

## WHO KEEPS RECORDS OF CORNERS?

Section 70-22-104 MCA of the Corner Recordation Act of Montana requires land surveyors to file corner records with the clerk and recorder of the county where the corner exists.



The Act then requires county clerk and recorders to preserve those corner records in hard-bound books. In addition, clerks and recorders must maintain a kind of “master list” of all corners in the county. This can be done by creating a county-wide plat for public land corners or creating an index that references tract or lot numbers in a survey of record. In either case, each new corner record must be noted, either on the plat or in the index for cross-referencing purposes. (70-22-109 MCA.)

All of the records noted here are public records and the Corner Recordation Act specifically requires that the clerk and recorder make them available for inspection by the public during all usual office hours.

## IS THERE A “CORNER RECORD” FORM?

Yes. The Board of Professional Engineers and Professional Land Surveyors (“the Board”) is tasked by law to design the corner record form and determine what it must contain. The Board does this in consultation with the Montana Association of Registered Land Surveyors (MARLS.) Occasionally, the Board changes these forms, as well as its internal administrative rules that govern them.

For instance, in 2012, the Board adopted two new corner records forms—one for PLSS corners and one for non-PLSS corners. The most significant change is that, now, land surveyors may file only one corner per form. The Board also chose to delegate the MARLS organization as the distributor of the forms.

However, a proposed rule change in 2014 would remove MARLS as the source for these forms. Instead, the forms will become available on the Board’s website. (At the time of this printing, the rule change is anticipated to be in effect by the Board’s November 2014 meeting, at which the Board will be asked to authorize the placement of the forms on the web.)

## WHEN MUST CORNER RECORDS BE FILED?

Under 70-22-104 MCA, a land surveyor must file a “PLSS Corner Record” within 90 days for every PLSS corner or PLSS corner accessory used during a survey of land in Montana. If the information about a corner is unchanged and a record of that corner already has been filed, then the requirement is waived. These include corners established or restored prior to July 1, 1963 when the Act became law.

## WHEN MAY CORNER RECORDS BE FILED?

Under 70-22-105 MCA, a land surveyor may file a “Non-PLSS Corner Record “ on any of the following (one corner per record form) in lieu of filing a certificate of survey:

- \*A single, previously filed or recorded property corner.
- \*A property controlling corner.
- \*A reference monument.
- \*An accessory to a corner.



These include corners established or restored prior to July 1, 1963 when the Act became law.

## ARE GOVERNMENT AGENCIES EXEMPT?

Yes. However, if the record is filed by an agency of the State of Montana or the U.S. government, it may be signed by the survey party chief making the survey and sealed by the licensed professional land surveyor who is in charge within that agency.



## **SURVEY CORNERS:**



## **WHAT YOU NEED TO KNOW**



**The recording of land survey corners can be confusing. This brochure is intended to answer many of those questions, whether they come from land surveyors, property owners or local government officials and employees.**



Montana Department of  
**LABOR & INDUSTRY**  
Business Standards Division

## WHAT IS A CORNER?

Corners are defined by 70-22-103 Montana Code Annotated (MCA) as any of the following:

**A “corner.”** This is the generic term and, thus, the easiest to understand. The ownership of land is divided by imaginary lines on maps and on the ground. Those lines intersect at angle points and points of curvature, just as lines of a rectangle or triangle meet at geometrical points. These geometrical intersection points are called “corners.”

**A “property corner.”** To be a “property corner,” the corner must exist on a point along a property line.

**A “property controlling corner.”** This type of corner does not lie on a property line. Instead, a “controlling corner” is a point on the Earth that provides a reference for one or more “property corners.” For instance, a “property corner” could be in a body of water, but it may be described by a “controlling corner” on land that provides an accurate reference point while being outside a property line.

**A “public land survey corner.”** In the colonial era, individual colonies took responsibility for land surveying using traditional “metes and bounds” standards. Soon after the Revolutionary War, the U.S. government began taking responsibility for surveying land purchased or otherwise acquired by the federal government.

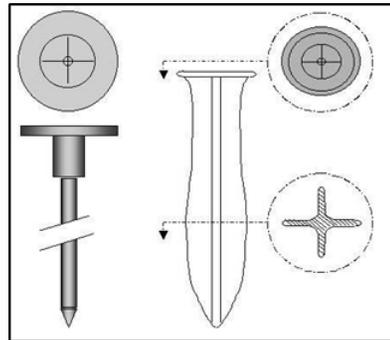
As territories, states, localities and private ownership evolved, the measurement and transfer of U.S. government land was done using a set of practices known as the Public Land Survey System (PLSS) or, informally, as the “rectangular survey system.” As a result, practically all land ownership beyond the original 13 states (excluding Texas and parts of California) has been identified at one time or another through the PLSS.

A corner established by the U.S. government during the survey of the public lands is called a “public land survey corner.”

## WHAT ARE “MONUMENTS” & “ACCESSORIES”?

A monument or accessory can be either natural or human-installed. The legal terms describing these markers are:

**Monuments.** A monument is a physical or natural object used to mark the exact location of a corner on the Earth. In order to be very precise as to the point of a corner, under rules established by the Board of Professional Engineers and Professional Land Surveyors, land surveyors may use only permanent, durable materials for a monument. The most commonly used material is a steel pin or rebar with a cap showing the land surveyor’s name and license number. (The term “pin” often is used to describe a monument.)



**Reference Monuments.** These types of monument are not on the exact point of a corner, but are set close to it when it is impractical to place a monument at the exact corner position and are said to “witness the corner.” In describing a reference monument, the land surveyor must be precise in noting the relationship of the monument to the corner itself.

**Accessories.** An accessory to a corner means any physical object near a corner. Accessories are used to help find a corner monument or they may be used to reestablish the corner if the monument has been lost or destroyed. Land surveyors might use a tree, a prominent rock, a pit or a mound as a naturally-occurring “accessory.” However, human-made accessories also are acceptable.



## WHAT IS A CORNER RECORD?

A “corner record” is a written record of a corner that has been established or restored, prepared by a licensed Land Surveyor, and filed with the County Clerk and Recorder. As part of a corner record, the clerk and recorder will receive information about the physical marker(s) that land surveyors use to note the physical location of a corner.

## WHY MUST CORNER RECORDS BE FILED?

Land surveyors identify and establish corners in the process of surveying property boundaries. The existence and knowledge of such corners is essential to property ownership and management. It also is essential for governments to know where corners are located to understand the size and nature of property for purposes of appraising value, assessing taxation and regulating land use.

It’s also in the interest of the state—and of individual Montana landowners—that corner records be filed so that the work of identifying them does not have to be done over and over again.

Additionally, the Corner Recordation Act is a convenience for land surveyors, because it allows them to file a corner record in lieu of a full certificate of survey, which is a much more complicated document.

