

As a last thought with regard to statutory periods in which a specified legal action might be brought, it would be well to remember that all such periods are laws of repose and are approvingly enacted in all systems of enlightened jurisprudence. Their objective is to secure repose by preventing strife and disputes over boundary locations, to make titles permanent, and to thereby promote peace, harmony and stability in the community. They should not therefore be evaded by an agency which too strictly interprets them, any more than they should be evaded by a too liberal construction intended to enforce a result which finds no sanction in their purpose.

In conclusion, then, having carefully considered all the arguments, I can find nothing unjust or unreasonable in our current policy which, as mentioned earlier, does not relocate a monument which has been mistakenly positioned -if the erroneous monument has been in place for 12 years and there is no conclusive evidence of the original corner. It is my opinion that the 12 year rule does not constitute an unsanctioned mode of conveyance, nor does it violate any property rights. I am firmly convinced that the Quiet Title Act is applicable to "all" boundary disputes, including those which question the correctness of our surveys. I therefore recommend that the policy be continued.

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FILED

SEPT. 6, 2001

OFFICE OF COUNTY SURVEYOR

Attest: Michael C. Spang