

## Did You Know: What is Meant by Intelligent Interpretation?

In his classic text, “Writing Legal Descriptions,” Gurdon H. Wattles says that a written land description must stand on its own in order to satisfy the requirement for *sufficiency*<sup>1</sup>. This means that in order to be sufficient from a locative standpoint, a land description must be capable of being located on the ground without having to resort to oral testimony for clarification. Since a boundary survey is the physical manifestation of a written land description, it follows that this same standard should apply to recorded survey documents as well. A survey meeting this standard should include information that is *sufficient* to facilitate accurate retracement by a competent authority, *and also* include information that is *sufficient* to communicate how and why the boundaries came to be located as shown, *without having to resort to oral testimony for clarification*. In other words, boundary surveys should Stand Alone.

The Survey Recording Act, at RCW Chapter 58.09.060, addresses this issue by specifying what information needs to appear on a boundary survey. This includes, among other things, information regarding:

- All monuments found, set, reset, replaced, or removed, describing their kind, size, and location and giving other data relating thereto
- Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow
- Name and legal description of tract in which the survey is located and ties to adjoining surveys of record
- Any other data necessary for the *intelligent interpretation* of the various items and locations of the points, lines and areas shown

The first three bullets above describe technical information, the meaning of which is well understood. However, it is fair to state that the term *intelligent interpretation* in the fourth bullet is less than clear. This is unfortunate, as the data necessary for the intelligent interpretation of a survey is a core component of a survey that can stand on its own—yet until recently, the term has remained undefined.

As of January 13, 2019, this term is defined as follows in the Survey Standards WAC at 332-130-020(11):

- **Intelligent interpretation:** A land boundary survey capable of intelligent interpretation will provide, either on the face of the document or by reference to other pertinent surveys of record, information that is sufficient in kind and quality to explain the rationale for the boundary locations shown thereon and to allow for the accurate and unambiguous retracement or re-creation thereof without requiring oral testimony for clarification. Includes, but is not limited to, information required in RCW [58.09.060\(1\)](#) and WAC [332-130-050](#)

Providing citations to pertinent documents of record on the face of the map can help a survey stand on its own, but this device alone will not always be adequate, because referenced documents may not always include the rationale that led to the boundary locations shown on them. Hence the need for explanatory text on your survey. Statutory and regulatory obligations aside, it is important to provide sufficient documentation for the surveyors who might follow in order to promote boundary stability. The best way to do that is to disclose what was done and why, on the face of your survey. Ask yourself

this: If your survey cannot stand on its own, how well will it stand in Court?