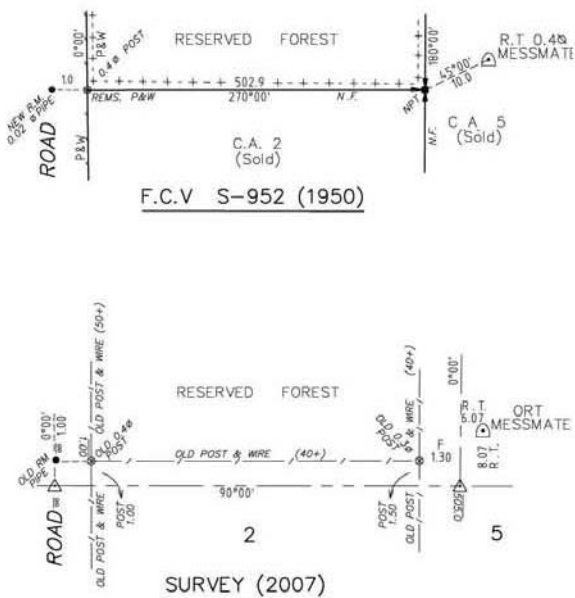




# Principles of Re-establishment

# Exercise 3

## Reference Marks vs. Crown Dimensions



Survey by Forests Commission surveyors in 1950 defined the boundary between Reserved Forest and freehold Crown Allotment 2. Reference marks were placed at each end of the boundary as shown on the first diagram. The boundary was recently surveyed as shown in the second diagram.

The old reference marks were found and fencing constructed along the boundaries some years after the FCV survey, which is more than 40 years old.

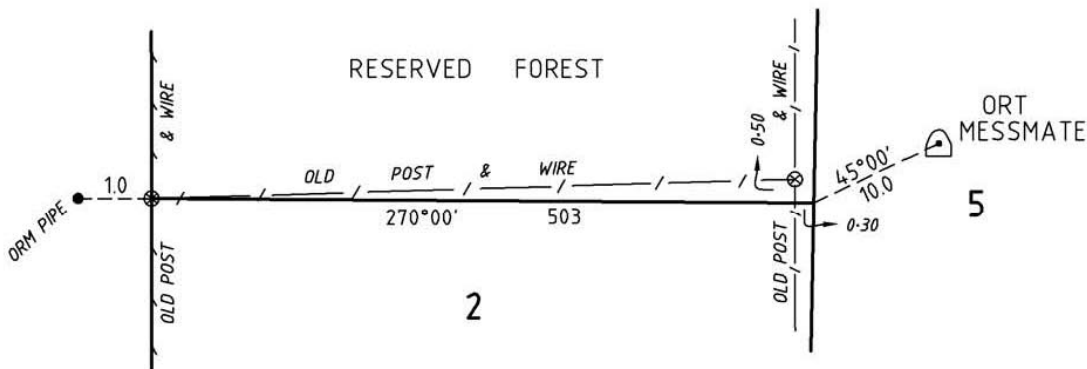
### Question:

Determine the position of the adopted boundary.

# Principles of Re-establishment

## Exercise 3

### Adoptions:



### Issues

1. The re-establishment is based on maintaining connections from each reference mark to the adjacent cadastral corner.
2. Any excess or deficiency in the adopted boundary is due to survey difference and must be accepted.
3. Although the fence is more than 15 years old, it does not constitute the Crown boundary under s.271 of the *Property Law Act 1958* because Crown survey marks defining the boundary still exist.
4. Do possessory rights apply?  
No – under s.7 *Limitations of Actions Act 1958*, there is no title by adverse possession against the Crown.