

Procedure to Establish Legal Survey

49-3342 LEGAL SURVEYS- REQUIREMENTS -ENTRY-NOTICE-EFFECT: Surveys shall become legal surveys in the following manner:

Any landowner desiring to establish the location of the line between his land and that of an adjoining landowner may do so as follows:

IC 36-2-12-10 Maintenance of legal survey record book; procedure for establishing location of line; notice; effect of location and establishment of lines; appeal

Sec. 10. (a) The county surveyor shall maintain a legal survey record book, which must contain a record of all the legal surveys made in the county showing outline maps of each section, grant, tract, subdivision, or group of sections, grants, tracts, and subdivisions in sufficient detail so that the approximate location of each legal survey can be shown. Legal surveys shall be indexed by location.

(b) A landowner desiring to establish the location of the line between the landowner's land and that of an adjoining landowner by means of a legal survey may do so as follows:

(1) The landowner shall procure a professional surveyor registered under IC 25-21.5 to locate the line in question and shall compensate the professional surveyor.

(2) The professional surveyor shall notify the owners of adjoining lands that the professional surveyor is going to make the survey. The notice must be given by registered or certified mail at least twenty (20) days before the survey is started.

(3) The lines and corners shall be properly marked, monumented by durable material with letters and figures establishing such lines and corners, referenced, and tied to corners shown in the corner record book in the office of the county surveyor or to corners shown on a plat recorded in the plat books in the office of the county recorder.

(4) The professional surveyor shall present to the county surveyor for entry in the legal survey record book a plat of the legal survey and proof of notice to the adjoining landowners. The professional surveyor shall give notice to adjoining landowners by registered or certified mail within ten (10) days after filing of the survey.

(c) A notice under subsection (b)(4) shall include the following information:

(1) A legal survey was performed of an adjoining property under this section.

(2) The plat of the legal survey was filed with the county surveyor for entry into the legal survey record book.

(3) The lines located and established under this section are binding on all landowners affected, as well as the landowners' respective heirs and assigns, unless an appeal is taken under section 14 of this chapter.

(4) An appeal under section 14 of this chapter must be made to the circuit court of the county in which the surveyed property is located not later than one hundred eighty (180) days after the notice of filing.

(5) If the affected landowner has reason to believe that the landowner has a claim of title under adverse possession, the landowner must:

(A) file a claim in a court with proper jurisdiction; or

(B) record an affidavit under IC 36-2-11-19(a)(4) or a deed reflecting the claim of adverse possession in the office of the recorder of the county in which the property is located; before the end of the applicable time period provided in subdivision (4).

(6) An affected landowner may not bring a claim of title under adverse possession against the

state or a political subdivision.

The notice shall also include a legible copy of the plat of the legal survey.

(d) The lines located and established under subsection (b) are binding on all landowners affected and their heirs and assigns, including an affected landowner who claims title under a

claim of adverse possession:

(1) that has not been filed in a court with jurisdiction; or

(2) with respect to which:

(A) a deed reflecting the adverse possession; or

(B) an affidavit under IC 36-2-11-19(a)(4);

has not been recorded in the office of the recorder of the county in which the property is located;

as of the date the survey is entered into the legal survey record book under this section, unless

an appeal is taken under section 14 of this chapter. The right to appeal commences when the

plat of the legal survey is entered by the county surveyor in the legal survey record book.