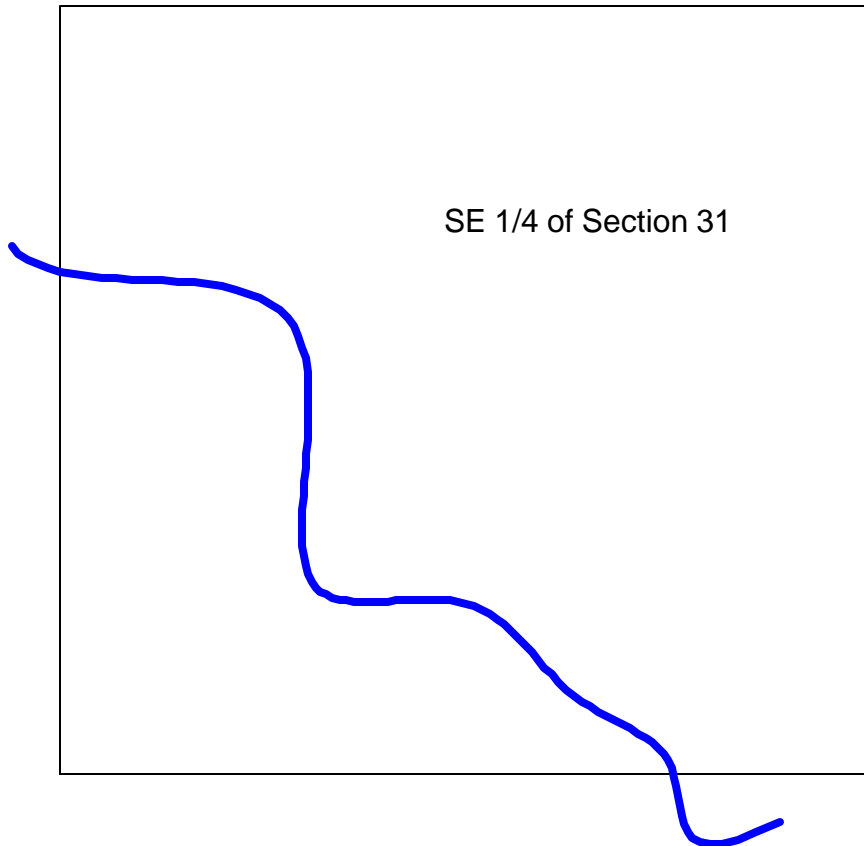


Example of a proportional description - North half of Lot 6.

Descriptions by Proportional Conveyances - This is a division of an existing or previously defined area, such as a lot, by specifying a proportion of area, such as half or third. If the amount of acres are specified, such as the nNorth 30 acres, than it is a description by acreage and not a proportional description. This type of description always creates a remainder or other area that must be described as well. Problems with Descriptions by Proportional Conveyances:

1. The direction of the dividing line may be indeterminate, implied or not given
2. There can be many ways to divide an area in half.
3. The geometric shape of the parcel being divided can complicate proportionate descriptions.

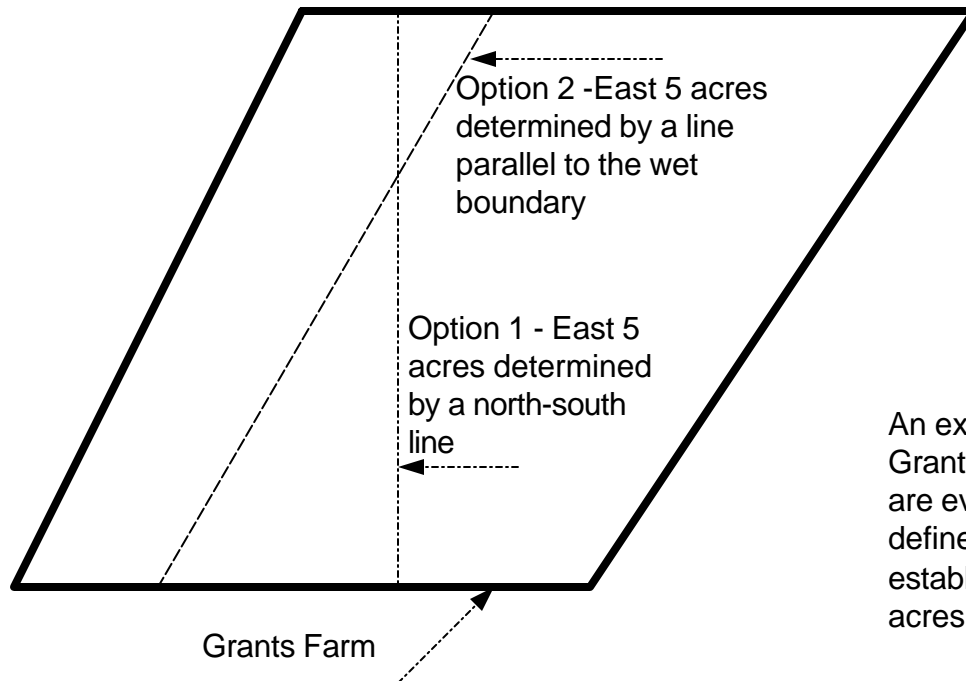
Description by Exception



SE 1/4 of Section 31 except those lands lying south east of the river.

Descriptions by Exception - This is a division of an existing or previously defined area, and then excepting out an area. The exception can be any exempt area. This type of description always creates a remainder or other area that must be described as well. The exception can be described by any of the methods previously listed. Problems with Descriptions by Exception are the same as those problems with the methods used to exclude the area.

Description by Acreage



An example - East 5 acres of Grants Farm. The problems are evident in how is east defined for the purpose of establishing which east 5 acres.

Descriptions by Acreage - This is a division of an existing or previously defined area, such as a lot or a PLSS Section, by specifying an area amount. This is similar to the proportional area, except the amount of acreage being described is stated such as 10 acres. This type of description always creates a remainder or other area that must be described as well.

Problems with Descriptions by Acreage:

1. The direction and placement of division lines may be uncertain and subject to interpretation.
2. The remainder description can be problematic.

Ambiguous Descriptions

Ambiguous Descriptions - These are descriptions of areas or extents of land that can not be solved without significant research into the intent of the parties participating in the description and subsequent conveyance. These are sometimes called "of descriptions" but can take other forms as well. For example 50 feet of lot 2 may be indeterminate and may not be able to be placed without additional information.

Another example is the East 350 feet of lot 3 except the the south 150 feet. Some of these appear to be descriptions by distance, but depending on the configuration of the parcel or area being dividing the of in the description is a key to identifying a legal description that might be problematic.