

HOOSIER SURVEYOR

August 2023

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Cover Image

As part of their 2023 Capstone project, Cincinnati State University land surveying students Micah McCain (instrument) and Noah Bonecutter (notes) work on a 1.4-mile three-wire level loop along rural Big Bone Church Road near Union, Ky. Members of the class also created an interactive map of headstones in the Big Bone Baptist Church cemetery that dates back to the early 1840s, helping the congregation maintain burial records. (Photo provided by the 2023 capstone class).

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President's Message

Vincent Barr, PS, ISPLS President

WHO IS QUALIFIED TO BE A SURVEYOR?

"Surveyors should show the location of fences or structures encroaching upon written title lines. Surveyors do not determine who has ownership of an encroached area." - Brown, Curtis M., et al. *Boundary Control and Legal Principles, Third Edition*. John Wiley & Sons, Inc., 1986.

It was ingrained in me early on that Surveyors don't determine where "property lines and corners" are...only a judge can do that. Whether or not you agree with me is a discussion for another time, that rightly so should happen. As Surveyors, we follow in the footsteps of those before us and try to perpetuate what they have done. All while fully understanding that if we accept his/her writings and results, we're also accepting their liability.

We do our research, reconnaissance, jot down numbers in a little book that don't match the numbers on the map, calculate, monument, and publish our results. And this is if we were lucky enough to have been selected as the low bidder after the 15 cold calls made by the client.

HALLELUJAH! HOLY SH*T! WHERE'S THE TYLENOL?

There's the fact that there are Realtors, Attorneys, GIS maps, and the lot that can determine property lines and corners for us. "You don't need a survey", they say, "The lines are right there. That fence has been there 40 years. We've known that those trees are over on us. You can see on the GIS map, the 'property line' cuts off at the edge of the driveway."

If it's all that easy, why do we need Surveyors?

We need Surveyors because it is not that easy.

Like I said in my last article, "Every time you put your stamp on something you just sit around waiting for someone to hit you with a hammer."

This is after we've been taught at school, groomed by our predecessors, received our licenses, and have done due diligence to follow in the footsteps of those before us. We have defined the deed lines on the ground so the client can build his house, fence, driveway, pond, and legacy.



All for the lowest price.

So why do we do it? It's not about the money. I do it because I love the history. I love being able to take an abstract (if I'm lucky enough to receive one) and reproduce lines on the ground as they were intended to be placed 10, 50, 100+ years ago.

Is that an original monument? Was the intent of those before us for the lines to follow this path? I do it for the satisfaction of being able to reach a conclusion.

And because I want to feel like I did the best job humanly possible with the tools provided to me at the time...a compass, a Jacob staff, and a chain; a transit and highway chain; an EDM, a Total Station, or a GPS receiver.

And we do all of this as the low bidder. We are the qualified ones.

It's been said that if you love what you do, you'll never work a day in your life.

I'm living that dream.

Cursed be he that removeth his neighbour's landmark. And all the people shall say, Amen.

Deuteronomy 27:17, KJV.





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Legal Surveys

Bryan Catlin, PS

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. Because of the recent changes to the court’s website, I use Google Scholar to search for Indiana cases. Once cases were found, I search for a case by a party’s name or case number on the Indiana site to obtain a more conveniently formatted document at www.in.gov/judiciary. Comments or suggestions for future columns are welcome by email to: Bryan.Catlin@indy.gov.

There were two Indiana Supreme Court cases touching on surveying related topics this quarter:

Ruth Anne Gregory, Jane Marie Meives, Kay E. Morken and Phillip S. Sprague v. Eileen V. Koltz, Indiana Court of Appeals Case No. 22A-MI-1106, January 31, 2023.

Here Koltz owned lakefront real estate at Lake George with an easement lying to the west. The ownership of the easement area had dropped from the Steuben County tax rolls for over 60 years and was only used as an easement when in 2014, Koltz filed a Complaint to quiet title to real estate, claiming ownership to the easement area. Because of difficulty at that time of finding

possible owners of the easement area, notice to any current owners was by publication.

When no response had been filed within 30 days of the third publication in the newspaper, the trial court entered a default judgment for Koltz which was recorded on March 2, 2015.

On November 10, 2021, going on seven years later, the Steuben Circuit Court was asked to set aside and vacate the default judgment.

The trial court denied the motion to intervene and motion to set aside and vacate the default judgment and this appeal followed.

On appeal, the court affirmed the trial court and explained why notice by publication was appropriate in this case.

Town of Linden, Indiana, et al., v. Darrell Birge and Sandra Birge, Indiana Supreme Court Case No. 22S-PL-32, March 7, 2023.

This case was at the Court of Appeals last year and the Birges petitioned for transfer which was granted. As a reminder, the prior opinion follows in italics:

Town of Linden, Indiana, Montgomery County, Indiana, Montgomery County Commissioners, Montgomery County Drainage Board, and

Montgomery County Surveyor v. Darrell Birge and Sandra Birge, Indiana Court of Appeals Case No. 21A-PL-1811, April 18, 2022.

The Town of Linden is not served by a storm sewer system. Rather, they relied entirely on an 18-inch pipe in the James Hose regulated drain originally built in 1898 as an agricultural drain and rebuilt in 1927. The drain runs from south of Linden, through town, then through the Birges’ property on the north side of town before emptying into the Stoddard Ditch. Because the drain was in disrepair, there was frequent flooding in town. Mr. Birge is a farm drainage contractor but did not connect any laterals to the drain and will not until the litigation is completed.

The County and the Town jointly worked to solve the flooding issues. Eventually a plan was approved to expand a detention area south of the town, replace the existing drain with a 42-inch drain through town, and construct a structure on the north end of town where the 42-inch pipe would empty into two 30-inch pipes to the ditch. Under this plan, the Birges were assessed benefits of \$7,679.23 and no damages.

During engineering, it was determined a 48-inch pipe could be accommodated in town, and that option was chosen for construction.

During construction, it was found that the planned enlargement of the detention area south of the town could not be made because of underground utilities, and a berm was constructed along the northern portion of the detention area to protect the Town from

a 100-year rain event. Where the 48-inch pipe split into the two 30-inch-pipes, a grated manhole was being built which the Birges complained about and also sent a formal notice of their disagreement with the design.

The Birges demanded no manholes be installed, or if they were installed, they be buried deeply enough to not impact farming of the property.

The Drainage Board asked their engineer about this, and they found that grated manhole structures were necessary due to the grade of the property and that the manholes could not be buried. The drainage project was completed in 2012.

The drainage problems in Town were solved; not even a heavy rain now causes flooding in Town, but because the two 30-inch pipes cannot accommodate the water coming from the 48-inch pipe, water overflows the manhole and runs downhill onto the Birges’ property.

Since the two 30-inch pipes are under pressure after every heavy rain, water overflows from multiple manholes onto the Birges’ property and pressurizes their drainage tiles and laterals, causing flooding and raising the water table outside the easement area for five to seven days, making farming difficult.

The Birges refused to pay their assessment and on September 22, 2014, filed an action for inverse condemnation in the Montgomery

Circuit Court.

Various legal proceedings have continued from then until the court concluded the design and reconstruction of the James Hose Drain uses the Birges' property as the overflow basin for any heavy rain, a "permanent" invasion of their property, and is therefore a taking. This interlocutory appeal followed.

The Court of Appeals found that although there is frequent flooding it is not a permanent invasion, but despite the defendants' claim, even non-permanent flooding can be a taking.

At trial, there had been evidence submitted of the highest and best use of the property as it had been platted into town lots, and the defendants objected that that was not allowed to determine if a taking had occurred.

The Appeals Court agreed but noted the possible future use had not been considered in the determination that there was a taking, only the difficulty in the current farming operations.

The Appeals Court will not reweigh the evidence that the project had caused flooding that the trial court accepted, and further noted that the trial court should limit its consideration to the impact of the flooding outside the statutory drain easement.

Thus, the trial court finding of a permanent taking was reversed and remanded with

instructions to consider factors cited in the appeal as to whether the intermittent flooding caused by the improvements to the drain constituted a taking.

The Birges petitioned for transfer which was granted to clarify the proper framework for takings claims and to address whether the drainage easement statute exempts the county from liability for a taking.

Now, the Indiana Supreme Court finds that there has been a *per se* permanent taking, both within and outside the county's drainage easement.

The trial court's order was vacated, and the case remanded to determine if the flooding constituted a substantial permanent physical invasion and the damages (if any) which includes the Birges' use of the property within the statutory right-of-way.

The trial court here seems to have thought that the Birges did not retain any right to grow crops in the drainage easement at all, so the county could damage any crop in the easement for any, or no, reason without liability, not just when the county needed to perform work on the drain.

Thomas DeCola, v. Dennis L. & Joyce J. Steinhilber and Wendell E. & Betty L. Werner, Indiana Court of Appeals Case No. 22A-PL-3049, March 20, 2023.

Here DeCola, noted as a "prolific, abusive litigant", purchased four parcels, apparently at tax sales, in November 2018. He then filed an action to quiet title on the four parcels

against dozens of named defendants in the Porter Circuit Court. He eventually filed an amended complaint seeking an implied easement of necessity to gain access to three landlocked tracts.

The Steinhilbers also eventually filed a motion for summary judgment arguing no evidence exists as to the interest DeCola is attempting to clear and that *res judicata* barred DeCola from asserting a claim to an easement of necessity since DeCola had previously sued them for that, and the claim was dismissed. DeCola had apparently not asserted what interest he was attempting to clear in two years of proceedings.

The Werners also filed a motion for summary judgment using the *res judicata* argument (basically, that you can't keep filing the same action against the same parties). The trial court granted both motions and this appeal followed.

On appeal, the judgment of the trial court was affirmed, and it was noted that DeCola was representing himself (*pro se*), but he was still held to the same standards as a trained attorney and is not afforded leniency simply because he is self-represented.

Conroad Associates, L.P., v. Castleton Corner Owners Association, Inc. and McKinly, Inc., Indiana Supreme Court Case No. 22S-PL-307 March 24, 2023.

Briefly, this case is a reminder to lower courts that you can't have proceedings

that affect something that is currently being appealed under per Appellate Rule 8.

This case began when a lift station operated and maintained by Castleton Corner Owners Association malfunctioned and flooded a building owned by Conroad with raw sewage. Conroad sued the Association in the Marion Superior Court.

After a bench trial the trial court found in Conroad's favor, and a series of three appeals followed. Basically, while a second appeal was pending, the trial court issued a series of orders adopting language proposed by the Association, and Conroad appealed again arguing the court couldn't do that with an appeal pending.

The Court of Appeals rejected that argument, and Conroad filed for transfer to the Indiana Supreme Court, which was granted.

The court now found that ordering the Conroad judgment to be satisfied by the release and payment of funds was improper while a pending appealed order would satisfy the judgment by transferring to Conroad all of the Association's assets, including the lift station, bank-account funds, and easement interests.

The case was affirmed in part, reversed in part, and remanded for proceedings consistent with the Indiana Supreme Court opinion.

Joyce Marie Clark, v. Thessalonica, Inc., Indiana Court of Appeals Case No. 22A-

PL-1254, January 31, 2023 - MEMORANDUM DECISION - not regarded as precedent.

Here, Thessalonica is developing a residential subdivision north of Clark's property. There was a 2008 drainage system installed by a prior owner of the Thessalonica tract that collected and directed water towards Clark's property.

As a part of the current development, the drainage was redesigned, but it still eventually discharged onto Clark's property. Thessalonica had contacted Clark about selling a drainage easement. Clark declined to sell an easement but was willing to consider an offer to purchase her property.

Later, a survey crew entered Clark's property at Thessalonica's direction to obtain topographic data without notifying Clark. Clark's son asked

the surveyors to leave, but they refused until a neighbor who is a policeman came over and spoke to them.

Clark hired an environmental consultant to prepare a report about the drainage of surface water onto her property, which concluded the design or construction was faulty and caused damage to Clark's property, and that documents Thessalonica submitted to the City of Indianapolis were missing details and contained incorrect analysis.

Clark filed a complaint against Thessalonica in the Marion Superior Court on July 11, 2017, alleging civil and criminal trespass from the surveyors entering her property without permission and the casting of water in a concentrated flow onto her property, among other complaints.

Thessalonica asked for a partial summary judgment which the trial court granted on the claims of civil and criminal trespass based on the presence of the surveyors on her property and on her claim for criminal trespass for casting water on her property.

Clark appealed.

On appeal, the court agreed the surveyors were on Clark's property by right (the right of entry statute), no damages were shown from their actions, and that not providing identification to the property owner did not negate the surveyors right to enter, so the civil and criminal trespass charges were properly judged. But the court did not decide if the surveyors not leaving when requested satisfied the criminal trespass threshold, because no damages were shown.

As to the casting of waters claim, the court found that there are issues of fact about whether and how the casting of a concentrated flow of water onto Clark's property has damaged Clark's land and any losses she may have suffered because of that, so that finding was reversed and remanded for further proceedings.

The court noted Thessalonica had argued one narrow version of criminal trespass that only applied to a person, but other definitions of criminal trespass would define casting of water onto another's property as a possible criminal trespass.

Billy Wilson, Sr., v. State of Indiana., Indiana Court of Appeals Case No. 22A-CR-1574, February 6, 2023 - MEMORANDUM DECISION

- not regarded as precedent.

I wouldn't usually note a case where a convicted murderer was appealing his conviction and sentencing, but, in this case from the Wayne Superior Court, Wilson repeatedly shot his neighbor who he had a "complicated" relationship with, causing his death, while a survey technician working on a boundary survey for Wilson was about forty to forty-five feet away. The judgment of trial court was affirmed. Be careful out there.

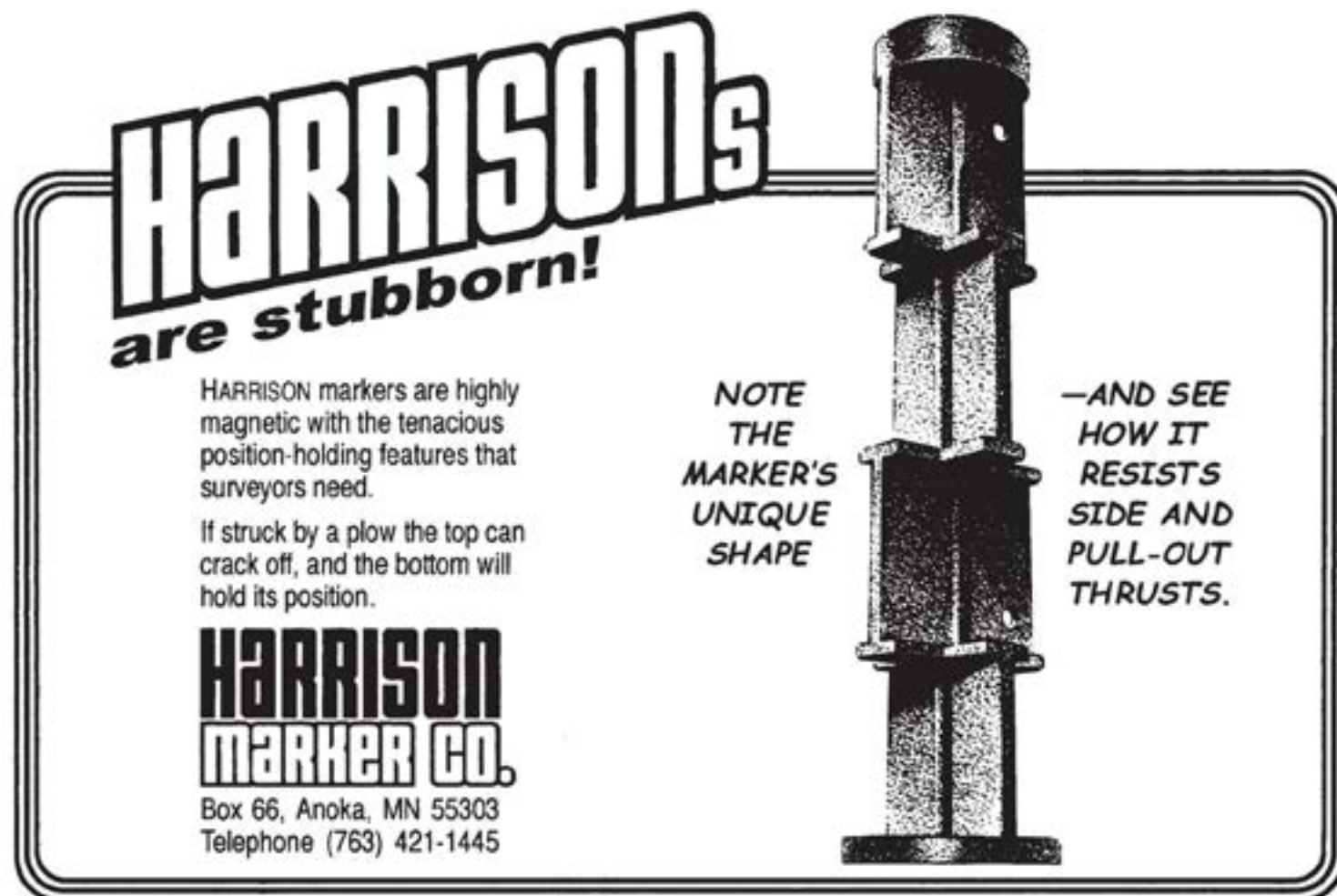
Thomas DeCola, v. Jeffrey Baker Shane, et al., Indiana Court of Appeals Case No. 22A-PL-2442, February 21, 2023 - MEMORANDUM DECISION - not regarded as precedent.

Yes, this is the same DeCola as the third opinion summary this quarter.

This case from the Starke Circuit Court shows how you can argue your case right out of court. DeCola owns about three acres without road access and filed a complaint seeking an easement to a county road against several of his neighbors.

During court proceedings it came out that DeCola had not complied with the requirements of IC 32-24-1 he was using as the basis for his claim.

In short, although the law was designed for people who have been unable to agree for the purchase of property or if the owner was mentally incompetent, underage, etc. it turned out the DeCola had sued multiple defendants without providing an out of court notice of his demands.



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So, the first time his neighbors found out he was trying to get an easement was when he hauled them into court. The trial court dismissed DeCola's complaint with prejudice for failure to state a claim upon which relief could be granted.

The appeals court, while noting several omissions to DeCola's pro se filing required by Indiana Appellate Rules, affirmed the trial court judgment, even under a less stringent standard of review since the defendants had not filed an appellees brief.

Vosetat, LLC, v. Swati Singh and Samuel H. Bullard, Indiana Court of Appeals Case No. 21A-PL-888, February 28, 2023 - MEMORANDUM DECISION - not regarded as precedent.

Here Singh and Bullard are both dentists who live on a six acre parcel in Zionsville. Access to their home is over a ten foot wide private road (formerly North Willow Road which had been vacated).

Vosetat is a limited liability company formed by Marylinda Gossweiler, the prior owner of the Vosetat property in 2019. Gossweiler is also the manager of Vosetat. Vosetat's property is about twenty-four acres on the east side of the private road. The private road is centered in a fifteen foot easement that generally runs along the common property line.

In 2002 while Gossweiler owned the Vosetat property, prior owners of the Singh/Bullard property, the Schmidts, entered into a driveway

agreement defining the easement area and in 2003 approached Gossweiler about installing a gate over the private road, because of security concerns and the public still driving down the now private road, either by mistake, or for other purposes.

Gossweiler agreed, and the Schmidts paid to have the gate installed and gave Gossweiler the gate code.

In August of 2018 Singh and Bullard purchased their property from the Pingels, who had in turn purchased it from the Schmidts. The Pingels changed the gate code in 2016 (and provided the new code to Gossweiler) when they moved to the property. Vosetat decided to sell the property and Gossweiler gave the real estate agent the gate code (the code the Pingels had set in 2016). The real estate agent was unable to open the gate. Gossweiler, who was living in Colorado, and the real estate agent tried contacting Singh and Bullard's real estate agent.

Gossweiler, who had not met them, also found online information about Singh and Bullard's two dental offices, and left several messages on June 11, 2019 to call her about an important matter. That evening Singh returned her call and left a threatening voicemail stating that prior owners had warned them about her, to stop calling their dental offices, and to stay away from them or Singh would shoot.

Gossweiler reported the voicemail to the Zionsville Police Department which

wrote an incident report. Vosetat, through counsel, sent a demand letter stating Vosetat had discovered that Singh and Bullard had erected a gate on the easement property preventing access to part of the Vosetat property and demanding the immediate removal of the gate.

When Singh and Bullard completed some house renovations, they changed the gate code on July 29, 2019 and gave the new gate code to Gossweiler within twenty-four hours of changing it. On August 1, 2019, a landscaper hired by Singh and Bullard, trimmed some tree branches and vegetation on their property.

While he was doing that, the landscaper also noted overgrown grass and vegetation on the east side of the road which was Vosetat property. He trimmed some of that grass and overgrown vegetation but did not cut or remove any trees on the east side of the road and did not touch or tamper with a wire fence on the Vosetat property. The trimmed overgrowth was temporarily staged at the far southern end of the private road on the Singh/Bullard property.

On August 4, 2019, the landscaper moved the trimmings onto the Singh/Bullard property on the west side of the road and mulched them the following day. On August 2, 2019, Gossweiler used the new gate code and drove on the private road to an undeveloped part of the Vosetat parcel.

Gossweiler saw the pile of trimmed overgrowth and called the Zionsville Police alleging Singh and Bullard had engaged



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in criminal mischief and damaged her vegetation and fence. A police officer noted in the report that some of Voseat's vegetation had been cut down to the wire fence over approximately 850 feet.

In August of 2019 Singh and Bullard's attorney sent a letter to Voseat's attorney pointing out that they had not erected the gate, it had existed prior to their ownership, that installation of the gate was part of the parties' obligations to maintain the easement property and that the removal of brush from the easement property was part of the required maintenance in the driveway agreement.

Additionally, the letter stated, some brush may have been cut back by prior owners. The letter demanded Voseat reimburse Singh and Bullard for \$2,495.50, half of the \$4,991.00 Singh and Bullard had spent on maintenance of the easement property. Voseat refused to pay.

Gossweiler filed for a protective order against Singh in August 2019 and a month later Singh file for a protective order against Gossweiler. Both petitions were denied in October 2019.

In January 2020, Voseat filed a complaint in the Boone Superior Court, making six claims: (1) breach of contract, claiming the driveway agreement was breached by Singh and Bullard refusing to provide Voseat with the gate code, preventing access to the southern part of the Voseat property when Singh and Bullard had vegetation

destroyed on Voseat's property and had it piled on the private road; (2) trespass, claiming unauthorized access to the Voseat property and destroyed vegetation and a fence on the Voseat property while alleging the value of the destroyed vegetation was over \$22,000 and the replacement value of the fence was over \$12,000; (3) criminal mischief, by damaging Voseat's property; (4) criminal trespass, by intentionally interfering with use of the Voseat property between February and July of 2019 by withholding the gate code, maintaining a gate on the easement property, and destroying vegetation and a fence; (5) declaratory judgment, asking the court to declare the driveway agreement did not permit a gate to be erected on the private road and that Singh and Bullard do not have right to maintain a gate on the easement property; and (6) injunctive relief, asking for a mandatory permanent injunction compelling Singh and Bullard to immediately remove the gate.

In March 2020, Singh and Bullard filed a counterclaim which raised three issues: (1) breach of contract, alleging Voseat had breached the driveway agreement by failing and refusing to fulfill its joint obligation to maintain the private road and easement property (by not reimbursing the \$2,295.50 for their joint maintenance obligation); (2) declaratory judgment, seeking a declaration Voseat had a contractual obligation to pay half the expenses of maintaining the private road and easement property; and (3) frivolous litigation, by which Singh and Bullard would be entitled to an award of

attorney fees.

In July 2020, Singh and Bullard filed a motion for partial summary judgment, seeking summary judgment on all six of Voseat's claims and on claim two of their counterclaim.

Several affidavits were filed, including two by the prior owners of the Singh/Bullard property, which mostly supported Singh and Bullard's position. Schmidt averred that after he and Gossweiler had entered into the driveway agreement, members of the public had continued to drive on the private road to visit a former bridge site, hunt, and engage in illegal activities or recreational activities.

Schmidt indicated the installation and maintenance of the gate on the easement property was necessary for the safety of his household and to maintain the private road consistent with the driveway agreement by eliminating trespassers from accessing the driveway, resulting in improved safety and security, and contributing to the maintenance of the driveway by reducing excess and abusive use.

Schmidt stated after Gossweiler had agreed to the installation of the gate, he had paid for the installation and given Gossweiler the access code. He also stated that Gossweiler never protested the gate or asserted the driveway agreement prohibited its construction or maintenance.

Pingel stated that when she lived there,

vegetation and overgrowth on Gossweiler's side impeded the fire department's ability to drive its engine back to the residence on the Singh/Bullard tract and that Gossweiler had been displeased when the Boone County REMC had trimmed overgrown vegetation and removed trees on Gossweiler's side of the private road.

In December 2020, Voseat filed a cross-motion for summary judgment on all six of their claims and all three claims in Singh and Bullard's counterclaim arguing among other things that because the gate was not specifically referred to in the driveway agreement, Gossweiler had granted Schmidt a revocable license to erect the gate that Voseat had revoked by its June 2019 demand letter.

After quite a bit of proceedings back and forth, the trial court eventually entered a final judgment which granted Singh and Bullard's, and denied Voseat's, summary judgment motions on all six claims in Voseat's complaint.

On Singh and Bullard's three counterclaims, the court denied Voseat's summary judgment motion on counterclaim one (breach of contract), granted partial summary judgment to Singh and Bullard and denied summary judgment to Voseat on counterclaim two (declaratory judgment), and granted partial summary judgment to Voseat on counterclaim three (frivolous lawsuit).

The court concluded there was a genuine

issue of material fact that the cost and work performed was necessary to maintain the driveway related to counterclaim one and that in relation to counterclaim two, Vosetat had a contractual obligation to pay for half of the necessary expenses incurred to maintain the driveway, but that Singh and Bullard were solely responsible for the cost and maintenance of the gate. Vosetat appealed.

On appeal, the judgment of the trial court was affirmed.

Hoagland Family Limited Partnership, v. Town of Clear Lake, Indiana Court of Appeals Case No. 22A-PL-631, March 23, 2023 - MEMORANDUM DECISION - not regarded as precedent.

This is a long running case from the Steuben Circuit Court where Hoagland has repeatedly attempted to avoid connecting three parcels to the Town of Clear Lake's sewer system including two previous appeals.

Now Hoagland has been found in contempt for missing a court ordered connection date of November 17th, 2021 at 5:00 p.m. and fined \$19,920 - \$80 for each parcel for the eighty-three days Hoagland was in contempt – to be subject to remission should Hoagland successfully comply with the connection order.

Hoagland appealed for a third time and the appeals court affirmed the trial court acted within its discretion when it found Hoagland willfully disobeyed its connection order.

Bryan F. Catlin, PS, 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.

Cincinnati State 2023 Capstone Class Returns to Big Bone Baptist Cemetery

In 2022, Big Bone Baptist Church (B3) and students from the Cincinnati State Technical and Community College land surveying program began a project to better understand and document the B3 church cemetery, which has existed at the site near Union, Ky., since the early 1840s. Members at the church have carried the history of the church and cemetery forward for generations, and there is a renewed drive within the congregation to fully understand, manage and preserve the cemetery, both for the history it contains, as well as to honor those buried there and to create a welcoming and peaceful environment for visiting family and friends of the deceased.

The team of students — seniors in the surveying program conducting the work for the church as their capstone project — worked to accomplish several goals: to perform a boundary retracement for the approximately 18-acre site owned by B3; to conduct a topographic survey of the oldest section of the cemetery; and to make an inventory of the headstones on the site, for the purpose of providing general location information of each stone and the person it memorializes, as well as to supplement existing records maintained by the church.

At the culmination of the project, students presented their efforts and results to the congregation and other interested parties in the community. A video of the students' presentation in 2022 is on [YouTube](#), and a report on the 2022 project appeared in Volume 49, Issue 3, pages 16-18, of the Hoosier Surveyor.

In January 2023, a second capstone class from the Cincinnati State land surveying program returned to B3 to pick up where the class of 2022 left off, and to close the project out for the church. Goals this year were the same as before, including the boundary work to give this year's class the chance to work through the metes and bounds descriptions and try to make sense of the records.

The primary difference this year was the area of the site for the topographic survey. The previous class had focused on a several-acre portion of the cemetery across Gum Branch Road from the current church building, but the class this year aimed to collect topographic information and all the headstone/burial details in the area south of the church and west along the loop drive.

The process was like last year but was conducted independently of all the work previously done. The first time the class met together was at Big Bone Baptist Church on the morning of January 20, 2023.



Members of Cincinnati State 2023 capstone class made their formal project presentation on May 5. From left are Micah McCain, Will Zwick, Chance Moore, Clint Lutz, Douglas Bennett, Noah Bonecutter, Maximilian Paul and Alex Miller.

Joined by professors Jim Decker, PS, and Carol Morman, EdD, PE, PS, of Cincinnati State, the capstone class was introduced to the project site and specifics in a brief presentation compiled and given by Lisa Anglin, herself a member at B3 and the point person for all the work being done at the cemetery. She explained the reasons for the work — how due to a series of unfortunate circumstances, many of the original documents, notes and records of the cemetery had been lost in a fire — and went on to share her knowledge of the people buried at the site (including her parents).

Of particular interest, Anglin shared her belief that there were unmarked graves of enslaved people in several areas of the property. The class last year had the site scanned with ground penetrating radar (GPR) to delineate those areas within their project's extent. This year's class would have the same in their portion of the site and would document any findings on the final plat. After the presentation and brief walk around the apparent boundary led by Professor Decker (it was a breezy 34 degrees that day), the group began to lay out the weeks ahead and formulate a plan to meet their objectives.

In the second week, the class worked through the process of drafting a contract for the work to be done and reconvened at the Boone County Clerk's Office to begin the process of deed research. The church property itself consists of five tracts of land (and a potential sixth tract



Yellow solid lines include Big Bone Baptist Church property near Union, Ky., as well as Cincinnati State 2022 and 2023 capstone project sites. Big Bone Church Road makes a sweeping turn to the west around the north side of the project area. Gum Branch Road branches off toward the south through the 2022 Survey area.

with unknown ownership) with a right-of-way for Gum Branch Road bisecting the property. It currently shows as two parcels in the county GIS, which provided an excellent starting place for deed research, but students learned quickly that the neat linework of the GIS was far more nicely arranged than the tracts described in the deeds themselves.

The process of drafting a working graphical abstract to represent the site and its adjoiners proved to be challenging and required several repeat visits to the clerk's office in search of more answers. In addition to the deed research, the class was fortunate enough to have Edwin Kirkpatrick — a seasoned professional land surveyor in Kentucky, who had himself performed a boundary retracement at the church property in 1991 — come and speak about the work that he performed, the records he consulted, as well as his personal knowledge of surveying work in regional cemeteries throughout his extensive career.

Once a rough graphical abstract was assembled, students spent the next several weeks establishing control throughout the B3 property. The process began with a three-wire level loop, which ran a total distance of approximately 1.4 miles from a Northern Kentucky Control Network benchmark disc west down Big Bone Church Road, back up the road to a found iron pin at the front of the church property.

The loop to the site closed with a $-.05'$ error, which was acceptable for this project. While this loop was being performed,

other students from the group, using the graphical abstract as a guide, searched for monuments along the church boundaries with a metal detector and shovel.

Once the initial monument reconnaissance was completed, students began the process of laying out the traverse network for horizontal control through the site. In a bid to save time and, perhaps more importantly, provide everyone in the group with something to do, the traverse itself was run in two separate halves, with two groups beginning at the same point, then proceeding in opposite directions around the site, working through traverse



Searching for monuments along the Big Bone Baptist Church boundaries with a shovel, metal detector and graphical abstract are students (from left) Douglas Bennett, Clint Lutz and Will Zwick.

points until the two crews met again at a common point in the rear of the site. Once the process of working through the traverse and computing misclosure was complete (misclosure obtained was $1:23728.61$, which was acceptable for this rural Kentucky project), students returned to the cemetery to begin topographic data collection and come up with a method for documenting all headstones in this year's area of the site.

A second three-wire loop was run (by different students than the first) to bring the leveled elevation from the front of the site to the back and the area to be topographically surveyed this year.

A misrecorded sideshot led to the need to redo this second loop, and on the second attempt the obtained misclosure was $.04'$, again, acceptable for the work being done.

While two groups of students proceeded with data collection using Trimble S3 Robotic Total Stations, the rest of the students flagged and labeled existing rows of headstones.

Then began the task of handwriting notes documenting everything shown on each headstone, and assigning an alphanumeric name (for example, the first headstone of row 1 was to be documented as headstone 1A, then 1B, 1C, and so on) to each.

Faced with rain and the overwhelming number of headstones to record, the initial handwriting approach was scrapped and replaced instead by students taking photos of each stone. Photos were then uploaded into a shared folder, and as time allowed, students would read and transcribe all listed information from the headstone photos into an Excel file.

Data points from the topographic surveying were brought into Civil 3D, and a surface of the 2023 project site was created, using manually-created breaklines to delineate tops of bank, toes of slope, edges of pavement, retaining walls, etc. Additional planimetric features such as fence lines, tree or woods lines, and parking lot striping were drawn into the file, but did not factor into the surface creation.

The students also created description keys and a code list for data points collected in the field this project, as well as point groups in the drawing file, and those keys and point groups were used to populate symbols on the site plan.

While this drawing was being compiled, other students in the class entered the headstone information into the Excel spreadsheet. In subsequent field days, a data point was collected at each headstone in the cemetery, with the topo point number appearing in the drawing file matching a column in the Excel table to link the two.

As a final step, each photo taken of the headstones was renamed to match the data point number.

As the project deadline drew close, students were connected through professor Decker to adjunct professor Lydia Thacker, a retired professional land surveyor and an expert in GIS software. Familiar with the project, Thacker helped the students to create a QGIS database for all the data and photos from the capstone class.

QGIS, free to download and use, and offering cross-platform as well as mobile capability, presented a unique opportunity for the data of the capstone class to be displayed and given into the hands of Anglin and the Big Bone Baptist Church.

As part of the final deliverable, a QGIS map, displaying interactive headstone symbols linked directly to the Excel spreadsheet and headstone photos, was compiled for transfer to the Big Bone Baptist Church computer network.

Thacker will work with Anglin and others at the church in the coming weeks to further explain the program and equip the church to be able to maintain and modify the

cemetery dataset, so that moving forward, all pertinent records can be backed up and maintained in-house by the church, without need for an outside consultant or expensive record-keeping subscription service.

As students tied up remaining field work and began writing up a report of the project and preparing for the final presentation, the capstone class was joined by a group from Surveying and Mapping (SAM) for a day of field exercises and demonstrations.

The technicians and surveyors from SAM brought a GPR unit, a terrestrial scanner, and a drone system equipped for survey by photogrammetry.



Topographic data collection, including photos and handwritten notes, documented all the headstones in the 2023 survey area of Big Bone Baptist Church Cemetery.

These technologies are rapidly increasing in use in the surveying industry, and the visit from SAM afforded the capstone students a hands-on and first-person experience with some of what these systems are capable of. SAM was not there purely for “show-and-tell,” however; data collected during the demonstration was used as a check for and, in the case of the GPR unit, complement to the data acquired through more conventional methods by the capstone students.

The 2023 capstone project concluded May 5 with a formal presentation of the project from start to finish for members of the church, professors, and interested members of the public.

Students prepared an hour-long walkthrough of the entire semester’s efforts, as well as a final plat, a page displaying the acquired topographic information, and a reference sheet displaying the headstone data points as located. Additionally, a new legal description for the boundary as determined by this year’s class was put together.

The presentation, as well as printed and digital material and a binder documenting all the work, will be kept as a record by the Cincinnati State land surveying program, and will be looked over by Tom Bushelman, a land surveyor registered in Kentucky who helped to connect Cincinnati State with B3. Bushelman plans to set monuments and record a new plat of survey for the entire church property, based on the work done by the two capstone classes.

The 2023 capstone students were excited and honored to take part in this unique project and are sincerely grateful to Big Bone Baptist Church, and particularly Lisa Anglin, for this opportunity to work through a real project from beginning to end, as they prepare to graduate and continue the process toward licensure as professional surveyors.

This project was completed as part of the requirements of the Bachelor of Applied Science Degree in Land Surveying at Cincinnati State. The Surveying Capstone course is one of the final courses that students in the program take to show their proficiency in land surveying before graduation.

Carol Morman, EdD, PE, PS, is program chair and a professor in land surveying at Cincinnati State. She is a licensed land surveyor in Ohio and Indiana and a licensed civil engineer in Ohio, Indiana, and Kentucky. Jim Decker, PS, is a professor in land surveying at Cincinnati State. He is a licensed land surveyor in Ohio.

This article and the images were provided by members of the 2023 capstone class.

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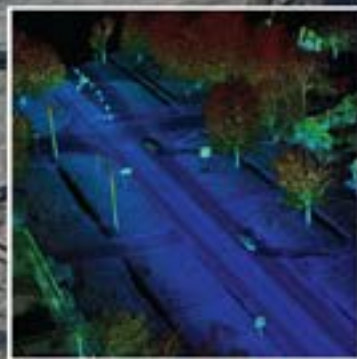
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Let's Call it a Career

Laurice Yanar
Surveying And Mapping, LLC (SAM)

Loren Stackhouse, PS, Staff Surveyor in our Elkhart, Indiana, office, retired June 28 after 60 years in the profession.

He started working for Brady Land Surveying and stayed with the company after it became Marbach & Brady Land Surveying and Marbach, Brady, & Weaver, Inc., and then still as it became SAM Companies.

Loren began his surveying career with an education at Purdue University, working summers in the field and earning his Bachelor of Science in Engineering. He acquired a position with Brady Land Surveying right after his graduation in 1963. In 1970 he became a Registered Professional Land Surveyor in Indiana.

With over 46,000 drawings on file in the office, not including the ones after the acquisition, Loren leaves a legacy of boundary surveys, topographic surveys, land title surveys, location reports, route surveys, utility surveys and elevation reports.

In his career he has overseen document research for land surveying and engineering projects and has consulted on monumentation and accuracy of deeds and records.

He was also an active member of the Indiana Society of Professional Land Surveyors and the American Congress on Surveying and Mapping.

During his long tenure Loren cannot point to just one great achievement in his career, but instead speaks highly of the people he worked with.

"Every job is different. It sounds cliché, but it is true. What always remained the same were the great people I met along the way. That is what



"If you don't like opening the office door in the morning, you need to find another door."

-Loren Stackhouse

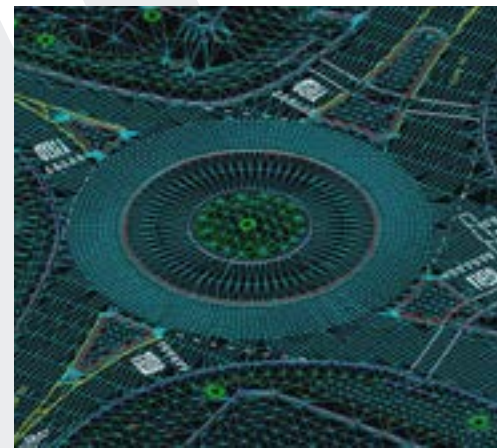
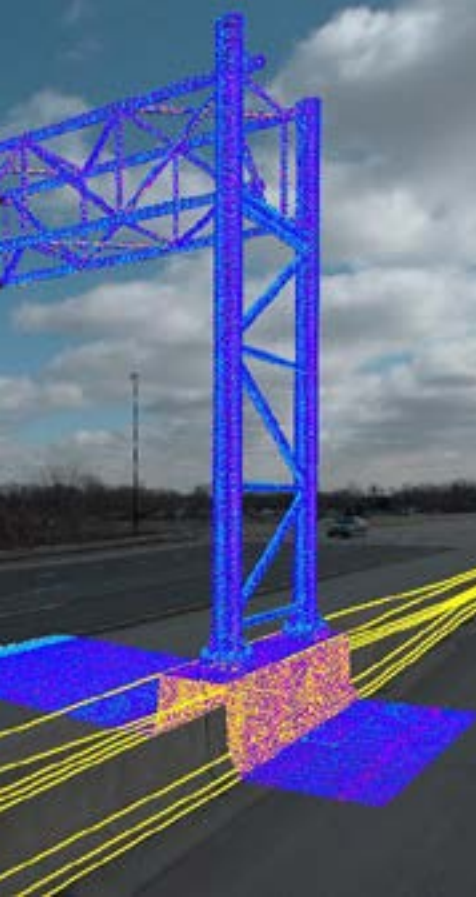
I take away with me. I want to thank them and call it a career," he said.

Loren's experience and expertise leave him with advice to pass on to the next generations. He believes research is the answer to many problems, and the best thing you can do in your job is show up every day and treat people well, but he also believes that if you do not like opening the door in the morning, you need to find another door.

He got married in 1963, meaning his 60-year retirement comes with another milestone — his 60th wedding anniversary. He looks forward to spending more time with his family, two children (two children-in-law), three grandchildren, and some "adopted" great-grandchildren from the neighborhood who visit his house and garden, where they pick raspberries in the summer.

He also plans to travel and visit some national parks with his wife, but mostly he will appreciate not having to wake up at 4:30 a.m. to go to work.

In admiration of the devotion to his trade, we congratulate and thank Loren for a remarkable 60 years.



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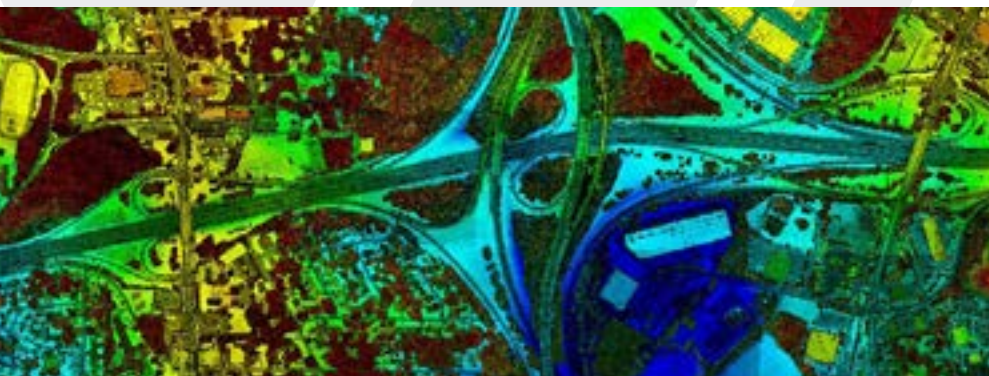
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Remembering Our Members

Donn Michael Scotten, 74, Indianapolis, passed peacefully May 31 at home with his beloved wife, Chris.

Donn was a Professional Land Surveyor and was a founding partner of Certified Engineering before launching his own Indianapolis business, Benchmark Surveying. Most recently, he had served as Director of Surveying for Axis Surveying.

He was a graduate of Purdue University, where he acquired an associate degree in aviation maintenance technology before confronting a difficult job market in the aviation industry of the 1970's. As the son of a Professional Engineer and Land Surveyor, Donn returned to Purdue and earned a Schools of Engineering bachelor's degree in Land Surveying.

Donn met Chris at Bishop Chatard High School, where they were high school sweethearts. They were married 51 years, and their union was blessed throughout by the close-knit nature of their extended family.

Dubbed "Uncle Fun" by his nieces and nephews, Donn always turned their extended family gatherings, trips and vacations into adventures with thoughtful and generous contributions designed to make sure everyone had a good time. Not one to spare an expense when family fun was at stake, he once bought a boat during a group vacation to Lake Wawasee after his own boat broke down and emergency repairs were unavailable.

Donn was an avid golfer who enjoyed countless outings with like-minded friends and family. He was especially fond of his regular brothers-in-law-only weekends that featured golf as the highlight of their fun-filled recreation.

One of Donn's favorite pastimes was tinkering in his garage under the close supervision of his three dogs, Bell, Spike and Quinn. He was meticulous in his work with his precious tools and equipment, and



Donn Michael Scotten
May 25, 1949 - May 31, 2023

he was a perfectionist when it came to his many projects, sometimes to the dismay of wife Chris, who always gave him a deadline. Donn was never in a hurry; he was certainly blessed with the gift of patience.

Donn could also be counted on to lend a helping hand with others' projects. From airplanes and cars to home maintenance and all things in between, he loved sharing his knowledge and always had the right tool for the job or knew where to get it.

Donn was born May 25, 1949, to the late Elvan F. and Katherine R. Scotten. Survivors include spouse Christine Hurrle Scotten; children Eric M. Scotten (Alyssa), Suzanne C. Platt (Andrew), Stephanie A. Gallagher (Colin); grandchildren Oliver, Elliot, Owen, Charlotte, Fletcher, Everett, Graham; siblings Christine Bordenet (Daniel) and Daniel Scotten (Susie).

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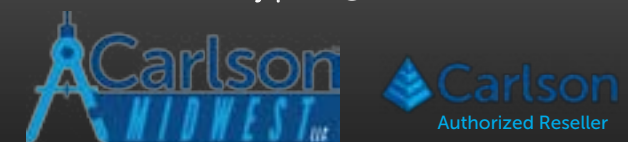
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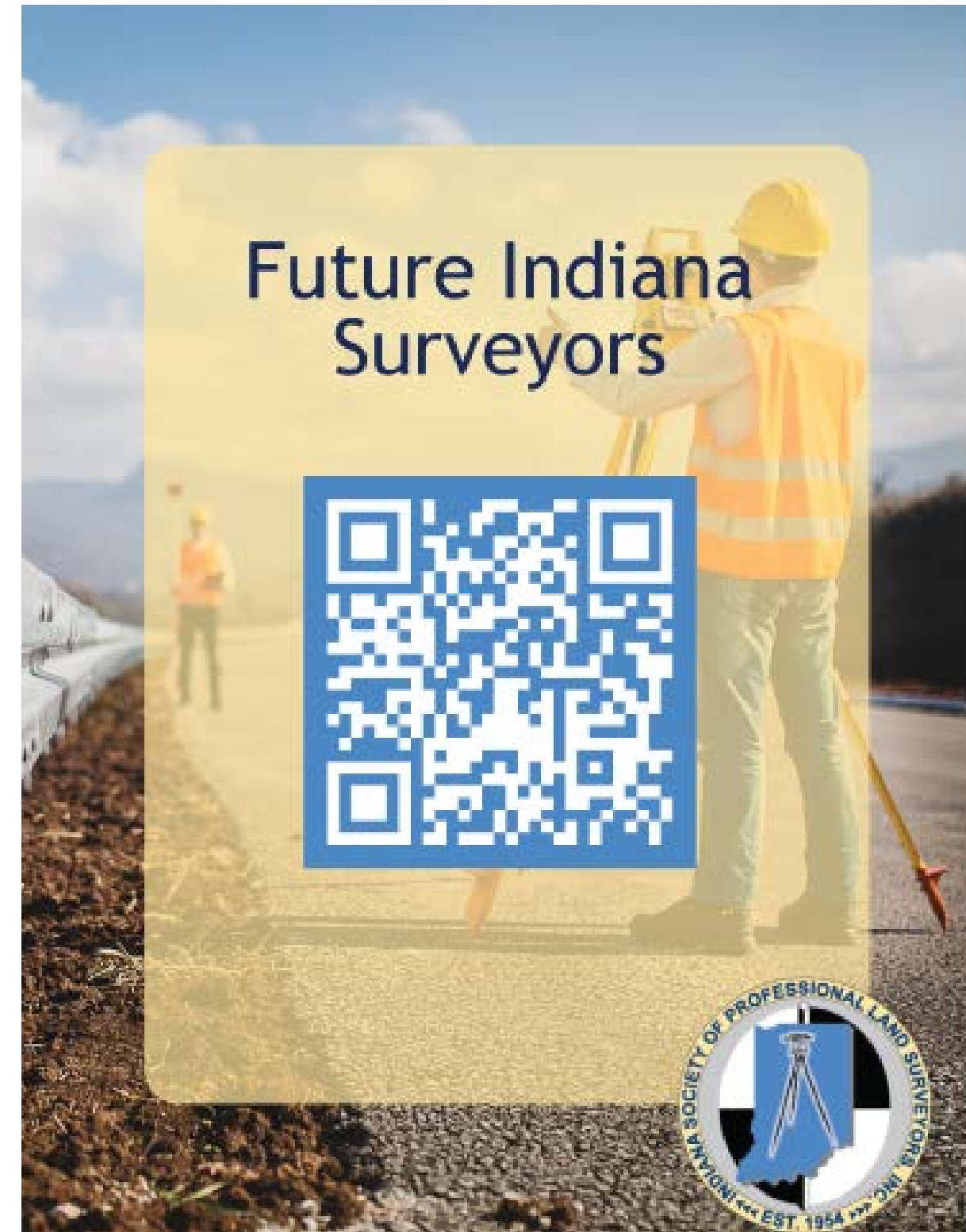
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- Ep. 8 Feb. Board Recap, March 2023
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