



## **Four Corners**

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Every valid conveyance of real property must describe the real property being conveyed with enough certainty so there is no doubt as to its identity, otherwise, the conveyance may be void due to an indeterminable subject matter. This required certainty can come from the deed itself or by referencing something outside the deed. Although there are various ways to describe land in a conveyance, some means of description are safer than others to ensure a valid transfer.

One of the safer ways to describe land is by a metes and bounds description. This appears in more rural areas as well as for raw land or land not subdivided with a publicly known plan of development. A metes and bounds description uses monuments, courses and distances to define the boundary lines and the area within the boundary lines. There are times when a metes and bounds description is ambiguous, inconsistent, conflicting or otherwise uncertain. When the description is uncertain, we are guided by a set of rules of construction to determine if the description is sufficient so that the conveyance will not fail due to vagueness.

The overriding rule of construction when reviewing a description is to determine the intent of the parties to the deed by an examination of the entire document, or more fondly known as the four corners of the deed. A monument is a mark on the land to locate a point on the line or a corner of the property; monuments can be natural or man-made. A natural monument controls over a man-made monument and the more permanent man made monument controls over a less permanent one. A monument can be a road, tree, neighbor's line or body of water. Courses are the direction of the boundary line. If there are any inconsistencies between the courses, distances and monuments in a description, the monuments will control while courses control over distances. Acreage or area is the least reliable measure of intent. When reviewing a metes and bounds description, it is important to draw the courses and distances to make sure the description closes in order to describe an area of land as well as to make sure there is a certain tie down point so that this area of land is in a certain spot and does not float.

Another safe way to describe land is by reference to a recorded map or plat. This is used in more urban settings and is used for residential and commercial land where there is a known plan of development. The descriptions shown on the plat will contain the monuments, courses and distances used in a metes and bounds description and these metes and bounds are incorporated into the deed by reference to the plat. When reviewing a plat, it is important to make sure the metes and bounds description within the plat is correct while also making sure the reference in the deed itself is good. There may be times when a deed will contain both a metes and bounds description as well as a reference to a plat. If there is any inconsistency or conflict between the two descriptions, the reference to the plat will control.

The metes and bounds description as well as the description which references a plat are considered formal descriptions because they both rely on monuments, courses and distances. The informal descriptions are generally considered to be less safe because they may be seen as uncertain, rendering the conveyance void. A deed which references a prior conveyance where the land is described properly is a good description as it refers to a formal description. Descriptions which are more problematic because they are less certain are street addresses, references to acreage or area, popular names to property or just a statement of "my house" in a certain town. While these descriptions may be good, they are only good due to extrinsic evidence of the

property's identity.

Courts have generally shown an inclination, when possible, to validate conveyances and to identify the property whose description was in-artfully stated in the deed. This, however, is a matter for a Court to decide and we should do all we can to avoid giving them the opportunity to make this decision by making sure the subject matter of our deeds are clear and concise from the start.

Examples of Court decisions upholding vague descriptions include: "My house and lot in a certain town," "all my land in North Carolina," and "the home place." Even a devise of one acre of the devisee's choice has been held to be a good description, but only after the devisee has in fact made their choice.

If you make every effort to insure that your description is strong and certain, you will not have to rely on the Court or four corners to have a winning conveyance.