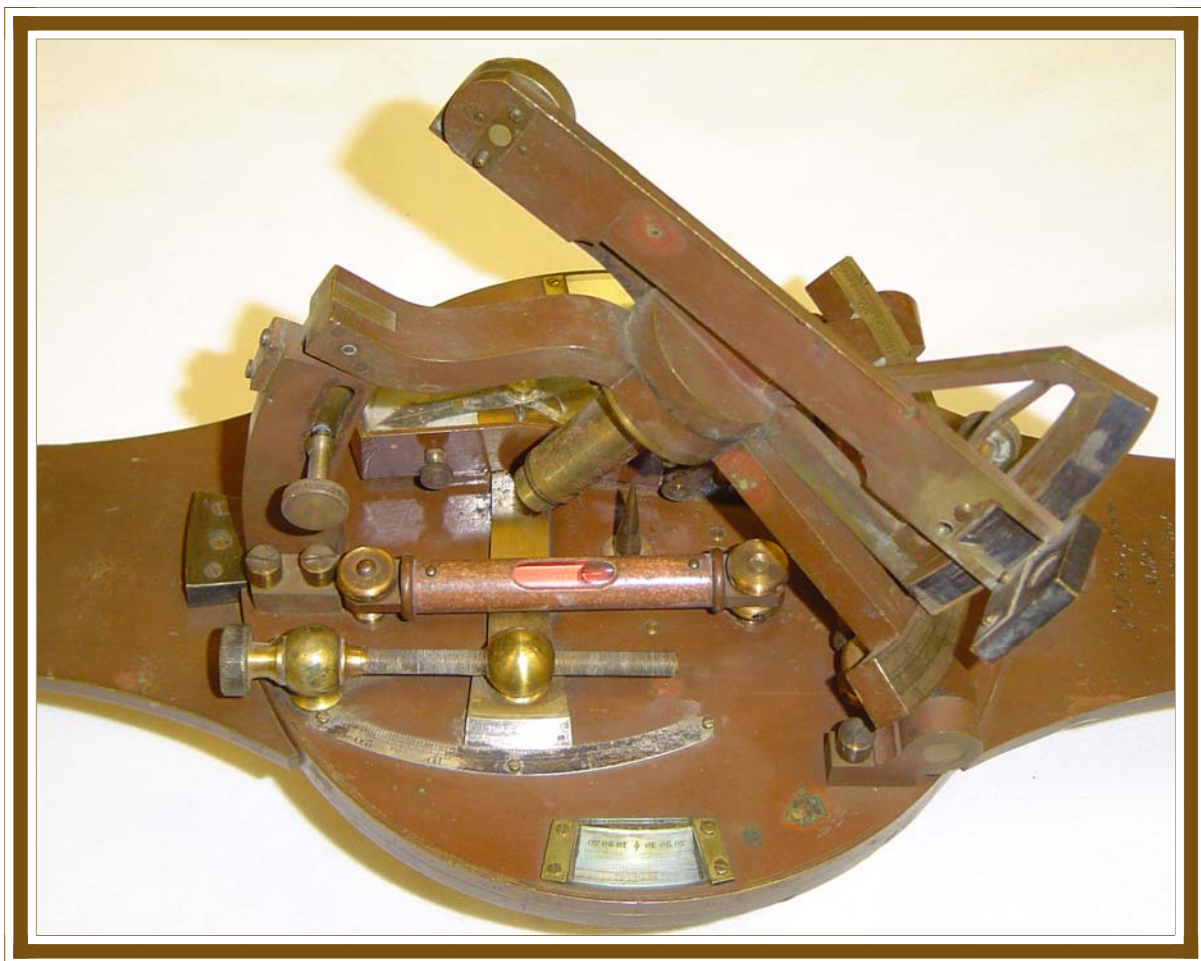

HOOSIER SURVEYOR

QUARTERLY PUBLICATION OF THE INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS, INC.

AFFILIATED WITH THE AMERICAN CONGRESS ON SURVEYING & MAPPING

VOLUME 38 • NUMBER 4 • SPRING 2012



JOHN S. HOUGHAM'S SOLAR COMPASS

This 19th-century solar compass made by Franklin College Professor John S. Hougham is among the holdings at the Johnson County Museum in Franklin. More information about the multitasking educator and photos of the solar compass are on pages 16-17.

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Front Row, L to R: Don West, Carmel; Chuck Coyle, Columbus; Sean Suttles, Chandler; Don Bengel, Valparaiso; Kevin Rowland, Carlisle; Dennis Grumpp, New Palestine; Second Row, L to R: Rich Hudson, Valparaiso; Ryan Swingley, Fortville; Bernie Guerrettaz, Bloomington; Gary Kent, Noblesville; Eric Banschbach, Indianapolis. Not pictured Perry Cloyd, Columbus. Photo provided by Henry Aldridge, PLS

HOOSIER SURVEYOR

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EDITOR’S NOTE

Deadlines for copy for various planned issues of the Hoosier Surveyor are as follows:

Winter - February 1; Spring - May 1; Summer - August 1; Fall - November 1.

The Hoosier Surveyor is published quarterly by the Indiana Society of Professional Land Surveyors to inform land surveyors and related professions, government officials, educational institutions, libraries, contractors, suppliers and associated businesses and industries about land surveying affairs.

Articles and columns appearing in this publication do not necessarily reflect the viewpoints of ISPLS or the Hoosier Surveyor staff, but are published as a service to its members, the general public and for the betterment of the surveying profession. No responsibility is assumed for errors, misquotes or deletions as to its contents.



Michael J Davis - Editor

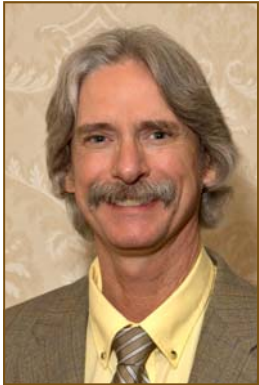
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PRESIDENT'S MESSAGE

Gary R. Kent, L.S., ISPLS President



With spring in full swing, ISPLS is itself in full swing actively working in a number of areas to further the interests of the surveying profession in Indiana. First, and most significantly, final approval of the Memorandum of Understanding between ISPLS and the Indiana Professional Land Surveyors Foundation (IPLSF) has been achieved and the transfer of \$200,000 from ISPLS reserve funds to seed the IPLSF has been completed. This funds transfer is a significant event as it allows the IPLSF to dramatically jumpstart its efforts to raise funds and begin supporting not-for-profit efforts such as scholarships, grants and public relations campaigns.

At its April meeting, the ISPLS Board voted to direct the Legislative committee to work with ISPLS lobbyist Michael O'Brien to develop legislation furthering several legislative objectives including, among others, the Indiana/Michigan state line remonumentation effort and a much-needed revision to the statutory definition of surveying.

As this is written, a number of ISPLS chapters and individual members are conducting Trig-Star competitions in high schools across the state. For those who spend time worrying about the future of our profession, Trig-Star is a program that is demonstrably successful in reaching potential future surveyors before they head off to college. The ISPLS Trig-Star effort has been ably coordinated by Tony Gregory the last several years. Tony encourages members to invest a relatively small amount of time to contact their local high school and conduct a competition there.

In the realm of continuing education, ISPLS has two seminars planned for July - one at the north end of the state in Middlebury and one in the southwest at Vincennes University. These will provide yet more opportunities to earn continuing education credits as the renewal date approaches at the end of July. This spring, 29 persons took advantage of the ISPLS-sponsored LS and SIT exam review courses presented at ISPLS Headquarters. ISPLS members Carol Morman, Bruce Franke, Chuck Coyle, Austin Yake, Derek Fuller, Kevin Sumner, and Jason Coyle gave of their time to help these potential registrants prepare for their exams.

Please review the list of ISPLS committees near the front of this, and every, issue of the Hoosier Surveyor, and contact the chair of any that interest you. As every ISPLS President and Board knows, this society is only as strong as its members. Volunteer your time and help us make surveying a constantly improving profession for the sake of the public we serve - and for the future of our own chosen vocation.

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ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Robert "Jason" Coyle, PLS, Executive Director

January 18, 2012

The ISPLS Board of Directors met on Wednesday, January 18, 2012 at the Indianapolis Marriott East, Indianapolis, Indiana. President Chuck Coyle called the meeting to order at 8:04 am EDT. All board members were in attendance with the exception of Todd Bauer. Others in attendance were Jason Coyle, Executive Director of ISPLS, Doug Herendeen, Milt Denny, Ron Wharry, Joe Mullins, Bernie Guerrettaz, and Jeff Dowden with Wallington Asset Management.

Jeff Dowden with Wallington Asset Management gave a review of the 2011 ISPLS assets managed by Wallington. There was Board discussion and comment. A motion was made to continue the 50/50 account distribution with a 20% deviation by Don Bengel and seconded by Ryan Swingley. The motion carried by a voice vote. There was also discussion regarding management of the IPLS Foundation account.

President Coyle read the ISPLS Mission and Vision Statement and noted the "Rules of Order" for the meeting. There were no adjustments to the agenda. The minutes from the December 10, 2011 meeting were reviewed and accepted. A motion was made by Gary Kent seconded by Ryan Swingley to accept the minutes as presented and/or amended. The motion passed by a voice vote.

The Treasurer's Reports were reviewed. As of December 31, 2011 total cash in checking account was \$124,743.91 and other assets totaling \$400,491.16 for an overall total of \$525,235.07. There was Board discussion regarding the documents generated for the meeting. Monthly reports will be uploaded to drop-box monthly. There was additional discussion regarding the convention budget. A motion was made by Ryan Swingley seconded by Kevin Rowland to accept the Treasurer's report as submitted/amended. The motion passed by a voice vote.

The Board heard and reviewed the Executive Director's report. A motion was made by Jim Tibbett and seconded by Gary Kent to allow the Executive Director to expend up to \$300.00 on a single office purchase. The motion carried by a voice vote. This change will be placed in the 2012 ISPLS Board Member and Policy Handbook. Office expansion was discussed since the adjacent office is empty. Proposed layouts were presented for review. The Executive Director will investigate further.

The IPLS Foundation Business Plan dated January 13, 2012 was handed out for the Board's review and discussion. A motion was made by Ryan Swingley and seconded by Jim Tibbett for the Board of Directors to present to the ISPLS membership at the annual business meeting on January 19, 2012 that the ISPLS Board of Directors supports the transfer of \$200,000.00 from the Society's assets to the IPLS Foundation. The motion carried by a voice vote.

The Membership Committee approved new membership request for 3 Professional, 2 Associate and 1 Life members. A motion was made by Don Bengel and seconded by Rich Hudson to approve the list of new members as presented. The motion carried by a voice vote.

Doug Herendeen gave a report concerning the 2012 convention. He noted that attendance was down. Kevin Rowland presented a written report, which was discussed under the Executive Director's report, concerning the Southwest Chapter's Seminar at Vincennes University on November 4, 2011.

Kevin Rowland sent a letter to Professor Bill Clark concerning the Vincennes University Review. Don Bengal, NSPS Governor, gave a verbal report concerning the Fall meeting and Lobby Day. Light-Squared was a hot topic of discussion along with Survey America Day, membership and the dissolving ACSM. The Nominations Committee presented the results of the Board of Directors balloting.

The Board of Directors will be taking positive action in the next few months to investigate the proper procedures for IRS filings by the Chapters and help to insure that this gets completed. Also, the Board will be taking positive action in 2012 to investigate possible programs by several insurance vendors that will be helpful to the membership.

The meeting adjourned at 11:22 am EDT.

(Continued on page 6)

(Continued from page 5)

January 18, 2012 (Re-Organizational Meeting)

The ISPLS Board of Directors met on Wednesday, January 18, 2012 at the Indianapolis Marriott East, Indianapolis, Indiana for a re-organizational meeting. President Gary Kent called the meeting to order at 11:23 am EDT. All board members were in attendance. Others in attendance were Joe Mullins, Dan Kovert and Pat Manship.

President Kent recognized Jim Tibbett as an outgoing board member and welcomed Bernie Guerrettaz, Ryan Swingley and Don West as new incoming board members. Gary Kent led the discussion regarding Board policy on filling a vacant board seat. A motion was made by Don Bengel and seconded by Eric Banschbach to appoint Sean Suttles to fill the 1-year term left by the President-Elect Chuck Coyle's election. The motion carried with a voice vote with a 10 yes and 1 no.

President Gary Kent presented the 2012 officers as follows: Vice President – Don West, Secretary – Kevin Rowland, Treasurer – Dennis Grump, NSPS Governor – Don Bengel, NSPS Governor Alternate – Tony Gregory and IGIC Representative – Ryan Swingley. A motion was made by Chuck Coyle and seconded by Perry Cloyd to accept the ISPLS Officers as presented. The motion carried by a voice vote.

President Gary Kent presented the list of 2012 Board of Directors meeting dates. President Kent handed out and reviewed the 2012 Committees and Assignments.

The Re-organization Meeting was adjourned by President Kent at 12:07 pm EDT.

March 10, 2012

The ISPLS Board of Directors met on Saturday, March 10, 2012 at the ISPLS Headquarters, Indianapolis, Indiana. President Gary Kent called the meeting to order at 9:05 am EDT. All board members were in attendance with the exception of Bernie Guerrettaz and Dennis Grump. Others in attendance were Jason Coyle, Executive Director of ISPLS, Doug Herendeen and Matt Knoy, President of Hoosier Hills Chapter.

President Kent briefly reviewed the ISPLS Mission and Vision Statement and noted the "Rules of Order" for the meeting. An adjustment was made to the agenda to hear a convention report from Doug Herendeen at 9:30 am. The minutes from the January 18, 2012 meetings were reviewed and accepted. A motion was made by Don West seconded by Rich Hudson to accept the Board of Director's meeting minutes presented and/or amended. The motion passed by a unanimous voice vote. A further motion was made by Chuck Coyle seconded by Rich Hudson to accept the re-organization meeting minutes presented and/or amended. The motion passed by a unanimous voice vote.

The Treasurer's Reports were reviewed. The Finance and Planning Committee met on February 27, 2012. As of February 29, 2012 total cash in checking account was \$40,875.32 and other assets totaling \$422,800.16 for an overall total of \$463,675.48. A motion was made by Don West seconded by Don Bengel to accept the Treasurer's report as submitted/amended. The motion passed by a voice vote. Jason Coyle briefly reported on the 2012/2013 budget status. Perry Cloyd initiated discussion about how to handle capital improvements in the budget. Gary Kent said this should be a separate capital budget line item. Gary Kent mentioned we should also keep track of Jason Coyle's vacation accrual on the balance sheet.

Doug Herendeen gave a report concerning the 2012 convention. He noted that the convention attendance was down approximately 60 individuals from last year. Doug is proposing to Central Indiana Chapter that they use 400 attendees for next year's budget. The gaming account and door prize were discussed. Doug proposes \$5.00 per full registrant attendee be assessed to cover the door prize expense and gaming account to finalize 2012 convention budget. The Foundation will take over the gaming license when they have been in existence for three years. A motion was made by Don Bengel to approve the \$5.00 total assessment per member to cover door prize and gaming expense and have the Foundation take over the gaming license after the third year of existence. Seconded by Perry Cloyd and passed by voice vote: 9 yes, 1 no.

(Continued on page 7)

(Continued from page 6)

A motion to accept the Northwest Chapter as the convention chapter sponsor for 2015 was made by Perry Cloyd provided the NW Chapter provide a formal letter confirming their intention. Motion Seconded by Don West and passed by voice vote: 9 yes, 1 no.

The Board heard and reviewed the Executive Director's report. The report led to discussions concerning the following: Section 5, Article I of the ISPLS By-Laws regarding expulsion of a member; ISPLS membership application and the potential of adding a question pertaining to the conviction of a felony; Larry Phipps' seminar at Vincennes University; on-line video meetings utilizing Tel-Span; filming of Trig-Star presentation with Tony Gregory for distance learning applications; mileage reimbursement to Jason Coyle for his attendance to events and chapter meetings on behalf of ISPLS; working with the Education Committee on seeking approval of continuing education courses through the Board of Registration for Engineers; and lastly, Jason Copperwaite's report regarding Surveyor Liability Issues to include Statute of Limitations and Statute of Repose.

ISPLS Chapter and Committee reports: A verbal report was given by Rich Hudson for the Northwest Chapter. Jason Coyle gave a verbal report for the Central Indiana Chapter. Kevin Rowland gave a verbal report for the Southwest Chapter. Matt Knoy gave a verbal report for the Hoosier Hills Chapter. No report was given for the Greenville Treaty, Initial Point, Northeast, St. Joseph Valley and Tecumseh Chapters. Jason Coyle attended and presented at the Purdue University Student Chapter where 11 students were in attendance. Michael Stevenson submitted a report concerning County Surveyors. Kevin Rowland gave a verbal report regarding the McEntyre and Archer interview schedule.

Perry Cloyd, Chuck Coyle and Kevin Rowland gave a verbal report on recent activities of the Indiana Professional Land Surveyors Foundation (IPLSF). Chuck provided a follow up to the motion made at the annual business meeting that allowed for the transfer of \$200,000.00 into the Foundation account with \$100,000.00 being endowed with the other \$100,000.00 to be utilized at the Foundation's discretion toward projects. A preliminary Memorandum of Understanding (MOU) between ISPLS and IPLSF has been drafted and circulated for review. There have been discussions with Wallington regarding their willingness to handle both the ISPLS funds and the Foundation funds. It appears Wallington is willing to manage both accounts. Bumper Hostetler, President of the Vincennes University Foundation, met with the Foundation and provided his expertise and consulting services. A motion was made by Don Bengel to approve the \$200,000.00 transfer of funds per the Memorandum of Understanding upon the endorsement of the MOU language by Bumper Hostetler. Seconded by Don West and motion passed by unanimous voice vote. Perry Cloyd discussed the Foundation's By-Laws. The Foundation will bring recommendations to the ISPLS Board regarding the potential for additional members to the IPLSF Board of Directors. Further discussion revolved around the Purdue Calumet Program. Although there hasn't been a formal spending/giving policy formulated yet, there appears to be commitment to support the Calumet Surveying Program with two scholarships in the range of \$750-\$1,000 later this year, with a plan to follow later with long-range goals.

Gary Kent is working on a draft and is looking at the definition of Surveying along with issues pertaining to photogrammetrists and GIS professionals. Ryan Swingley will be assisting with photogrammetrist and GIS issues. Gary Kent and Ryan Swingley will review Virginia Statutes and NCEES Model Law with Past Presidents.

The meeting adjourned at 2:18 pm EDT.

INTERESTING FUN FACT WITH NUMBERS

QUESTION: How many square feet are there in an acre?

ANSWER: 43,560

But here's something that you probably didn't know: Write down any three (3) different numbers (none being zero). Reverse their order. Subtract the smaller from the larger. Take this remainder and reverse their order. Add the numbers. Multiple the sum times 40. The result will always be 43,560!

Here's an example:

$$\begin{aligned} 551 - 155 &= 396 \\ 396 + 693 &= 1,089 \\ 1,089 \times 40 &= 43,560 \end{aligned}$$

BOARD OF REGISTRATION FOR LAND SURVEYORS

MEETING HIGHLIGHTS - APRIL 13, 2012

by Robert "Jason" Coyle, PLS, Executive Director

The Board of Registration for Land Surveyors met Friday, April 13, 2012 at 8:30 am EDT. The meeting was held at Indiana Government Center South, 402 West Washington Street, Room CC3, Indianapolis, Indiana. The meeting was called to order at 8:44 am EDT with all Board members in attendance. The Board spent about the next twenty minutes reviewing licensure applications, approving continuing education providers and courses, adopting the agenda and the minutes from the February 7, 2012 meeting. The Board conducted a review of probationary reports for J. Bernard Feeney and Michael Sadlon.

The Board heard a report from Gary Kent, Board Liaison to the Attorney General's (AG) Office. Mr. Kent reported that he has been involved with twenty-three (23) complaints since assuming the role. He also reported that they have opened all of the 2010 cases and are in the midst of processing those filed in 2011. He noted that two years ago the AG Office was three years behind and is now less than one year behind. The AG Office supplied the Board with a report of Consumer Complaints and Litigation Cases. Below is a summation of that report:

Consumer Complaints			
Year	Consumer Complaints at Beginning of Year	Consumer Complaints Opened During Year	Consumer Complaints Closed ¹ During Year
2011	33	4	15
2012	22	5	19
Complaints Currently Open as of April 12, 2012			8
Average Age of Open Complaints: 4.43 months			

1. Reasons a consumer file is closed include, but are not limited to, the investigation is complete and a litigation file is created, the investigation revealed that there was no licensing violation, or a warning letter was sent.

Litigation Cases			
Year	Litigation Cases Open at Beginning of Year	Litigation Files Opened During Year	Litigation Files Closed During Year
2011	8	5	3
2012	10	0	1
Cases Currently Open as of April 12, 2012			9
Average Age of Open Cases: 17.11 months			

At 9:04 am EDT, the Board heard a Petition for Review of Denial in the matter of the Application for Steven Leesman. At 10:10 am EDT, the Board heard a Petition for Review of Denial in the matter of the Application for Todd Borgman. At 10:52 am EDT, Stephen Brent Williams made a personal appearance as a part of his probation.

Gary Kent lead the Board in a discussion concerning a question the Board had received in a correspondence. The question asked is as follows: "Can an Indiana Licensed Land Surveyor subcontract out his or her drafting needs to drafting company as long as the drafting is done under the Land Surveyor supervision?" Mr. Kent cited the following from 865 IAC 1-12-3:

Sec. 3. (a) A registered land surveyor shall be personally responsible for planning and supervising the training, procedures, and daily activities of the nonregistered employees or subordinates involved in the surveys who are acting as exempt persons under IC 25-21.5-4-2. These activities will include, but not necessarily be limited to, the following:

- (1) Client contact.*
- (2) Research.*
- (3) Collection of field data.*

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(Continued from page 8)

- (4) Note reduction.
- (5) Computation.
- (6) Office analysis.
- (7) Drafting.
- (8) Preparation of certificates and reports.

(b) The daily activities by nonregistered employees or subordinates referred to in subsection (a) may not continue during any extended absences of the responsible registered land surveyor unless another registered land surveyor is in responsible charge during the land surveyor's absence.

(c) The procedures followed and the decisions made by persons under the registered land surveyor's supervision shall be regularly and systematically reviewed and approved by the registered land surveyor before signing the survey plat.

(d) "Supervision", as used in this section, shall be deemed to require the following:

- (1) Such control by the registered land surveyor, that the registered land surveyor can certify that he or she:
 - (A) is knowledgeable of; and
 - (B) has reviewed and approved;

all actions pertaining to the surveys by persons not licensed who have participated in the survey.

- (2) That all persons participating in the survey shall be regular employees of:
 - (A) the registered land surveyor;
 - (B) the registered land surveyor's employer; or
 - (C) another registered land surveyor.

There was Board discussion concerning the difference between field work and drafting work being subcontracted. Mr. Kent suggested that he take the rule and the associated parts of the law and formulate a response. The Board agreed. The meeting adjourned at 11:08 am EDT. The next scheduled meeting is Friday, July 20, 2012 at 8:30 am EDT at Indiana Government Center South, 402 W. Washington Street, CC3, Indianapolis, Indiana 46204.

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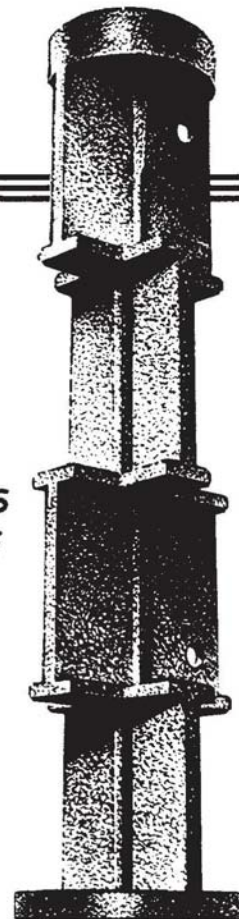
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BOARD OF REGISTRATION FOR LAND SURVEYORS

“RULES” SUB-COMMITTEE

MEETING HIGHLIGHTS - APRIL 13, 2012

by Robert “Jason” Coyle, PLS, Executive Director

“Rules” Sub-Committee met immediately following the Board meeting. Members of the sub-committee are: From the Board of Registration: Gary Kent, Richard Hudson, Michael DeBoy, Ross Holloway, Doug Lechner, and John Stephens; From the Professional Licensing Agency: Tina Wiseley, and Crystal Heard; and Jason Coyle, Executive Director of ISPLS, Inc. Gary Kent was appointed as the Sub-Committee Chairperson. Mr. Kent led the committee in a discussion of potential revisions to Title 865 of the Indiana Administrative Code. The following is a list of code items that were discussed:

865 IAC 1-2 Qualifications for Examination

The majority of the sub-committee determined that one of the proposed changes will be to require a four-year degree for registration. There was plenty of discussion concerning this matter during the sub-committee meeting. Gary Kent stated that ISPLS had formed an ad-hoc committee which he chaired to investigate this matter. Mr. Kent explained that he had queried the ad-hoc committee members and concluded that there was not a consensus pertaining to the four-year degree requirement.

The sub-committee realizes that this step will be met with skepticism by some and enthusiasm by others. While it is intimately familiar with all of the arguments against such a requirement, it also hopes that registrants will understand this step is not an indictment or criticism of anything or anyone—today or in the past. It is simply an acknowledgment of rapidly changing and significant social, regulatory, legal and technological challenges the profession will face in the near future.

In addition to the fact that any change to the rules of the Board takes quite a long time to accomplish, the sub-committee also acknowledges that it would be ill-advised, and just plain wrong, to make such a change without including a substantial phase-in period so that no one currently in, or close to, “the pipeline” would be negatively affected.

All new applicants, at the time of implementation of this change, would need to meet one of the following requirements:

Show proof of having a minimum of a four-year ABET-accredited land-surveying/geomatics degree; or

Show proof of having a four-year degree, together with the core surveying, math, and science coursework defined in 865 IAC 1-2-1(d)

(d) The education of all applicants must include the following minimum level of education:

(1) Twelve (12) semester credit hours in college level mathematics, including at least a three (3) semester credit hour course in calculus or differential equations.

(2) Five (5) semester credit hours in college level physics.

(3) Six (6) semester credit hours in any of the following college level science subjects:

(A) Chemistry.

(B) Astronomy.

(C) Physics.

(D) Geology.

(E) Botany.

(F) Dendrology.

(4) Twenty-seven (27) semester credit hours in college level land surveying courses consisting of the following:

(A) Courses in each of the following six (6) subjects totaling at least eighteen (18) semester credit hours:

(i) Land survey systems.

(ii) Property surveys.

(iii) Property descriptions, writing, and analysis.

(iv) Surveying law.

(v) Surveying calculations, including mensuration statistics.

(vi) Subdivision planning and design.

(B) Courses in at least three (3) of the following subjects totaling at least nine (9) semester credit hours:

(i) Topographic surveying.

(ii) Photogrammetric surveying.

(iii) Route surveying.

(Continued on page 11)

(Continued from page 10)

(iv) Construction surveying.

(v) Control surveying.

One (1) basic engineering course related to roads, storm drainage, and sanitary sewer extensions may be counted toward the requirements of this clause.

The sub-committee is very interested in your thought and suggestions pertaining to this matter and would welcome them to be sent to the following e-mail address: pla10@pla.in.gov.

865 IAC 1-3-3 Examination applicants filling dates and 865 IAC 1-4-3 (c) Scheduling of examinations

In January 2014, the Fundamentals of Surveying (FS) Examination will be conducted with computer based testing. This new method of testing also allows for a new testing schedule and the code will need to be revised to accommodate it.

865 IAC 1-5-2 Land surveyor applicant

Sec. 2. A land surveyor:

(1) registered in another state;

(2) making application for registration in Indiana; and

(3) otherwise qualified **by education and experience as deemed appropriate by the board;**

shall be assigned Part IIB of the land surveyor examination as described in 865 IAC 1-4-3.

865 IAC 1-8 Renewal

(2) *When any required fees are not paid on time:*

(A) *the certificate of registration becomes ~~invalid~~ expired;*

(B) *the individual cannot lawfully practice or offer to practice land surveying; and*

(C) *the individual's name will be deleted from future rosters;*

until the renewal fee and required delinquent fee are paid.

Item (C) is antiquated due to the fact that rosters are no longer printed; the registrant's status is shown as "expired" on the Indiana Professional Licensing Agency search and verify website. <https://mylicense.in.gov/eVerification/>

865 IAC 1-9 Roster

This section is proposed to be repealed.

865 IAC 1-12-2 Definitions; abbreviations

Potentially add some definitions as they relate to surveys conducted of/for leased areas and easements.

865 IAC 1-12-2 (h)

"Relative Positional Accuracy" proposed change to be in line with the ALTA/ACSM Land Title Survey Standards.

865 IAC 1-12-5 (3)

(3) Delineation or demarcation and placement of any monument or markers, for example, wood stakes, flags, and rebar, for the purpose of constructing:

(A) fences;

(B) buildings;

(C) walls; or

(D) other improvements;

on or in close proximity to a land boundary must be executed by a registered land surveyor, but are only subject to sections 1 through 4 and 6 of this rule provided the land surveyor has found acceptable evidence of the boundary location in accordance with this rule. Any survey monuments or markers set in conjunction with a retracement or original survey must comply with all provisions of this rule.

Proposed changes: Remove the word "rebar;" remove the possibility of setting the "corners" or include/revise language that states if setting a "corner monument" that it must be done in conjunction with a retracement or original boundary survey. Also, adding language that would require the execution of a retracement or original boundary survey if there is occupation evidence that conflicts with the land boundary delineation.

(Continued on page 12)

865 IAC 1-12-7 Measurements for retracement surveys, original surveys, and route surveys

Consider revisions that incorporate "Relative Positional Precision" in place of "Relative Positional Accuracy" to be in line with the ALTA/ACSM Land Title Survey Standards.

865 IAC 1-12-12 (d)

(d) The plat of survey and the associated surveyor's report shall be recorded in the case:

(1) an original or retracement survey (not previously recorded) that contains a proposed new subdivision plat, before recording the new subdivision plat; or

(2) retracement or original surveys not described in subdivision (1) within:

*(A) ~~three (3) months~~ **six (6) months** of the survey certification date; or*

865 IAC 1-12-13 (D)

Propose adding the surveyor's telephone number and e-mail address to the minimum information include on a retracement and original boundary survey.

If you have any suggestions, concerns, and/or comments concerning these proposed changes or if you would like to see others revised and/or added; then please do not hesitate to pass those along the Jason Coyle, ISPLS Executive Director, at ExecDir@ispls.org.



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* Pricing Subject to Change

MEET AN ISPLS MEMBER - BERNARD A. GUERRETTAZ, PLS

As told to Robert "Jason" Coyle, PLS, Executive Director



1. Tell us a little bit about your childhood years, your hometown and your family.

I am from Vincennes, IN and one of eight children of Betty and Bernie Guerretaz. Five sisters and two brothers. I am a graduate of Vincennes Rivet High School and Vincennes University. Vincennes is a fantastic community.

2. Beyond high school what were some of your educational or life experiences?

I am a Graduate of Vincennes University in Land Surveying. I initially started out in Business and after a year, decided to look for something else. I met Art Haase and I soon chose Land Surveying.

Post V.U. I worked a year in a local coal mine where I met Bill Clark. We performed mapping; hand plotting topo contours from coordinate points that we plotted on grid paper. The coordinates were generated by loading angles and distance to an HP 41 with a card reader and printer. (Barry Hennessy was the mine engineer and wrote all the programs); water testing; laid out blasting patterns; slope staking; etc. I then moved to Bloomington, IN and was married inside of a year to my wife Tammy in 1988.

I enrolled at Purdue in 1990 and Tammy and I both received our Bachelor's Degrees. Mine are in Land Surveying and Civil Engineering and hers in Nursing. While at Purdue I worked in a factory, parking garage and for Bob Gross, L.S. in Lafayette and Tammy worked at Home Hospital.

During our time at Purdue, we lived in Cordova, AK for part of 1992. We drove to Anchorage first and had a ball. At that time there were still portions of the AL-CAN that were stone surface. Cordova has a population of around 2,500 but swells to 5,000 in the summer fishing season. It is accessible by only boat and airplane due to the 1964 Alaska Earthquake, which destroyed all access by rail and roads as well as the ability for the harbor to take on large ships. Our trek to Cordova from Anchorage included automobile, ferry, and we rode in our vehicles atop a flatbed railcar through the mountains. We started at Portage, AK where the glacier was just feet from us. I think the rail route has been replaced by a roadway for automobile traffic since.

We arrived in Anchorage without a job, but I had several interviews set up. I ended up with Bob Kean, L.S. Bob had me fully outfit the survey crew and "tried me out" for two weeks on jobs in Anchorage before we left for the Cordova jobs. Tammy and I arrived in Cordova with the vehicles and equipment. We camped the first night but had a lead on an apartment. We secured that the next day. It was not available for a few days, so we found a spot in the woods outside of town and camped until it was ready. Our tent was a heavy Army canvas one named "Fertile Myrtle" due to the fact that Barb and Phil Tapp's oldest son was reportedly conceived in it. Myrtle was given to us by Phil and Barb. In Cordova we gave Fertile Myrtle away to a young line clearer I hired as he did not have a place yet to live. He pitched it in a place named "Hippy Cove" and lived there all summer, happy as a clam.

During my first week in Cordova I hiked the perimeter of the survey limits with a chain saw to cut line and recon for marking potential traverse points. I soon learned the chainsaw was a blessing as out in that environment there are wildlife that will eat you. Needless to say I regularly ran the saw just to keep my presence known. The floor of the forest is like a mattress and an instrument will not level. So what we did was cut 3 or 4 inch diameter trees down and cut them into five feet long lengths. We drove those in the ground and then set the tripod up on the end above the ground. These were called "stobs" and it worked well. The work there was varied. We prepared ALTA's on a few of the canneries and we did residential retracement surveys. We also prepared the control network via traversing around the town to remonument the town borders. We resurveyed a portion of the Original Town of Cordova that was platted in about 1908, I think. It was a protracted plat where no lots were ever monumented. When we set the corners, we had to drill through the bedrock and set the rebar with cement based compound. The town was planning on opening up the lots for sale.

3. I am always interested in hearing how individuals were attracted to the land surveying profession. What were the factors that led you to become a land surveyor?

My initial exposure to Land Surveying was with Art Haase. I wandered up to the Ebner Building at V.U. simply expressing an interest in the program. Although I had never met Art prior to that, he invited me in and sold me on the program and gave me the confidence to take it as my major.

(Continued on page 14)

(Continued from page 13)

4. You were elected to the ISPLS Board of Directors six months ago; describe your experience with being a member of the Board so far.

So far so good. I see a lot of hard work by members of ISPLS and by Board members as well. The focus on the IPLS Foundation currently being formed is remarkable and the interest by the members of ISPLS present at the Business Meeting held in January at the Convention showed the support overall.

5. As a member of the ISPLS Board of Directors, what improvements and/or goals do you have in mind for the Society?

I hope to provide what support I can as a Board member to the Universities who maintain a Land Surveying curriculum. Vincennes in particular is a great University with an outstanding Surveying curriculum and a resource to the Professional community that we should continue to embrace. The program at V.U. has proven its mettle.

6. How can ISPLS become more influential in promoting the land surveyor as an indispensable professional in our society?

Promote involvement of Land Surveyors in local organizations and in particular with Planning and Zoning advisory boards. In my opinion, the evolution of P & Z since the 1970s has taken on a whole new purpose in these times. Generally speaking, I believe, some practical common sense from persons such as us who interact with the both the public and Planning regularly has been missing in that evolution.

7. You are a Partner of Bledsoe Riggert Guerrettaz, Inc.; tell us about your company and how your company is succeeding during this economy.

Our company has continued to stay in business due to the commitment and hard work of our staff. We have good retention of our staff overall, several of which joined the company in 1992-1993. I've been here since 1994. Ben Bledsoe and Phil Tapp started the company and promoted a strong work ethic through example.

8. What is something you learned early in your career that you still apply today?

Be humble with things that work out well and learn from the lows and try to keep them from consuming your every thought.

9. How can we encourage young people today to consider land surveying as a career?

The IPLS Foundation seems to be a good step in that direction. In addition, Land Surveyors might take an afternoon throughout the year and stop in at a high school and speak to the students. Same idea holds for involvement in Scout troops and other organizations such as 4-H and Future Farmers of America, (FFA).

10. Tell us about how you spend your free time and what hobbies and outside interests you enjoy.

Tammy and I are involved in Boy Scouts and 4-H with our two kids, Nick and Olivia. We have a couple of calves and 4-H pigs, nothing fancy. I have a few older tractors that I never should have bought over the years that I mess with a little. We also have a small family farm in Knox County that we still maintain for row crop production. The family that farms it for us is on its fourth generation farming it. My kids and their cousins make for the fourth generation of ownership in the Guerrettaz family.

11. What book are you currently reading? Who is your favorite author?

I like Stephen Ambrose. His thoughts on Lewis and Clark are really interesting, especially in *Undaunted Courage*. I also enjoyed Ambrose's "Nothing Like it in the World" which tells the story of the planning and construction of Transcontinental Railroad. It pays particular attention to the Surveying influence on its success as well as the immigrants who built it. My two favorite novels would be "The Godfather" and "Lonesome Dove". "Animal Farm" by George Orwell is probably my most memorable, as it was one of the first books I recall reading when I was a seventh grader at Vincennes Rivet.

12. Are you a movie buff? If so, what is your favorite movie?

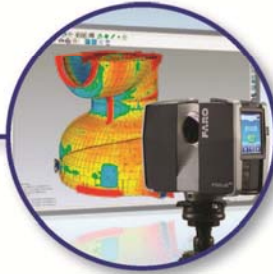
Not really a movie buff, but when I think of two movies I probably most enjoy I think of "Cowboys" with John Wayne and "The Lion King" by Disney.

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JOHN S. HOUGHAM'S SOLAR COMPASS

By Michael J Davis

Nineteenth century educator John S. Hougham was a man of many talents, and making scientific instruments was among them.

A rare solar compass at the Johnson County Museum in Franklin is evidence of his skill. Only one other such device carrying the inscription "J.S. Hougham, Maker, Franklin, Ind." is known to be in existence.

Hougham, who was born in 1821 near Connersville, in Fayette County, joined the Franklin College staff in 1848 as professor of mathematics and natural philosophy, later becoming professor of agricultural chemistry and briefly serving as the school's acting president.

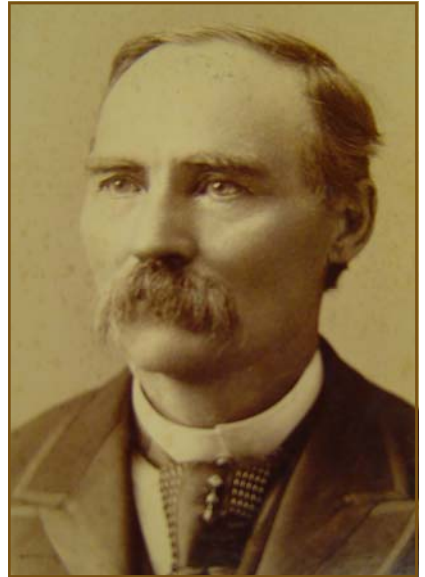
He also served as Johnson County surveyor and city engineer, platting subdivisions in Franklin and also surveying the town of Amity, four miles south of Franklin.

In the April 1860 issue of the Indiana School Journal he advertised his abilities as an instrument maker as follows:

"Keeps on hand and manufactures to order Plain and Vernier Compasses, Transits, Levels, Theodolites and Solar Compasses. Also Air Pumps, Electrical Machines, Galvanic Batteries, and all other Instruments and Apparatus used by Surveyors and Engineers, and by Teachers and Students of Natural Philosophy and chemistry, and he will sell Apparatus at the prices changed by houses in the Eastern Cities for articles of the same quality. ... Repairing done with neatness and dispatch."

The advertisement also noted that his devices were being used at Wabash College, Lafayette Female Seminary, College of Indiana (at Marion), North-Western Christian University (at Indianapolis), Ladoga Female Seminary and Franklin College.

"Let our friends in Indiana buy of Mr. Hougham; he really warrants every article," the journal's editor wrote. ... "(Franklin College) owes something of its prosperity to the great advantage of using freely any or all of the apparatus made by Prof. Hougham. Many surgeons and engineers are using his instruments."



Undated photo of John S. Hougham from Hougham Family Album at Johnson County Museum.



This view of the Hougham Solar Compass at the Johnson County Museum shows the compass needle box and the detailed components used in conjunction with the sun's rays to align the compass to true north and measure the deflection of the needle. An engraving on the plate at left reads "J.S. Hougham, Maker, Franklin, Ind."

Neither of the remaining Hougham solar compasses is dated, but they are thought to have been made in the 1860s.

Hougham taught until 1863 at Franklin College and developed farming interests near Franklin until 1868, when he left to teach at Kansas State Agricultural College. He returned to Indiana in 1872 to join the faculty at the fledgling Purdue University, which formally opened in September 1874. He is considered to be Purdue's first professor and twice served as its acting president.

The solar compasses made by Hougham are a variation of an instrument invented by William Austin Burt in 1835 to account for deflections of magnetic needles caused by such features as iron ore deposits. The instruments let surveyors use the position of the sun, rather than fluctuating compass needles, to determine true north.

(Continued on page 17)

(Continued from page 16)

The General Land Office recommended in its 1855 Manual of Instructions that Burt's solar compass or similar instruments be used in areas where the variation of the needle was not uniform — going on to say that it was best to use a solar compass “under all circumstances.”

By 1875 its value was evident to the GLO's commissioner, whose annual report said “the chain and the solar compass are the principal instruments of execution (in the public land surveys).” Burt's son John used data provided by the commissioner to estimate that using solar compasses in land surveys had saved the government \$15 million from 1849 to 1878.

Hougham died in 1894 in Manhattan, Kansas, the home of Kansas State Agricultural College (now Kansas State University).

References:

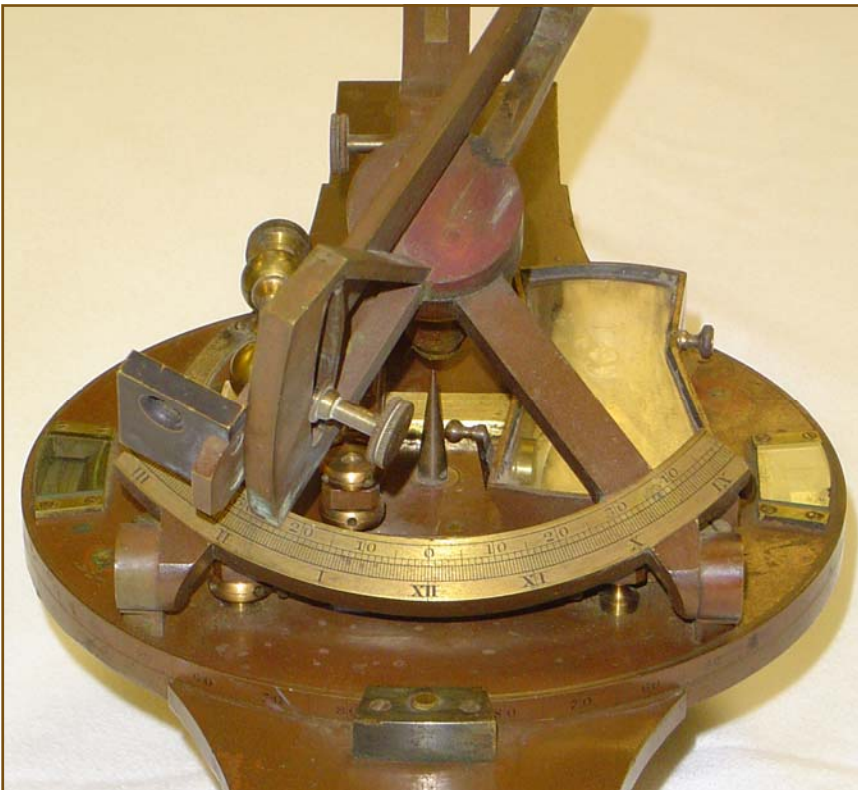
Richard L. Elgin, “John S. Hougham and the Early History of the Solar Compass,” *Rittenhouse: Journal of American Scientific Instrument Enterprise* 7, no. 28 (August 1993): 117-21.

John S. Burt, *They Left Their Mark; A biography of William Austin Burt* (Rancho Cordova, Calif.: Landmark Enterprises, 1985).

Viewing the Hougham Solar Compass

The solar compass made by John S. Hougham is not currently on display at the Johnson County Museum in Franklin, but it may be viewed by making an appointment with Anna Musun-Miller, the museum's curator.

Contact her by e-mail at amusunmiller@co.johnson.in.us or by phone at (317) 346-4500. The museum is at 135 N. Main St. in Franklin.



A close-up view of one end of the Hougham Solar Compass shows the instrument's fine details.

Setting up a solar compass

Locating the true north-south meridian with a solar compass includes these steps:

1. Place the solar compass on a tripod and level it.
2. Set the horizontal plate at zero degrees, zero minutes.
3. Set the latitude (obtained by sighting the sun at noon) on the latitude arc.
4. Set the declination (obtained from ephemeris tables) on the declination arc.
5. Jointly rotate both the compass about its vertical axis, and a bar that revolves in the plane of the equator about the polar axis, until the image of the sun falls in the center of crosshatched lines on a plate.
6. For best results, use of the solar compass should be avoided during early morning, midday or late afternoon.
7. When the above steps have been completed, the sidereal time will be shown along the scale of the hour arc, and the sight vanes will be aligned on the true meridian.

(From *They Left Their Mark*, by John S. Burt)

APPROVED CONTINUING EDUCATION COURSES FOR COUNTY SURVEYORS

As provided by Michael W. Stevenson, PLS, ISPLS County Surveyors Liaison

INDIANA CODE 36-2-12-2.5

Sec. 2.5. (a) This section does not apply to an individual who is:

- (1) an actively registered land surveyor;
- (2) a graduate of an accredited land surveying curriculum; or
- (3) a land-surveyor-in-training (as defined in IC 25-21.5-1-5).

(b) An individual elected to the office of county surveyor after June 30, 2009, shall, within two (2) years after beginning the county surveyor's term, complete at least twenty-four (24) hours of training courses related to land surveying that are developed by the Association of Indiana Counties and approved by the state board of accounts.

(c) An individual shall fulfill the training requirement established by subsection (b) for each term the individual serves.

The following are general course descriptions available throughout the Surveyor's term:

COURSE DESCRIPTION	HOURS
Annual Farm Bureau Drainage 101	6
Annual ISPLS Conference (15 hours/year)	45
ISPLS Full-day Continuing Education seminars (6 hours per session/2 per year)	36
ISPLS Half-day Chapter Continuing Education Seminars (3 hour /session)	3
Vincennes University Seminars on land surveying (3 hour /session)	3
Annual Purdue Road School Surveyors Meeting (6 hours/year)	18
Annual Purdue Stormwater Conference (6 hours/year)	18
Indiana Association for Floodplain and Stormwater Management Annual Conf. (12 hours/year)	36
AIC Annual Conference Surveyors Meeting (3 hours/year)	9
AIC New Elected Officials Training	6
Association of Indiana Counties DIPLOMA Core Courses Budget and Finance Level 1 Legal & Ethical Issues Human Resources	15
Association of Indiana Counties DIPLOMA Electives (5 hours/course) Cornerstone Drainage	10
Curriculum under Rule 865 from an Indiana accredited higher education institution (training credits will equal 4x college or university credit hours per class, not to exceed 12 credits per year)	45
TOTAL ELIGIBLE HOURS	250

JOHNNY INGRAM - JEFFERSON, TEXAS

“POET LAUREATE OF THE SURVEYOR HISTORICAL SOCIETY”

As suggested by Roger Woodfill, PLS, SHS Administrator

SURVEYING GLOSSARY

A as in Angle and for Azimuth too, both are important and usually true; but so is Astronomic and Adjoiner too.

B as in Backsight and Bearing, names we all should know; like Brush, Bugs and Bites - always together go.

C as in Compass and Chain, over the hill we go; Calculate the Closure, fun - to this, the party Chief says no.

D as in Deeds and Distance, hand in hand they define; apply Dignity of call - let the Draftsman refine.

E as in Engineers and Easements, important names - I guess; then came the EDM, reduced our labor - now that's real success.

F as in Foresight and Field notes are usually used to guide; whereas Field crew & Fire ants - together they ride.

G as in Ground shots & the Gunter's chain, a term we use no more; now GPS, Geodetic and GIS - are new names in our store.

H as in Hammer and stake, together, they'll always be; as necessary to a surveyor - as leaves are to a tree.

I as in Instruments, important as they are; they aid us in alignment and - guide us by a star.

J as in the Jacob staff, more equipment from the old; Judicial decisions, guide us now - at least that's what we're told.

K as in Keuffel & Esser, supplier of the past; another distance, the Kilometer - will we ever last?

L as in Links of old and Laser Levels new; Lietz then changed their name - but Lawyers still will sue.

M as in Metes & bounds, will this term remain? The terms Machete and Measure - will always be the same.

N as in Numeric, which means a Number, at least that part is true; even as a Meter - the unit is just new.

O is in "OUT", a term uncommon now; Owners will forever try - their best to tell us how.

P as in Polaris and Plumb, terms which still remain; Pole & Perch, though unused - will always mean the same.

Q as in a Quit claim deed, it doesn't give us much; but, its presence will sometimes "QUIET" a title - or at least help with such.

R as in Route & Right-of-way define, Residue & Riparian each, do much the same; a Rod, a Rock & Rodman too - now are just a name.

S as in Semicircumferter and the Sextant too, instruments of old; there is Satellite & Sun Shot, new terms - at least that's what we're told.

T as in Transit, Theodolite & Tripod, more equipment from the past; Topography and Ticks, together, stick - like partners that last.

U as in Underground Utilities, a surveyor must sometimes find; even when you cannot see them - they should be on your mind.

V as in the Spanish Vara, defined as a Texas length; Vegetation, on the other hand- is measured by its strength.

W as in Warranty deed, a common legal name; a paper showing ownership - and title to the same.

X as in "X" out, mistakes made in your notes, never to erase; they may come back to haunt you, protection - just in case.

Y is for "Yes", the answer, to questions you receive; "no", is the best response - when you cannot believe.

Z as in Zeiss, equipment maker of old, Zenith is the angle in a vertical line; and is usually preceded - by a plus or minus sign.

Johnny Ingram, 2002



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LEGAL SURVEYS

Bryan F. Catlin, PLS

The goal of this column is to provide brief summaries of recent Indiana Court of Appeals and Supreme Court cases involving topics related to surveying practice, certainly not to provide legal advice. Information is gathered from the courts website at www.in.gov/judiciary. Comments or suggestions for future columns are welcome by email to: Bryan.Catlin@indy.gov.

Henry L. Howard, et al. vs. United States, Indiana Supreme Court No. 94S00-1106-CQ-333, March 20, 2012

In this case the United States Court of Federal Claims asked the Indiana Supreme Court to resolve questions about Indiana law that relate to a “Rails to Trails” case. Specifically, whether railbanking and interim trail use pursuant to 16 U.S.C. § 1274(d) are within the scope of easements originally acquired by railroad companies, or, if not, is railbanking with interim trail use a permissible shifting public use.

This question arose from a federal lawsuit brought by 128 Indiana landowners whose lands are burdened by railroad easements. The railroad corridor involved is approximately 21 miles long. Since the rail lines are no longer in use, the railroad, under federal law, sought authorization from the Surface Transportation Board (STB) to abandon the easements. The STB authorized the railroad to negotiate transfer to the Indiana Trails Fund for use as a public trail in accordance with the National Trails System Act to preserve rights-of-way for future reactivation (railbanking). The Court of Federal Claims asked the Indiana Supreme Court to look at this as the U.S. Supreme Court had noted that reversionary interests are generally governed by state law.

Even though Indiana has a Trails Act in Indiana Code which preserves the easement rather than abandon it, since the Federal Court asked the State whether trail use is within the scope of specific rights acquired by the railroad as relates to a federal trails act, the Indiana Supreme Court took up the case. After lengthy reasoning the justices decided 3-1 that railbanking is not within the scope of the easements acquired by the railroads. The court also states that Indiana has never recognized the “shifting public use” doctrine but rather looks at the original purpose of an easement as new conditions arise.

This case provides a fairly concise look at Indiana court’s reasoning when it comes to what uses may be allowed for an easement as business practices change and inventions arise that were not in use at the time of creation of an easement.

Brad A. Altevogt, et al., vs. Dennis L. Brand, et al., Indiana Court of Appeals Case No. 44A03-1106-MI-237, March 15, 2012

This case from the LaGrange Circuit Court began as a complaint seeking to quiet title of a strip of land between the shore of Big Long Lake and the lots of the Plaintiffs. The Defendants, who own back lots in the subdivision, filed a motion for summary judgment which the trial court granted. The Plaintiffs appealed and argued that the trial court erred in denying their claim.

The 1932 plat of Long Lake Park subdivision provided “Each lot owner shall be entitled to an easement on the Lake Shore six feet in width for a boat landing which easement shall be in front of the block in which the lot is located and the easement shall bear the same number as the lot it is for and the easements shall be numbered consecutively from North to South” and that “all drives, alleys, and walks are for the use of the owners of the lots and their guests.” None of the platted lots extended to the shore, and between the blocks and the lakeshore is a strip of land referred on the plat as “the Indian Trail.” In practice, the front lot owners built docks or piers and seawalls and cared for the areas immediately in front of their lots while the back lot owners typically built their docks near the ends of the drives running away from the shore and separating the blocks.

On appeal, the Plaintiffs argued that the Indian Trail was dedicated as a public easement subject to their underlying ownership. The court disagreed since the plat did not mention public use, only use for the owners of lots and their guests. A second argument was that they had acquired title through adverse possession. The court states why the elements cited in *Fraley v. Minger* were not met in this case. The plaintiffs also argued that the trial court erred in concluding that all lot owners were co-tenants of the Indian Trail. The Appeals Court does not agree that the trial court came to that conclusion. The Appeals Court affirmed the judgement of the trial court.

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Ronald E. Izynski and Linda Izynski, et al., vs. Chicago Title Insurance Company, Indiana Court of Appeals Case No. 45A04-1106-PL-277, March 7, 2012

This case arose after the Izynskis signed a purchase agreement for property provided that a title commitment was provided to insure that they would obtain marketable title. While prior title commitments were provided prior to signing the agreement, none were issued specifically to the Izynskis. The commitments noted a 1972 "Agreement for Exchange of Land and for Granting Flowage Easement" to provide access to a proposed dam if needed. The commitments did not include a 50' 1979 easement which certain buildings encroached on until after Ronald Izynski learned of it a day before the scheduled closing which was then delayed. Since the easement limited the ability to build on one of the lots, the purchase price was reduced and the closing eventually occurred. The Izynskis sued Chicago Title for breach of contract and negligence. After a bench trial held for Chicago Title the appeal was made. Chicago Title argued that there was no breach of contract since the commitments before the purchase agreement had been issued to a different prospective buyer and then argued that there was no tort remedy since they were in contractual privity. The Appeals Court did not allow Chicago Title to have it both ways and found that there was no privity when the Izynskis agreed to buy the property. The Appeals Court also reversed the trial court finding that the 1972 agreement served as notice of the 1979 easement. This case was reversed and sent back to the Lake Superior Court to determine if the Izynskis have an action for negligent misrepresentation against Chicago Title, if the elements of that tort are satisfied and whether and to what extent the Izynskis suffered damages.

Rebecca D. Kays vs. State of Indiana, Indiana Supreme Court No. 42S05-1107-CR-441, March 20, 2012

This case from Knox County isn't really about surveying but makes you think about what you might be getting into when there is a dispute with a neighbor about a property line.

Rebecca Kays and her next-door neighbor Cheryl Wolfe disputed their common property line. After a surveyor had marked the line with metal "posts", Wolfe placed PVC pipes over them to make them more visible (guess who liked where the line was). Kays removed the pipes and threw them into Wolfe's yard, striking Wolfe with one of the pipes and causing an injury which required stitches. The State charged Kays with misdemeanor battery and she was convicted at a bench trial. One of the conditions of probation was to pay restitution to Wolfe in the amount of \$1,496.15, which was agreed to as the amount of Wolfe's hospital bill.

This case made it to the Indiana Supreme Court arguing about this payment. Since this became a criminal matter, I wonder if the surveyor ended up spending time in court without reimbursement.

KSM, LLC vs. Lighthouse Storage, LLC, Lawyers Title Insurance Corporation, Inc., and Kevin And Stephen Corp., Indiana Court of Appeals Case No. 02A03-1106-PL-00232, March 15, 2012 - MEMORANDUM DECISION - not regarded as precedent

This case was just remanded back to the Allen Circuit Court and concerns real estate in a shopping center. In 1993, KSM sold a parcel for a Builder's Square store to be constructed. As a part of the closing, KSM entered into a "Reciprocal Easements, Covenants and Restrictions Agreement" which designated areas that could be built on and which areas retained by KSM could not be built on. In August 2007, KSM entered into an agreement to sell a parcel in the area in which building was prohibited to Lighthouse to build a storage facility and office building. Neither KSM nor Lawyers Title disclosed the recorded 1993 Agreement prohibiting building on the site until after the June 2008 closing. In September of 2008 Lighthouse discovered the existence of the 1993 Agreement, concluded building was prohibited and asked KSM to remove the restriction or repurchase the land. KSM obtained consent to remove the Lighthouse parcel from one of the current owners of property in the building area but was initially unable to get consent from another. On December 5, 2008, Lighthouse made a demand on KSM for rescission of the purchase. Complaints and counterclaims were filed.

Since this case was sent back to the local court, I will briefly describe some of the issues that arose on appeal: KSM argued that deed language "subject to all easements, restrictions, and limitations of record" covered KSM's duty to disclose information. The Appeals Court disagreed. KSM argued that even though the same individual executed the 1993 agreement as well as the Vendor's Closing Affidavit to Lighthouse that stated the Lawyers Title commitment fully disclosed the condition of title for the Lighthouse parcel, they did not know the Lighthouse parcel was in the no build area and that it was mistakenly included due to a surveyor's drafting error. The Appeals Court saw no ambiguity in the 1993 agreement which would allow looking beyond the document. Lawyers Title argued they were acting as a title insurer and not as a title abstractor and cited several out of state cases in support of

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their argument. However, the Indiana Supreme Court has already held that a title insurer may be liable for negligence in issuing a title commitment that fails to disclose an encumbrance.

Earl R. England and Mary L. England vs. Rob E. Hurford and Jennifer M. Hurford, Indiana Court of Appeals Case No. 50A04-1106-PL-297, March 20, 2012 - MEMORANDUM DECISION - not regarded as precedent

Here the Hurfords owned two parcels and on August 9, 2009 England executed a purchase agreement for one of them. The Hurfords executed a counter offer which provided that they would retain a 50' easement on the eastern edge of the property which included a gravel driveway used for access. A Warranty Deed was executed on September 17, 2009, drafted by a title company attorney without any easement language. England's September 24, 2009 title insurance policy did note the easement per the purchase agreement. Hurford used the easement for daily access to feed his livestock. In June 2010, England obtained an endorsement deleting mention of the easement from his title insurance policy. On April 29, 2011, the Hurfords received a letter from the Englands' attorney instructing them to cease using any portion of the property. Around May 13, 2011, the Englands placed a gate across the driveway, causing Hurford to drive through an alfalfa field to gain access to his property and livestock. In May 2011 the Hurfords filed a complaint to reform the deed. On June 7, 2011, the trial court hearing issued a preliminary injunction preventing the Englands from interfering with use of the easement. The Englands appealed. The Appeals Court affirmed the preliminary injunction reasoning that the Hurfords have a reasonable chance to prevail.

Daddys'O Pub, LLC vs. Purkey Enterprises, Inc., Indiana Court of Appeals Case No. 29A02-1105-PL-439, January 31, 2012 - MEMORANDUM DECISION - not regarded as precedent

This case concerns a claim that an easement was created by an 1897 deed to use an interior stairway in one building to gain access to the second floor of an abutting building. The "easement" was apparently not used until 1958 and one of the buildings was not erected until approximately 1905. At a February 2011 bench trial in the Hamilton Superior Court it was decided that there was no easement since the 1897 language was for a license, not an easement. The Appeals Court affirmed this decision.

This is interesting to read because it shows that attorneys and their clients may not understand how the creation of an easement and a license differ and the language necessary to create an easement. I thought the language in the 1897 deed was clearer than many documents created much more recently.

Finally, a case that shows how owning the right parcel at the right time, even a parcel that didn't bring much at a tax sale, can pay off handsomely.

State of Indiana, Little Calumet River Basin Development Commission vs. Gary Murphy and Lake County Treasurer, Indiana Court of Appeals Case No. 45A03-1106-PL-261, March 30, 2012 - MEMORANDUM DECISION - not regarded as precedent

This case concerns a developer who bought an undeveloped 5.194 acre tract, most of which was zoned commercial, in a floodplain in 2003 for \$3900 at a tax sale. In 2006, the Commission filed an eminent domain action to obtain various easements. An appraiser put the value of the appropriated property at \$23,000. The Commission objected that this was too high while Mr. Murphy thought it was not enough. The case went to trial and a jury found for Mr. Murphy in the amount of \$332,172, which with interest, costs and fees became a total judgment of \$423,010.24. The Commission appealed claiming that the court erred in excluding evidence of the price Murphy originally paid and that the verdict was against the weight of the evidence. The Appeals Court affirmed the judgment of the trial court. The Lake County Treasurer had an interest in the property and was included in this case because property taxes were owed.

As in most of the opinions, there is a lot of information missing. In this case there is no mention of whether the developer knew or suspected that the Commission would be interested in this site someday, if he had plans to eventually improve the site, if he was just speculating on future value, or if he was just the luckiest man in Indiana the day he bought this property.

Bryan F. Catlin, PLS has been registered as a Land Surveyor in Indiana since 1991. He holds B.S. Land Surveying Engineering and M.S. Engineering (geodesy) degrees from Purdue University.

MEMBERSHIP MATTERS . . . YES, IT REALLY DOES!

MEMBERSHIP RENEWALS:

July 1st marks the beginning of a new ISPLS membership year. This year's membership renewals will be handled through the ISPLS Website and Member Portal powered by Affiniscape. This is a great system that brings many benefits to ISPLS. The renewal process should prove to be very effective and efficient.

During the first week of June, members with valid e-mail address on file with ISPLS will receive an e-mail with a membership renewal quote attached. Those members without a valid e-mail address on file with ISPLS will receive their membership renewal quote via the United States Postal Service. The renewal quote will contain some of your basic contact information, cost to renew your membership, and instructions for making a renewal dues payment.

Membership renewal payments can be made several different ways. The easiest and most efficient way is by visiting the ISPLS Website at www.ispls.org. Members can log into the ISPLS website by entering their username and password in the "Member Login" box. Once logged in, select "renew/upgrade membership" to visit your member portal. Then simply click on the red "Renew" button to start the renewal process. You will be asked to confirm or complete their member profile. Profile items with a red asterisk are required to be completed. Once you have completed your member profile, click on the "Renew" button. At this point you can select "Pay Now" and pay with a Visa, MasterCard and Discover debit/credit card to complete the renewal process.

Alternatively, membership renewals forms can be completed and mailed to Indiana Society of Professional Land Surveyors, Inc., 8325 S. Emerson Ave., Suite B-2, Indianapolis, IN 46237. Please make check payable to Indiana Society of Professional Land Surveyors, Inc.

A second round of renewal notices will be sent out about the first of July via e-mail and the United States Postal Service. The third and final renewal notice will be sent out near the first of August. There is an awful lot on the horizon for ISPLS and the Land Surveying Profession in the next several months. We hope that you will renew your membership with ISPLS and continue to support the Land Surveying Profession in the State of Indiana.

FIRM MEMBERSHIPS:

The Board of Director for ISPLS has decided to modify the dues structure for Firm Memberships. The goal of the restructuring is to promote Firm Memberships throughout all surveying firms so that all can reap from the benefits of such status. Benefits of a Firm Membership include, but are not limited to, acknowledgement on the ISPLS website, a business card posting in the Hoosier Surveyor publication, and employees of Firm Member receive a 20% discount to all ISPLS sponsored seminars and conventions.

Firm Memberships 2011/2012:

1 Person =	\$200.00
2-4 Persons =	\$250.00
5-9 Persons =	\$330.00
10 + Persons =	\$400.00

Firm Memberships 2012/2013:

1 Person =	\$100.00
2-4 Persons =	\$200.00
5-9 Persons =	\$300.00
10 + Persons =	\$400.00

So let's run the numbers:

A one-person surveying firm would have a Professional Membership at \$200.00 and a Firm Membership of \$100.00 for a total of \$300.00. They attend the ISPLS Convention held in January of 2013 at a cost of \$345.00, less a 20% discount, equals \$276.00 with a savings of \$69.00. Now the Firm Membership only costs \$31.00.

How about a three-person surveying company with a Professional Member at \$200.00, an Associate Member at \$60.00 and a Firm Membership at \$200.00? The total membership outlay is \$460.00. Both members attend the annual ISPLS Convention and save \$69.00 each or \$138.00. Now the Firm Membership only costs \$62.00.

Obviously, the larger firms have a better chance to capitalize on the savings. But with the restructuring, the Board of Directors hopes that smaller surveying firms will take this opportunity to show their support for ISPLS and the Land Surveying Profession.

MEMBERSHIP MATTERS . . . YES, IT REALLY DOES!

SUSTAINING MEMBERS:

With the changes to the ISPLS Website, the Board of Directors for ISPLS took a closer look at the Sustaining Members classification and has decided to alter the dues structure and benefits. Starting July 1st, 2012, sustaining membership will change from \$700.00 and a one-page ad in each of the quarterly Hoosier Surveyor publications to the following:

- Full-page ad in each of the quarterly Hoosier Surveyor publications and an ad within www.ISPLS.org rotating sponsor banner = \$800.00
- Half-page ad in each of the quarterly Hoosier Surveyor publications and an ad within www.ISPLS.org rotating sponsor banner = \$400.00
- An ad within the www.ISPLS.org rotating sponsor banner = \$200.00

All of the above fees are annual fees and include up to four different ads per year per each application. Ads for the rotating sponsor banner are 310 pixels wide by 100 pixels tall or 3.23 inches wide by 1.04 inches tall. Sustaining Memberships are available to any individual, partnership, or corporation engaged either in the manufacture or distribution of Land Surveying instruments or equipment, or in the compilation or reproduction of maps, or in the performance of services for Land Surveyors.

All inquiries concerning the renewal process, Firm Memberships and/or Sustaining Memberships should be directed to Jason Coyle at 317-888-4400 or execdir@ispls.org.

WELCOME NEW ISPLS MEMBERS

Nov. 5, 2011

Michelle Watt – Associate
Stefen Ray Arney - Student
Blane Evan Boyd - Student
Ethan T. Hopf - Student
Scott A. Martin - Student
Zachariah E. Roach - Student
Corey C. Scheiber - Student

Dec. 10, 2011

Mike Arena - Life
Stephen Michael Cooper - Professional
Christina M. Davidson - Professional
Darren Ray Norrington - Professional
Tom Freed - Associate
James Freeman - Associate
Joseph Trtan – Associate

Jan. 17, 2012

Nathan K. Althouse - Professional
John Boline - Professional
Chad L. Brown - Professional
Mark Joseph Duffy - Professional
Gale Lee Fansler - Professional
Michael Gerberick - Professional
John R. Huseman - Professional
Steven A. Jones - Professional
Christopher Lewark - Professional
Brian E. Matherly - Professional
Timothy J. Murphy - Professional
Steven Tim Parsons - Professional
David Ivan Peck - Professional
David Matthew Reynolds - Professional
James S. Swift - Professional
Mark Warner Teepe - Professional
Gretchen Westerkamp - Professional
Michael Allen Young - Professional
Thomas J. Ludwig - Affiliate
Spencer Clark Tompkins - Affiliate

Andrew Robert Barkocy - Associate
Clayton T. Baylor - Associate
William (Bill) J. Currier - Associate
Timothy A. Darnall - Associate
Austin Neil Ridgely - Associate
James Dean Smale - Associate
Shane S. Turay - Associate
Ted D. Young - Associate
Jacob Tibbett – Student

Apr. 21, 2012

James Foster - Professional
Jonathan E. Hause - Professional
Kenneth P. Herceg - Professional
Alvin L. Paul - Professional
Brian J. Pfohl - Professional
Claude Matthew Quillen - Professional
Scott Kopas - Affiliate
John Scanlon - Affiliate
Patrick Nejman - Associate

ISPLS MEMBERS

For the 2011/2012 Fiscal Year as of April 30, 2012

Professional Members – 583

Abraham, Donald C · Laporte, IN
Absher, David Lee · Winamac, IN
Adler, Donald R · Wadesville, IN
Aikins, Paul R · Indianapolis, IN
Aldridge, Henry · Indianapolis, IN
Alexander, Rick L · Avon, IN
Allen, Corey D · Mitchell, IN
Allen, John Stuart · Hobart, IN
Allen, Tim M · Morgantown, IN
Aloi, Robert S · Walkerton, IN
Althouse, Nathan K · Noblesville, IN
Anderson, Brian D · Vincennes, IN
Anderson, Denise K · Martinsville, IN
Andrews, Donald C · Sturgis, MI
Arden, Willam · Portage, IN
Arena, Michael D · Bedford, IN
Arnold, Peter L · Brownsburg, IN
Ashton, Edward H · Sulphur Springs, IN
Ayala, David N · Carmel, IN
Badger, Matthew G · Evansville, IN
Ballard, Dustin K · New Palestine, IN
Ballintyn, Frank F · Sellersburg, IN
Banschbach, Eric N · Indianapolis, IN
Banton, Phillip S · Lagrange, KY
Barich, David M · Valparaiso, IN
Barkey, Timothy L · Decatur, IN
Barnes, Jeffrey S · Laporte, IN
Barnett, Carl E · Washington, IN
Barnhart, David R · Springboro, OH
Barr, Vincent J · Franklin, IN
Bauer, John W · New Castle, IN
Bauer, Todd R · Leo, IN
Baxter, Andrew D · Indianapolis, IN
Beasley, Zachariah E · West Lafayette, IN
Becher, Charles J · Paris, IL
Beer, Philip D · Westfield, IN
Beery, Adam · Plymouth, IN
Bender, Paul Lee · West Lafayette, IN
Benge, Fred L · Plainfield, IN
Bergman, Louis J · Greenville, OH
Bernardin, Thomas G · Evansville, IN
Bertsch, Matthew G · Bluffton, IN
Best, David B.h. · Indianapolis, IN
Betz, Josh O · Indianapolis, IN
Betz, Kyle K · Lafayette, IN
Beyer, Tim · Zionsville, IN
Bishop, Michael L · Greenwood, IN
Bislich, Jeff S · Cicero, IN
Blank, Aaron W · Mishawaka, IN
Blankenbeker, David R · Jeffersonville, IN
Blann, Daniel S · Brownstown, IN
Bledsoe, Ben E · Bloomington, IN
Boblitt, David R · Odon, IN
Boline, John · Elgin, IL
Bordenet, Daniel Scott · Indianapolis, IN
Boren, Glen E · Cedar Lake, IN
Bortner, David A · Bristol, IN
Boyer, William G · Angola, IN
Branson, Lyle D · Carmel, IN
Breeze, Paul E · New Harmony, IN
Breitzke, Kevin D · Valparaiso, IN
Brosmer, Kenneth R · Jasper, IN
Brown, Chad L · Brownsburg, IN
Bruns, Steven A · Auburn, IN
Buedel, Scott D · Evansville, IN
Buehler, Phillip J · Jasper, IN
Bullock, John E · Valparaiso, IN
Bunnell, Barrie L · Wabash, IN
Burcham, Ronald L · Mitchell, IN
Burlage, James D · Columbia City, IN
Burnett, Dan E · Fishers, IN
Burns, Jeremy A · Fishers, IN
Burruss, Phillip L · Indianapolis, IN
Butcher, James A · West Lafayette, IN
Campbell, James Steven · Jasonville, IN
Candler, Coralina L · Fishers, IN
Candler, Curtis A · Fishers, IN
Carl, Aaron James · Huntington, IN
Carmien, Christopher D · Valparaiso, IN
Cash, Calvin B · Tell City, IN
Catlin, Bryan F · Clayton, IN
Charles, George W · Brownsburg, IN
Christian, Stephen J · Zionsville, IN
Clancy, Edward L · Urbana, IL
Clark, William L · Vincennes, IN
Clearwaters, Jason R · Indianapolis, IN
Cleveland, Alan B · Indianapolis, IN
Clifford, William M · Grandview, OH
Cloyd, Perry D · Columbus, IN
Colvin, Robert E · Paris, IL
Compton, L Randolph · Indianapolis, IN
Cooley, Theodore J · Batesville, IN
Coomes, Timothy J · Shelbyville, IN
Cooper, Matthew L · French Lick, IN
Cooper, Stephen Michael · Greenfield, IN
Copperwaite, Jason M · Corydon, IN
Costello, Christopher P · Kill Buck, NY
Couts, P Joseph · Battle Ground, IN
Cox, David L · Middletown, OH
Coyle, Charles M · Columbus, IN
Coyle, Robert Jason · Fishers, IN
Cramer, Brad S · Elkhart, IN
Croft, David G · Westville, IN
Crouch, David T · Rising Sun, IN
Crowder, Brian S · Columbus, IN
Cultice, Craig D · Culver, IN
Currier, Mikel · Edwardsburg, MI
Curry, Douglas R · Bloomington, IN
Dahl, David L · Washington, IN
Darling, Jeffery W · Indianapolis, IN
Darnall, Ted P · Edinburgh, IN
David, Walter J · Fremont, IN
Davidson, Christina M · Glen Ellyn, IL
Davis, Arthur R · Lake Village, IN
De Boy, Michael L · Noblesville, IN
Deardorff, Mark · San Pierre, IN
Deckard, Eric L · Heltonville, IN
Deckard, Jason D · Laporte, IN
Deckard, Lawrence D · Crawfordsville, IN
Deeds, Greg D · Denver, IN
Dehart, Adam L · Lebanon, IN
Demais, John W · Lafayette, IN
Demkovich, Donald · Hammond, IN
Derwinski, Jonathon · Crown Point, IN
Dillon, Russell Waid · Schererville, IN
Dobrowski, Lisa M · Valparaiso, IN
Dougherty, William L · Indianapolis, IN
Downey, Mark D · Avon, IN
Duffy, Mark Joseph · Danville, IN
Duffy, Michael P · Portage, IN
Dunbar, Charles J · Huntersville, NC
Durham, Richard · Anderson, IN
Ebinger, Charles R · North Vernon, IN
Eck, Alan V · Huntley, IL
Eckerle, Bradley J · Jasper, IN
Elzinga, Daniel B · Grand Rapids, MI
Emans, James W · Bremen, IN
Evans, Evan J · Pittsboro, IN
Eveslage, Gregory B · Greenville, IN
Fabian, Alexander A · Hammond, IN
Falk, Mike O · Portage, IN
Fansler, Gale Lee · Fort Wayne, IN
Faris, Brad S · Franklin, IN
Farny, James A · Evansville, IN
Fateley, Aaron T · Columbus, IN
Fazekas, James Michael · Sheridan, IN
Feeback, Jason R · Cannelton, IN
Feldbusch, Michael F · Evansville, IN
Ferguson, Kelly S · Montgomery, IN
Fine, Roger A · Carmel, IN
Fischer, Stephan R · Cincinnati, OH
Fisher, Larry C · Plymouth, IN
Foster, James A · Fishers, IN
Fox, Gary · Indianapolis, IN
Francisco, James R · Indianapolis, IN
Franciski, Jeff J · Fishers, IN
Frank, Ross M · Bluffton, IN
Franke, Bruce A · Fort Wayne, IN
Frazier, Justin R · Lafayette, IN
French, Jeffrey P · Versailles, IN
Friend, Brent A · Franklin, IN
Frisinger, Allan D · Hometown, IN
Fuller, Derek I · Indianapolis, IN
Furness, Douglas L · Michigan City, IN
Gabhart, Phillip S · Loogootee, IN
Gann, Randell E · Lansing, IL
Gardner, Mark A · Austin, IN
Garrison, Kenneth G · Boggstown, IN
Gaston, David L · Coatesville, IN
Gembala, Kenneth D · St. John, IN
George, Maxcell R · Battlecreek, MI
Gerberick, Michael · Freepport, IL
Gibson, William Boyd · Georgetown, IN
Gill, James R · Avon, IN
Gill, Michael L · Mt. Carmel, IL
Gillespie, Joe W · Brookville, IN
Gillette, David · South Boardman, MI
Gobin, Jerry L · Connersville, IN

ISPLS MEMBERS

(Continuation of Professional Members)

Gosewehr, Gene K · Lebanon, IN
Goubeaux, Wesley D · Russia, OH
Goulloff, Timothy C · Fort Wayne, IN
Graham, Charles D · Bloomington, IN
Gray, E. R. · Columbus, IN
Gray, Nathan D · Columbus, IN
Gregory, Anthony M · Highland, IN
Greulich, Adam J · Greenfield, IN
Gries, Donald E · Haubstadt, IN
Grimes, Nathan R · Sellersburg, IN
Gross, Robert W · Lafayette, IN
Grumpp, Dennis L · New Palestine, IN
Guerrettaz, Bernard A · Bloomington, IN
Gustafson, Richard John · Noblesville, IN
Gustke, Jeff H · Valparaiso, IN
Gwinn, Jess A · Solsberry, IN
Hadley, Diane B · Hazleton, IN
Hagensee, Thomas E · Elmhurst, IL
Haggard, Brian · Martinsville, IN
Hahn, Chad · Westfield, IN
Hall, Michael S · Dillsboro, IN
Hanft, Allan L · Indianapolis, IN
Hanft, Don · Bloomington, IN
Hanna, David C · Indianapolis, IN
Harner, Ronald L · Berrien Springs, MI
Harpel, Reese · Waynetown, IN
Harris, Kenneth W · Monroeville, IN
Hart, Harold L · Charlestown, IN
Hartman, George C · Oldenburg, IN
Hathaway, Robert P · Markle, IN
Hause, Jonathan E · Whitestown, IN
Haworth, Robert L · Westtownville, IN
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Hein, Stuart · Evansville, IN
Helms, Darren L · Cannelburg, IN
Helms, Dennis N · Washington, IN
Henderson, Jason R · Tipton, IN
Hendricks, Anthony C · Laporte, IN
Hendricks, Charles D · Laporte, IN
Hennessey, Mark Sean · Williamsport, IN
Hennessy, Kevin J · Princeton, IN
Herceg, Kenneth P · Granger, IN
Herendeen, Douglas K · New Palestine, IN
Herron, John N · Indianapolis, IN
Heshelman, John R · Mooresville, IN
Hess, Joseph D · McCordsville, IN
Hile, Joseph N · Carmel, IN
Hinshaw, Benson G · Plainfield, IN
Hiselman, Norman H · Avon, IN
Hodges, Richard C · Hardingsburg, IN
Hoehn, Joel A · Ossian, IN
Hoffman, Jacob Thomas · Camby, IN
Hoffman, Justin W · Fort Wayne, IN
Hoffman, Nathan D · Shoals, IN
Hogston, Clayton J · Indianapolis, IN
Holloway, Ross O · Mooresville, IN
Homeier, Douglas F · Crown Point, IN
Hood, John N · Elwood, IN
Horton, Henry B · North Branch, MI
Howell, Christopher Brian · Clarksville, IN
Hubert, Scott L · Branchville, IN
Hudson, Richard L · Valparaiso, IN
Huff, Curtis C · Fishers, IN
Huseman, John R · Lee, IL
Irr, John B · Lafayette, IN
Isaacs, Jonathan M · Vallonia, IN
Jackson, Kenneth E · West Baden, IN
Jahn, Luke A · Fishers, IN
James, Marty J · Solsberry, IN
Janovic, Van H · Walkerton, IN
Johnson, Brent N · Vincennes, IN
Johnson, Kevin M · Indianapolis, IN
Johnson, Willard E · Lebanon, IN
Johnson, Wyatt · Tipton, IN
Jones, Jeffrey T · Miamisburg, OH
Jones, Kenneth K · Middlebury, IN
Jones, Perry E · Evansville, IN
Jones, Steven A · Hammond, IN
Justice, Ronnie L · New Paris, IN
Kamer, John G · Eau Claire, MI
Karst, Richard K · Fort Wayne, IN
Kaser, Arthur L · Fishers, IN
Keil, James H · Hanna, IN
Keilman, Raymond H · Crown Point, IN
Kelly, Rodney Joe · Westfield, IN
Kemper, Richard J · Syracuse, IN
Kendall, Terry A · Floyds Knobs, IN
Kent, Gary R · Noblesville, IN
Kimpel, John M · Warsaw, IN
Kingman, Michael G · Rensselaer, IN
Kirby, Vasco J · Indianapolis, IN
Kirkley, Robert P · Delaware, OH
Kissel, Gregory A · Fort Branch, IN
Kline, Michael C · Auburn, IN
Klodzen, Paul E · Fishers, IN
Knoy, Matthew M · Bloomington, IN
Koehne, Steve · Fairland, IN
Kollak, Anthony M · Cedar Lake, IN
Kolosci, Kathy L · Westville, IN
Kondy, Jeffrey J · Indianapolis, IN
Kovas, James E · Goodrich, MI
Kovert, Daniel · Fishers, IN
Kracht, Glenn H · Crown Point, IN
Kramer, Bradley J · Eaton, OH
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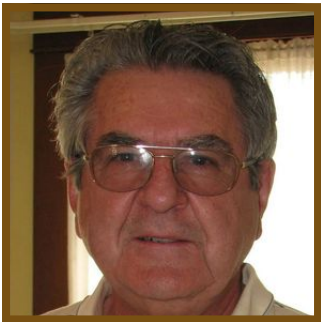
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COMPLETED CAREER • Daniel Joe Minor, PLS



Daniel Joe Minor, 69, Kokomo went to be with the Lord Tuesday, April 24, 2012 at North Woods Village. He was born October 31, 1942, in Kokomo, IN., the son of Eva Francine (Wilson) Minor and the late Andrew Jackson Minor. On December 14, 1966 in Charleston, S.C., he married Bonnie Louise Eades, who survives.

Daniel graduated from Clay Township in 1960. He served in the U.S. Navy from 1963 to 1969 aboard the USS Polack SSN 603. He had earned his Bachelor Degree from IU and went on to earn an Associate degree from Purdue University. He was currently self-employed as a private land surveyor. He had been employed with at Stellite, the city of Kokomo Engineering office, Howard County Surveyors office, and was elected as the Howard County Surveyor in 2009.

He had been active in the Pioneer Automobile Club where he proudly displayed his rebuilt 1952 MGTD in car shows and parades. He had earned his black belt in karate and was an assistant instructor at the Kokomo School of Defense. In 1987 he had won the title of Indiana State Karate Champ. Dan loved spending his time with his granddaughters and the outdoors. You could always find him outside gardening, camping, fishing or kayaking. Dan was a member of the Indiana Society of Professional Land Surveyors, Inc, Purdue Alumni Association, and the Republican Party.

He is survived by his wife, Bonnie; mother, Eva Francine Minor, Bunker Hill; daughter Lisa and son-in-law Barry Holaday, Kokomo; son Joey and daughter-in-law Crystal Minor, Kokomo; three granddaughters, Marissa Holaday, Olivia Holaday, Zoey Minor all of Kokomo; brother, David Minor, Montgomery, IN.; Sister-in-laws and Brother-in-laws Wilda and Walt Wolford, Kokomo, Donnie and Paul Pickard, Kokomo; nephews Chris (Jeanne) Minor, Ashburn, VA., Andy Minor, Kokomo, Jordan Minor, Kokomo, Mark Pickard, Kokomo, Mike (Debra) Weideman, Lafayette, IN, Jeff (Jennifer) Weideman, Kokomo ; Nieces, Angie (Greg) Clark, Kokomo, Kara (Jim) Larkin, Franklin, IN. He was preceded in death by his father and grandparents.

Funeral services were held at 1:00 PM Monday, April 30, 2012 at Eilers Mortuary Webster Street Chapel, 3400 South Webster Street with Rev. Tim Tranbarger officiating. Burial followed at Albright Cemetery, with full military rites conducted by the United States Navy and the Kokomo VFW Military Rites Team.



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"Indiana Water Boundaries & Riparian Rights"

Presented by Gary R. Kent, PS

Sponsored by the St. Joseph Valley Chapter of the
Indiana Society of Professional Land Surveyors, Inc.

July 6, 2012 at the Essenhau Inn & Conference Center, Middlebury, IN

Course Description: Six (6) Mandatory Continuing Education Hours

This program will focus on the rights associated with the ownership of real property in Indiana bounded by water. How navigability versus non-navigability - and even the type of lake - impacts boundaries, interests and rights along, to and in the water will be explored. The program will also include a review of the trove of resources and documentation related to Indiana waters available in court decisions, statutes, administrative rules and Natural Resources Commission non-rule policies. In addition, some significant aspects of riparian rights that have not been settled one way or the other by Indiana law will be addressed.

Location:

Essenhau Inn & Conference Center
240 U.S. 20
P.O. Box 1217
Middlebury, IN 46540

Schedule:

Registration: 8:00 am - 8:45 am
Seminar Begins: 8:45 am
Lunch Break: 11:30 am - 12:45 pm
Seminar Ends: 3:30 pm

July 6, 2012

Reservations: All fees include continental breakfast, lunch, two breaks and all handout materials. Reservations and payments via Visa, MasterCard and Discover debit/credit cards can be made online at www.ispls.org or registration forms can be e-mailed to execdir@ispls.org or faxed to 317-888-4412. Additionally, registration forms can be mailed to Indiana Society of Professional Land Surveyors, Inc., 8325 S. Emerson Ave., Suite B-2, Indianapolis, IN 46237. Please make check payable to Indiana Society of Professional Land Surveyors, Inc. All inquiries concerning this seminar should be directed to Jason Coyle at 317-888-4400 or execdir@ispls.org.

Cancellation Policy: Refund less \$25 processing fee if notified by July 2, 2012.

Registration Fees:	ISPLS Members:	\$165.00
	ISPLS Firm Members:	\$132.00
	Non-ISPLS Members:	\$225.00

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“ETHICS FOR THE PROFESSIONAL SURVEYOR”

Presented by Larry “The Candy Man” Phipps, PS

Sponsored by the Indiana Society of Professional Land Surveyors, Inc.
in conjunction with the Vincennes University Surveying Alumni Group

July 13, 2012 at Vincennes University, Vincennes, IN

Proceeds from this seminar, including Larry’s speaking fees,
will go to benefit the Vincennes University Surveying Program

Course Description: Six (6) Mandatory Continuing Education Hours

Okay, so that is a boring title for a usually boring class. Don't let the title fool you. This class is different in every way. We will still cover the Indiana Code of Ethics, Rule 10, while folding in some real world situations that deal with the minimum technical standards within Rule 12 of Title 865. We will do so in an entertaining and informative way that will necessitate you to participate in the discussion. Our instructor, Larry “The Candy Man” Phipps, has developed a reputation over the years as someone who can take even the dullest topic and create something interesting. Be there to see how he does it this time.

Location:

Vincennes University
Technology Division Auditorium
1300 Chestnut Street
Vincennes, IN 47591

Schedule:

Registration: 8:00 am - 8:45 am
Seminar Begins: 8:45 am
Lunch Break: 11:30 am - 12:45 pm
Seminar Ends: 3:30 pm

July 13, 2012

Reservations: All fees include continental breakfast, lunch, two breaks and all handout materials. Reservations and payments via Visa, MasterCard and Discover debit/credit cards can be made online at www.ispls.org or registration forms can be e-mailed to execdir@ispls.org or faxed to 317-888-4412. Additionally, registration forms can be mailed to Indiana Society of Professional Land Surveyors, Inc., 8325 S. Emerson Ave., Suite B-2, Indianapolis, IN 46237. Please make check payable to Indiana Society of Professional Land Surveyors, Inc. All inquiries concerning this seminar should be directed to Jason Coyle at 317-888-4400 or execdir@ispls.org.

Cancellation Policy: Refund less \$25 processing fee if notified by July 9, 2012.

Registration Fees:	ISPLS Members:	\$165.00
	ISPLS Firm Members:	\$132.00
	Non-ISPLS Members:	\$225.00

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INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS, INC.

8325 South Emerson Avenue, Suite B-2, Indianapolis, Indiana 46237
 Phone: (317) 888-4400 Fax: (317) 888-4412 E-mail: ExecDir@ISPLS.org Web: www.ispls.org



MEMBERSHIP APPLICATION

July 1, 2012- June 30, 2013

Check one (1) box for mailing address desired.

Name: _____ DOB: _____
First, Middle & Last

Home Address:

Business Name & Address:

Home Address _____

Business Name _____

City, State & Zip _____

Business Address _____

Home Phone Number _____ County _____

City, State & Zip _____

E-mail Address: _____

Business Phone Number _____ Business Fax _____

School Attending (*Full Time Students Only*): _____

Registration Status: _____
(L.S., P.E., S.I.T. Number & State)

School Name _____

Have you ever been found guilty of any felony? Yes No

Degree You Are Pursuing _____ Expected Graduation Date _____

MEMBERSHIP

- Prof. Member \$200.00 (\$48.00 Lobbying Allocation)
- Associate \$60.00 (\$14.40 Lobbying Allocation)
- Affiliate \$65.00 (\$15.60 Lobbying Allocation)
- Student \$12.50 (\$3.00 Lobbying Allocation)
- Life N/C

FOUNDATION

IPLS Foundation Contribution of \$ _____
(Suggested Amount of \$20.00)

Please check the following:

- Member of NSPS Yes ___ No ___
- Member of ISPLS Chapter Yes ___ No ___
- Chapter: _____

Membership Dues: \$ _____ IPLS Foundation Contribution: \$ _____ Total: \$ _____

My check is enclosed. Check # _____

Please charge the above total to my: Visa _____ MC _____ Discover _____

Account # _____ Exp. Date _____ 3-Digit CID # _____

***I support the profession
of Land Surveying!***

Cardholder's Name (Print) _____

Cardholder's Signature _____

The amount you pay for ISPLS membership is 76% deductible as a necessary business expense but is not deductible as a charitable contribution. The Lobbying allocation will be spent on Lobbying, and is Non-Deductible. The contribution to the IPLS Foundation may be deductible as a charitable contribution.

ISPLS wants to involve more members in the leadership of the Society. Each year, members have the opportunity to list their interest in serving their Society. Most committee appointments are for one year beginning in January. Please indicate by circling your preferred committee assignments for calendar year 2013.

Communication

Membership
 Public Information & Marketing
 Publications & Media
 TrigStar

Prof. Development

Education
 Scholarships

Government Affairs

GPS-GIS Monumentation
 Legislation

Internal Affairs

By-Laws
 Nominations
 Young Professionals

"I, the undersigned, agree that by submitting my application and paying the appropriate fees, I agree to abide by the Constitution, By-Laws and Code of Ethics of ISPLS and consent to the receipt of e-mail messages from ISPLS at the contact e-mail address above."

Signature: _____

Date: _____

MEMBERSHIP CATEGORIES

PROFESSIONAL MEMBER: A Professional Member of this Corporation shall be limited to Registered Land Surveyors in good standing with the Indiana State Board of Registration for Land Surveyors. A Professional Member shall be eligible to vote, hold office and to participate fully in the affairs of the corporation.

ASSOCIATE: An Associate membership will be granted to those non-registered individuals who are actively engaged in support of the practice of land surveying. An Associate Member is entitled to vote and participate fully in the affairs of the Corporation but shall not be entitled to hold office. Associate Members shall, at such time that they become Registered Land Surveyors in good standing with the Indiana State Board of Registration for Land Surveyors, become Professional Members without further vote of the Board of Directors of this Corporation.

AFFILIATE: An Affiliate membership will be granted to those individuals who qualify under the following provisions:

- a) Anyone who is affiliated with the Land Surveying profession or
- b) Any Non-Resident who is registered and in good standing as a Land Surveyor in a state other than Indiana.

An Affiliate Member is not entitled to vote, or to hold office but will receive newsletters and be invited to participate in meetings.

STUDENT: A Student membership will be granted to those non-registered individuals who are endeavoring to make surveying their chosen career and who are enrolled as a full time student as defined by the university or school they are attending. Membership in this class shall not exceed a total of (5) years. A Student Member is not entitled to vote or hold office, but will receive newsletters and be invited to participate in meetings.

LIFE: Any person holding Professional Member status shall be eligible to petition the Board of Directors to change his membership to that of a Life Member. If the Board of Directors finds that the Professional Member so petitioning has reached the age of 65 years and has been a Professional Member (or Member before July 1, 1999) of this Corporation for at least a total of twenty (20) years, it shall grant the petition and the Professional Member will become a Life Member. If the Board of Directors finds that the Professional Member so petitioning has not fulfilled the above requirements, the Board may grant a petition if it finds that the Professional Member has retired from active practice for reasons of health and is no longer engaged in Land Surveying. Life Members shall be furnished with a Life Membership card and Certificate and such membership shall take effect upon approval by the Board of Directors. Life Members shall not be subject to payment of dues, but shall enjoy all the rights and privileges of full Professional Member status in this Corporation.

ISPLS CODE OF ETHICS

CODE: As Surveying and Mapping Professionals, we recognize that our ethical responsibilities extend to the public, to our clients and to our peers. Accordingly, we acknowledge the following elements to identify our basic values: integrity, competence, and social awareness. Surveying and Mapping Professionals uphold and advance these values by:

- I. I supporting and participating in the continuing development of the surveying and mapping professions;
- II. serving with honesty, with forthrightness, and within their areas of skill;
- III. using their expertise for the enhancement of human welfare and for the stewardship of resources.

CREED: As a Professional Surveyor, I dedicate my professional knowledge and skills to the advancement and betterment of human welfare. I pledge to give the utmost performance; to participate in none but honest enterprise; to live and work according to the laws of humankind and to the highest standards of professional conduct; to place service before profit, honor and standing of the profession before personal advantage, and the public welfare above all other considerations.

CANONS: In humility and with the need for divine guidance, I make this pledge: A Professional Surveyor should:

1. refrain from conduct that is detrimental to the public;
2. abide by the rules and regulations pertaining to the practice of land surveying within the licensing jurisdiction;
3. accept assignments only in one's area of professional competence;
4. develop and communicate a professional analysis and opinion without bias or personal interest;
5. maintain the confidential nature of the Surveyor-Client relationship;
6. use care to avoid advertising or solicitation that is misleading or otherwise contrary to the public interest;
7. maintain professional integrity when dealing with members of other professions.



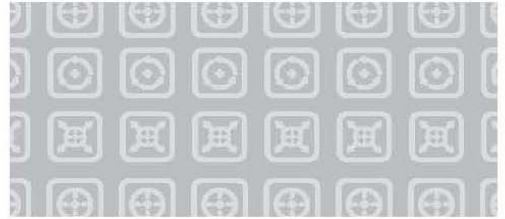
COLLECT



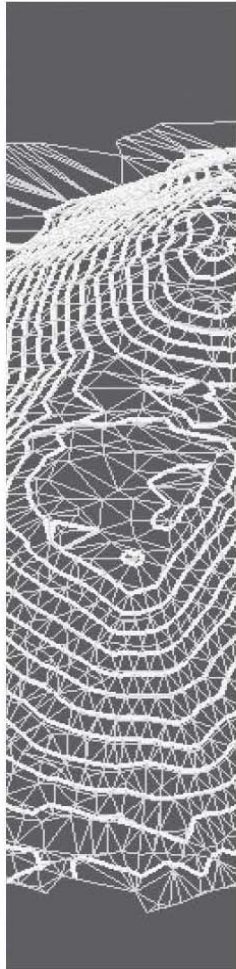
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CALENDAR

SUSTAINING MEMBERS

June 2012

June 9—Saturday

ISPLS BOD Meeting

ISPLS Headquarters—Indianapolis—9:00 AM

June 22—Friday

Northwest Chapter Meeting—Fun Night

South Shore Railcats Baseball—Gary Steel Yard—6:00 PM

July 2012

July 1

ISPLS Membership Renewals

July 9—Friday

“Indiana Water Boundaries and Riparian Rights” Seminar

Presented by Gary Kent, PS

Essenhaus Inn & Conference Center—8:00 AM

July 13—Friday

“Ethics for the Professional Surveyor” Seminar

Presented by Larry Phipps, PS

Vincennes University—8:00 AM

July 19—Thursday

“Successful Section Corner Perpetuation” Seminar

Presented by Gary Kent, PS

Hancock County Fairgrounds

July 20—Friday

Board of Registration Meeting

IN Professional Licensing Agency

July 31

Licensing Renewals

August 2012

August 18—Saturday

ISPLS BOD Meeting

ISPLS Headquarters—Indianapolis—9:00 AM

September 2012

September 14—Friday

Wabash Valley Chapter—Golf Outing

Yule Golf Course, Alexandria, Indiana

September 15—Saturday

ISPLS BOD Meeting

ISPLS Headquarters—Indianapolis—9:00 AM

January 2013

January 16-18

ISPLS Annual Convention

Indianapolis Marriott East

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Madison, WI 53708-8670

Ph: 608-249-8549

<http://www.berntsen.com/>

Harrison Marker

P O Box 66

Anoka, MN 55303

Ph: 763-421-1445

Leica Geosystem Solutions Center

2942 Century Place

Costa Mesa, CA 92626

Ph: 714-546-0606

<http://www.leica-geosystems.us/en/index.htm>

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Positioning Solutions Company

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Indianapolis, IN 46226

Ph: 317-542-7673

<http://www.1psc.com/>

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Indianapolis, IN 46216

Ph: 800-533-2280

<http://www.seilerinst.com/>

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Tucson, AZ 85726-6356

Ph: 520-622-6011

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Trimble Survey Division

10355 Westmoor Dr., Ste 100

Westminster, CO 80021

Ph: 720-587-4487

<http://www.trimble.com/survey/>

*Please visit the following web link to view
a list of the most current and up to date events:*

<https://m360.ispls.org/calendar.aspx>

ISPLS FIRM MEMBERS



Bryan J. Moll, LS
Department Manager

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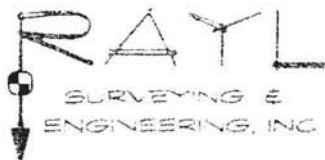
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