



Turf Wars on the Backyard Frontier

By Andrew Kidde

Let's say you come home one evening to find your neighbor digging up your laurel hedge – the one that you've been pruning for the last 8 years... Your neighbor says it's on his property — you don't agree.

Here at the Bellevue Neighborhood Mediation Program (BNMP) we get quite a few calls about property boundary disputes. Sometimes the situation is as dramatic as the example above. Other times, callers have concerns that develop over a long time – for example, a caller thinks the garage his neighbor built a few years ago might be partly on his property. She may not be concerned about the garage in the short-term, but she's worried about the long-term implications on her title.

Regardless of how they emerge, property boundary disputes are challenging in three main ways: 1) the parties often have strong emotions; 2) important information is typically complex, technical, and expensive to obtain; and 3) coming up with a solution that works for everyone can feel like finding a needle in a haystack. The purpose of this article is to give some advice on how to deal with each of these three challenges in the event you have a property boundary dispute.

1) The Emotional Challenge. Like most homeowners you probably have a deep belief that you control the environment within your property boundaries. If that belief is violated or undermined you probably feel angry, panicked, or perhaps scared. You can't stop yourself from feeling these emotions (and it's probably not a good idea to try), but you can control how you express them. Even if you're really upset, yelling at your neighbor or threatening him is not in your interest. Such a response is likely to make your neighbor more committed to his position; he may also try to fight back, leading perhaps to an all-out feud; finally, increased hostilities may cut off future possibilities for negotiation.

On the other hand, if you can approach your neighbor in a non-hostile manner, it may help you feel better to tell him how you are feeling. You can also tell your neighbor that you wish he had spoken with you before taking this action. If you're still upset after talking with the neighbor (or too upset to talk with him in the

first place) call the mediation program (452-4091) – that's one of our jobs, to help you blow off steam in a way that won't hurt you later.

With long-term property boundary concerns, you may want to ignore the situation—why get involved in these messy emotions? While this is understandable, it is probably not advisable...these property boundary disputes have a nasty way of rearing their heads once again when you need to refinance, remodel, or sell your house. Better to deal with it now, when you don't have that additional pressure added to the problem of solving property boundary disputes.

2) Getting the Information You Need. Many callers

want to know how to obtain a survey of their property. We contacted the Land Surveyor's Association of Washington (LSAW) to see what their advice would be. They suggested doing a simple internet search of the King County Recorder's website to see what other surveyors have worked in your neighborhood. (Contact our office if you would like a guide to doing this web search.) It is a good idea to hire someone who has surveyed in your area because they will have field books containing information about local idiosyncrasies. That will save the surveyor some time, and generally

will save you money.

The LSAW also recommended that you find out if the surveyor belongs to their organization. This membership is not required, (only a state license is required) but it is probably a good indication of professionalism. Finally, you can check with the Dept of Licensing - Board of Registration for Professional Engineers and Land Surveyors to determine that the individual has an active license and if any complaints have been filed against him or her. <http://www.dol.wa.gov/engineers/engfront.htm>

In many cases a survey will definitively establish the boundary, and resolve the dispute. However, this is not always the case. When a property owner has occupied the land of his neighbor for a period of ten years or longer, he or she may, under certain circumstances, have a legal claim to that land, regardless of what a survey

Continued on page 2



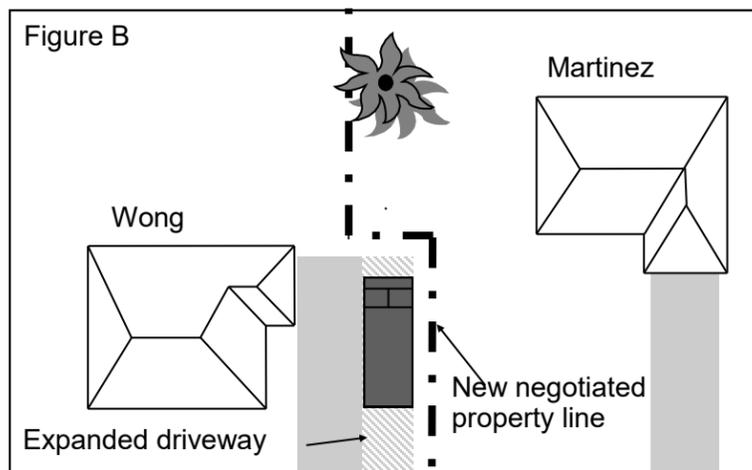
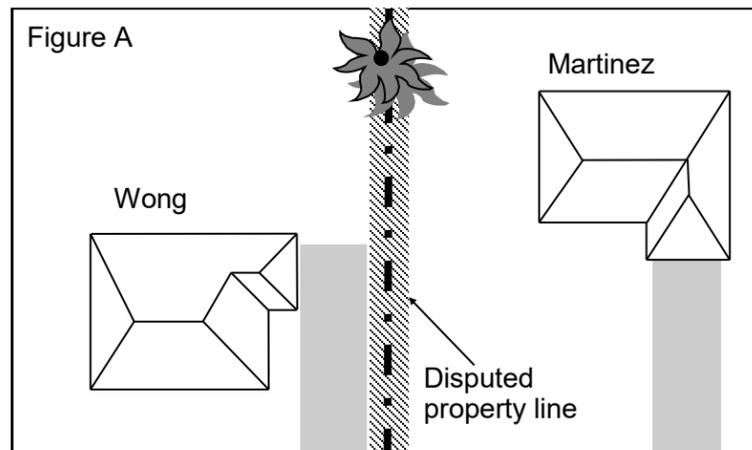
indicates. The key here is “certain circumstances.” From a legal perspective, these cases are extremely complex. Our program has an article explaining the subject which we can send you – but in the end there is no substitute for getting advice from a real estate attorney about your specific situation.

3. Options to resolve the dispute. If you have been to see an attorney about a property boundary dispute, one of the things you’ll learn is that litigating such a dispute is expensive, possibly very expensive. Negotiating a solution may now seem like the better alternative – and you will be glad you heeded the advice above about not burning your bridges with your neighbor. Yet these negotiations can feel like tugs-of-war. The more one of you gets, the less the other gets.

Our mediators at BNMP can help with these negotiations. By helping both parties focus on their underlying interests (as opposed to the property line), we can help the parties find solutions that work better for everyone. Consider the following example: the Wong and the Martinez families are in a property boundary dispute. Figure A shows the disputed strip between their properties. In mediation, the mediator begins to explore their underlying inter-

ests. It turns out that the Martinez family does a lot of gardening, and they have an interest in expanding their back yard. The Wong family have just purchased a new RV, and they have discovered that their driveway is too small for the RV to comfortably fit, so they have an interest in expanding their front yard. After sharing these interests in mediation, the parties are able to negotiate a new property line as shown in Figure B.

Of course not all disputes have such neat win / win solutions; and sometimes some level of compromise is required. But on the other hand, we believe that in many cases where these win / win solutions might work, the solutions are never uncovered because the parties are locked in a win / lose battle over where the line is, and they never get around to talking about their underlying interests.



How to get local survey information on the Internet:

Property owners should begin by retrieving the legal description of their property (which will be on their tax statement or deed). They should know either the 10-digit parcel number of the property, the full address, city, and zip code, or the property name.

Property information for properties in King County can be found by going to kingcounty.gov and clicking on “look up property values.” After going to the site page above you can decide to either search by address, parcel number, or property name. A list of potential matches will be displayed or if there is only one match, you will be redirected to the property page.

Select **MAP THIS PROPERTY**.

You will see a picture of the map of that survey.

If you select **PROPERTY DETAIL**, you will see the parcel number, information on the residential area, and the legal description and size of the property which includes Quarter-Section-Township-Range.

