



Vermont Secretary of State
Office of Professional Regulation
Board of Land Surveyors
VT State Jurisprudence Exam

EXAM #1

Directions and Information:

1. This is an Open Book examination.
2. Questions 1-29 are multiple choice questions. Each question is worth two (2) points.
3. Questions 30-34 are multiple choice questions. Each question is worth three (3) points.
4. Questions 35-37 are multiple choice questions. Each question is worth five (5) points.
5. Question 38 is a four (4) part multiple choice question. Each part is worth three (3) points for a total of 12 points.
6. Once you have completed the exam and answer sheet please upload only the answer sheet to your online application.

Vermont State Jurisprudence Exam Study Material References

The Vermont Land Surveyor State Jurisprudence Exam has questions from the following references:

- Vermont Statutes and Rules
- Early Vermont History
- Vermont Case Law
- Vermont Survey Law
- Early Vermont History
- Brown & Eldridge
- Brown Robillard and Wilson
- Black's Law Dictionary

Land Surveyor State Examination Answer Sheet
(# 38 - 12 point) (EXAM #1)

Candidate Name: _____ Today's Date: _____

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Corrected by:	Grade:
Date	Pass / Fail

Vermont State Specific Exam (12 Point Exam)

- (1) A "Straw-Deed" is:
- A. A deed to land the grantor doesn't own
 - B. A deed from one spouse to another
 - C. A deed granted to a third party to avoid a direct grant between parties
 - D. A deed which lacks all the appropriate signatures or is not properly witnessed
 - E. A colloquial term for a quit claim deed
- (2) The burden of proof to show by a preponderance of the evidence that a licensee has engaged in unprofessional conduct shall be on the:
- A. Licensee
 - B. State of Vermont
 - C. Superior Court
 - D. Board of Land Surveyors
 - E. Complainant
- (3) What does the term "thrown up", as used in Vermont, relate to:
- A. Taking of land by eminent domain
 - B. Abandonment of land
 - C. Measurement of stream banks
 - D. Discontinuance of a roadway
 - E. Discontinuance of a surveyor's license
- (4) A recent senior deed conveys a parcel 300 feet wide on the North side of a stone wall. A new and solid fence is found parallel with and 290 feet northerly of the stone wall. Where is the record boundary?
- A. Along the new fence
 - B. 300 feet northerly of the stone wall
 - C. It depends on who built the fence
 - D. There is not enough evidence to say
- (5) Which is not a form of evidence used by surveyors to locate property-lines:
- A. Physical objects
 - B. Payment of taxes
 - C. Written documents
 - D. Senior rights
 - E. Maps & historical facts
- (6) When there is a conflict between record monuments and record measurements:
- A. Distances will control over bearings
 - B. Bearings will control over distances
 - C. Monuments will control over measurements
 - D. Measurements will control over monuments

Vermont State Specific Exam

(7) A land surveyor completing a property survey with a plat in Vermont is required to:

1. Prepare a survey abstract
2. Compare the record evidence to the physical evidence
3. Set monuments when needed to perpetuate the survey
4. Talk to all abutting property owners
5. Show visible encroachment

Answers: (A) 1, 2, 4, 5
(B) 1, 2, 3, 5
(C) 1, 4, 5
(D) all of the above

(8) What is the maximum civil penalty, per occurrence, that can be levied against a person who claims to be a land surveyor, but is not duly licensed?

- A. Imprisoned for three months
- B. \$1,000 civil penalty
- C. \$500 civil penalty
- D. "a" & "b" above
- E. "a" & "c" above

(9) In a deed description a bearing is recited as "by the needle". This bearing is in reference to:

- A. True North
- B. Magnetic North
- C. Grid North
- D. Astronomical North

(10) A class four (4) highway:

- A. Is a private road
- B. May require public maintenance
- C. Has been discontinued
- D. Is a trail

(11) Which of the following best fits the definition of land surveying in Vermont:

- A. Determining the proper location of topography and property boundaries
- B. Determining ground elevations, locating property boundaries and setting monumentation
- C. Surveying for boundaries, grading and street layout and locating minor structures within a subdivision
- D. Determining the proper location for monumentation of property boundaries and establishing that monumentation
- E. Determining the proper location for monumentation of property boundaries, and preparation of assessment maps and of conveyance provisions

Vermont State Specific Exam

- (12) The Vermont minimum standards require that the responsible surveyor prepare:
- A. A survey abstract
 - B. A marketable title report
 - C. An opinion of ownership
 - D. All of the above
- (13) When a land surveyor finally determines that a legally defensible opinion of a boundary location cannot be reached he/she shall:
- A. Contact the surveyor of the adjacent property to investigate their methods of boundary location
 - B. Talk to neighboring property owners to determine their opinion of the boundary location
 - C. Issue a report detailing the inconsistency
 - D. Seek an opinion of another land surveyor
 - E. All of the above
- (14) A land surveyor shall be jointly and severally liable for work performed with:
- A. The State of Vermont
 - B. The client
 - C. The corporation with which he/she practices
 - D. Board of Land Surveyors
 - E. The town in which he/she practices
- (15) The statutory time for adverse possession in the State of Vermont is:
- A. 10 years
 - B. 15 years
 - C. 20 years
 - D. 25 years
- (16) Most original town charters in Vermont originated from grants by the Vermont legislature, the governor of New Hampshire, the Republic of Vermont or:
- A. King George of England
 - B. Commonwealth of Massachusetts
 - C. New York State
 - D. Continental Congress
- (17) The practice of land surveying in the State of Vermont is declared to be subject to regulation in the public interest in order to:
- A. Provide liability for work performed
 - B. Protect the rights of the surveyor
 - C. Safeguard property and public welfare
 - D. Set standards approved by the Vermont Board of Land Surveyors
 - E. Provide protection against gross negligence

Vermont State Specific Exam

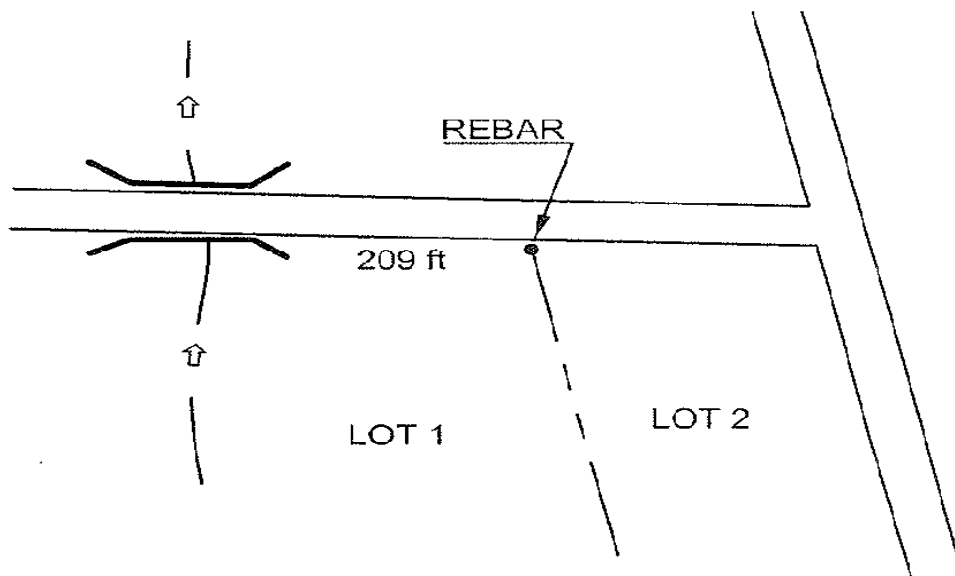
- (18) In the State of Vermont, the proper court to appeal boundary dispute cases is:
- A. Vermont Superior Court
 - B. County Appeals Court
 - C. Vermont State Appeals Court
 - D. Vermont Land Court
 - E. Vermont Supreme Court
- (19) To what point should a surveyor conduct land record research to identify the controlling description?
- A. As required by the client
 - B. To verify the names of all abutting property owners
 - C. To original subdivision
 - D. To verify clear title to the parcel to be surveyed
- (20) Navigable waters are best described as:
- A. Those which afford a channel
 - B. Lake Champlain, Lake Memphremagog and the Connecticut River
 - C. All-natural lakes, ponds and rivers in Vermont
 - D. Those which are boatable
 - E. Those which have shorelands in Vermont
- (21) A person who was licensed by the Board of Land Surveyors two years ago shall be prohibited from:
- A. supervising an applicant involved in the internship process
 - B. Preparation of subdivision proposals
 - C. Establishing permanent records in order to provide evidence for future surveys
 - D. Preparation of construction surveys
 - E. Writing legal descriptions, surveyor's reports and field notes
- (22) The right to practice land surveying in Vermont is:
- A. A personal right based on the qualifications of the individual and evidenced by a non-transferable license
 - B. A right to practice with a corporation or association for which the surveyor is not liable for the work performed
 - C. A right based on individual qualifications evidenced by exam results
 - D. A right or responsibility to protect the health, safety and welfare of the people of the State of Vermont
 - E. A personal right based upon field experience and minimum time spent obtaining such experience

Vermont State Specific Exam

- (23) In a Vermont deed description, a bearing is recited as East 25° 15' South. This bearing is the same as:
- A. North 64 45' West
 - B. South 25 15' East
 - C. South 64 45' East
 - D. North 25 15' West
- (24) If no record of a will for an estate can be located in the Town Clerk's office, a surveyor performing the survey abstract should:
- A. Assume the possessor of the estate has died intestate
 - B. Research public records in Middlesex
 - C. Research superior court records
 - D. Research probate court records
 - E. Back up the chain of title from the current time to where the title was lost and look up those names in general index as grantees
- (25) Where a boundary is established by agreement, the contract must meet the requirement of the "statute of _____?"
- A. Agreements
 - B. Boundaries
 - C. Frauds
 - D. Limitations
 - E. None of the above
- (26) Vermont minimum standards require that monuments set must be:
- A. Set at all corners
 - B. Identified with the surveyor's license number
 - C. Constructed of concrete and steel
 - D. Extended below the frost line
- (27) Vermont law states that when a surveyor enters an abutter's land, the surveyor must:
- A. "...do as little damage as possible to the owners of such land"
 - B. "...do as little damage as possible to the ad joiners' real property"
 - C. "...make payment for damages to the abutter's property to the abutter"
 - D. "...make payment for damages, in excess of \$100, to the abutter's property to the abutter"
 - E. "... Leave the land in the same condition as it was when entered upon"
- (28) A licensed land surveyor may no longer practice for:
- A. Failure to practice competently
 - B. Conviction of a felony
 - C. Failure to pay renewal fee for license
 - D. A and C above
 - E. A, B and/or C above

Vermont State Specific Exam

- (29) According to Vermont State Statutes a Surveyor's seal and signature must be affixed to a completed subdivision plat prepared by him or her prior to delivery to the:
- A. Town clerk for filing in the town records, client, or any other proper authority
 - B. Client & planning commission
 - C. Town clerk for filing in town records & client
 - D. Town clerk for filing in town records & the planning commission
- (30) An owner divided a parcel into lot "1" and "2". The 1960 deed creating lot "1" calls for frontage from a brook Easterly 200 feet to a stone monument. The 1976 deed to lot "2" conveys the remainder. A $\frac{1}{2}$ " diameter rebar is found as shown, and the rebar is disputed by the owner of lot "2". Where is the record corner between lots "1" and "2"?
- A. At the rebar found
 - B. 200 feet Easterly of the centerline of the brook.
 - C. Where the owner of lot "1" believes it is
 - D. There is not enough evidence to say

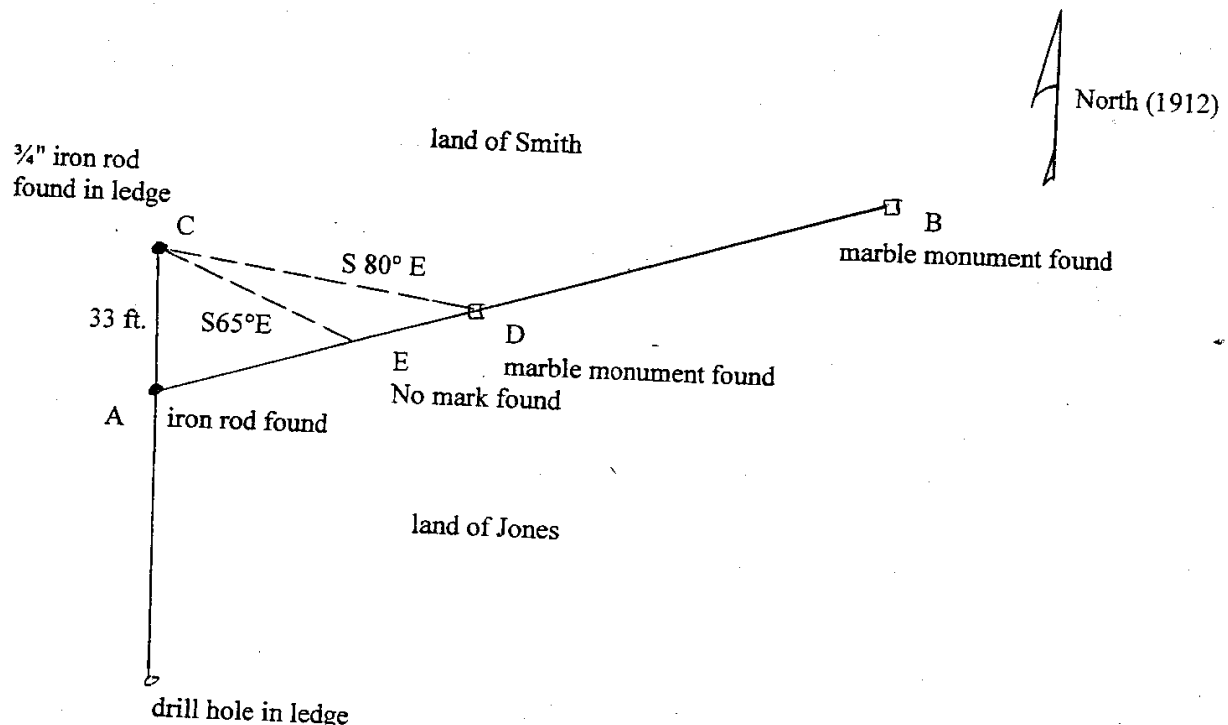


Vermont State Specific Exam

- (31) In performing a boundary retracement survey, you find a 15-foot difference from the described locations in the original survey. The difference appears to affect a current occupation line. You should first:
- A. Pull the original monument(s), as it has clearly been either disturbed or set incorrectly, and monument the correct position(s) based on best fit with remaining original corners
 - B. Inform your client of the discrepancy and seek parol and/or extrinsic evidence of the possibility that original monument position was altered
 - C. As a general rule, leave the original monument(s) in place, and set your own based on the original description
 - D. Accept the monument without question and label the occupation line as an encroachment
- (32) What are the three classes of monuments?
- A. Manmade, Natural and Artificial
 - B. Natural, Artificial and Record
 - C. Lost, Obliterated and Legal
 - D. Stone, Concrete and Steel
- (33) Landowner "A" is deeded an easement to run a water line across the land of landowner "B", to bring water to landowner "A's" house. Later landowner "A" installs a drilled well next to his house, and no longer needs the water line easement. When landowner "A" sells his house and land, the deed does not mention the easement. What happens to the easement?
- A. The easement still encumbers landowner "B's" property regardless of whether it is referenced in the deed
 - B. Due to lack of constructive notice, the easement is extinguished by default and will not carry with current or subsequent conveyances
 - C. Due to loss of practical value to landowner "A" and failure to perfect chain of title to the easement, subsequent owners are estopped from claiming title to said easement
 - D. The easement is extinguished after 15 years of non-use

Vermont State Specific Exam

- (34) Of the following document sources, which combination is most likely to contain historic railroad right of way information:
1. Vermont Agency of Transportation
 2. Municipal Clerks Office
 3. County Surveyors Office
 4. Original Proprietor's Records
 5. Local Railroad Offices
- A) 1,2,5 B) 2,3,4 C) 1,2,4 D) 1,3,5
- (35) Your record research reveals a boundary created in 1886 between Smith and Jones described as line A-B. In 1912, Smith conveyed to Jones a triangular parcel described as "beginning at the Northwest corner of Jones, thence Northerly 33 feet to an iron rod set in a ledge; thence running S 65° E to an iron rod set in the Northerly line of Jones; thence Westerly on said Jones' line to the place of beginning." Your field survey reveals the dimensions shown on the sketch. Using the existing monuments called for, you calculate the direction of the 1912 line to be line C-E. In a search around point E, you find no monument of any sort. After careful consideration, on your plat you show the Smith-Jones boundary as:
- A. Line C-D-B
 - B. Line C-E-B
 - C. Line A-C-B
 - D. There is not enough evidence to say.



Vermont State Specific Exam

- (36) Which of the following would best comply with the current minimum standards for boundary surveys when replacing an inadequate or missing monument:
- A. Shall be durable and stable.
Shall be identified with the license number of the surveyor setting the monument.
Shall be documented in the surveyor's records.
Shall be set beside an existing monument. (not disturbing it).
 - B. Shall be the exact same material as the original monument.
Shall be identified with the license number of the surveyor setting the monument.
Shall be documented in the surveyor's records.
Shall set beside an existing monument (not disturbing it).
 - C. Shall be durable and stable.
Shall be identified with the license number of the surveyor in responsible charge.
Shall be documented and recorded in the public land records.
Shall include a detailed description of monument.
 - D. Shall be the exact same material as the original monument.
Shall be identified with the license number of the surveyor in responsible charge.
Shall be documented and recorded in public land records.
Shall be set at the same location as a monument being replaced.
- (37) As described and filed in the municipal land records, a highway was opened to the public in 1817 with no specified width. Additional searching in the records did not recover a discontinuance or alteration or relocation of the highway. The highway passed through several hill farms including Thomsen and terminated at the lot line below the highest farm which was owned by Moore. In 1920 the Moore home place burned, and the farm was abandoned, the land eventually grown over with brush and forest. At some time thereafter, the municipality ceased maintenance of the highway above the Thomsen farmstead to the Moore line. In 1987 Thomsen gated the road where it enters his land and denied access to the heirs of Moore who are the current owners of the Moore place.

Regarding the contested portion of the highway, which of the following statements are correct?

- 1. By ceasing to maintain the highway for the statutory period, the municipality has taken affirmative action to relinquish its rights in the highway.
- 2. By gating the highway for the statutory period, Thomsen has terminated the public right of way and the road reverts to the lands from which it was originally drawn.
- 3. Abandonment of the highway for the statutory period by the municipality does not terminate the public right of way.
- 4. In the absence of a record of discontinuance or alteration or relocation of the highway, the public continues to enjoy its rights in the highway.

(A) 1 (B) 3 (C) 4 (D) 1, 2 (E) 3, 4

Vermont State Specific Exam

- (38) This is a four-part multiple-choice question. Each part below is worth three points. The four parts of this question are based on two fictitious deed descriptions from the Town of Orwell Land Records:

Deed from Smith to Horst dated September 11, 2001, Recorded in Book 150, Page 152:

Being all and the same land acquired by deed of Tom Roberts and Mary L. Roberts dated September 21, 1982 and Recorded in Book 96 page 180 of the Orwell Land Records, and therein described as follows:

“Being all and the same land we acquired by deed of Lloyd Lowell and Louise R. Lowell dated June 15, 1971 and Recorded in Book 76 page 221 of the Orwell Land Records, and therein described as follows, viz:

“Bounded on the west by land of Caldwell, on the north by land of Jones, on the east by land of Ortler, and on the south by Lowell Road;

“Except the parcel of land conveyed by these grantors to Ace in 76/204, estimated to contain three acres with a Right-of-Way for access thereto;

“Except utility easements of record or in fact.”

Deed from Kronz to Walter dated July 6, 2005, Recorded in Book 154 Page 27:

Being all and the same land and premises conveyed to the grantors herein by deed of Harold Ace and Maude L. Ace dated July 4, 2005 and Recorded in Book 154 Page 26 of the Orwell Land Records, and therein described as follows:

“Being all and the same land and premises conveyed to the grantors herein by deed of Lloyd Lowell and Louis R. Lowell dated December 31, 1970 and recorded in Book 76 page 204 of the Orwell land Records, and therein described as follows, viz:

“Being a parcel of land in the northeast corner of the grantor’s home farm in Orwell, bounded on the south and west by land of the grantor, and on the east and north by unknown parties. This parcel is estimated to contain three acres, and the new corners have been marked by iron pins;

“Conveying also Right-of-Way 30 feet wide along the easterly edge of the grantor’s property for access to this parcel.”

1. Which present owner’s parcel has senior rights, regarding the boundary between them?
 - A. Lowell
 - B. Kronz
 - C. Horst
 - D. Walter

Vermont State Specific Exam

2. Harold Ace tells you that he built a fence in the 1970s in the vicinity of pins set by his father-in-law. On your survey map, where would you show the Horst/Walter boundary?
 - A. Along the fence
 - B. Straight lines between the old pins found
 - C. As shown to you by Walter
 - D. As shown to you by Lowell
3. On your survey map, where would you show the boundary along the town road?
 - A. Where Lowell says he intended the boundary line to be
 - B. Along the centerline of the present traveled way
 - C. Where the Orwell Select Board says it is
 - D. Where the Orwell Town Clerk says it is
4. The Right-of-Way for access from Lowell Road to Walter's parcel is a strip 30 feet wide and located:
 - A. Within Horst's property, along the boundary with Ortler
 - B. Within Horst's property, along the boundary with Caldwell
 - C. Within Horst's property, centered on the present traveled way
 - D. Within Lowell's property, along the boundary with Ortler