



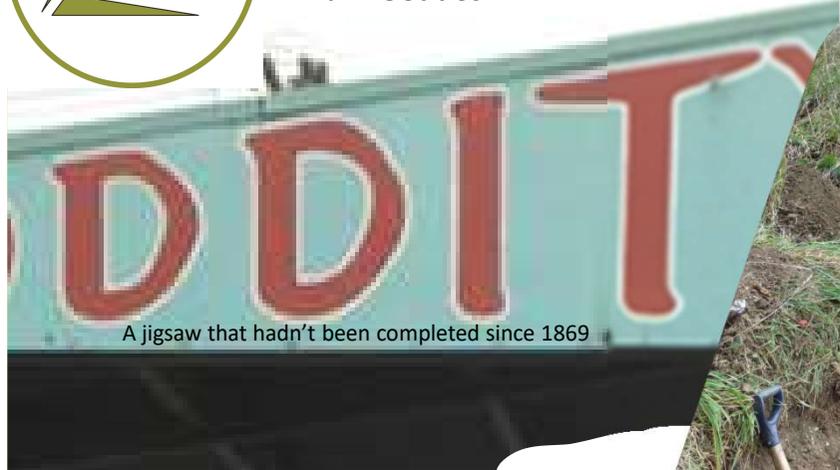
DP 548099

Mark Geddes



The 'Manhattan'

THE ODDITY - ON THE ELDORADO



A jigsaw that hadn't been completed since 1869



Case law had quite an impact on our final definition

Evidence was missed by previous surveyors

Calculations were proven to be correct when occupation was found on historic lines



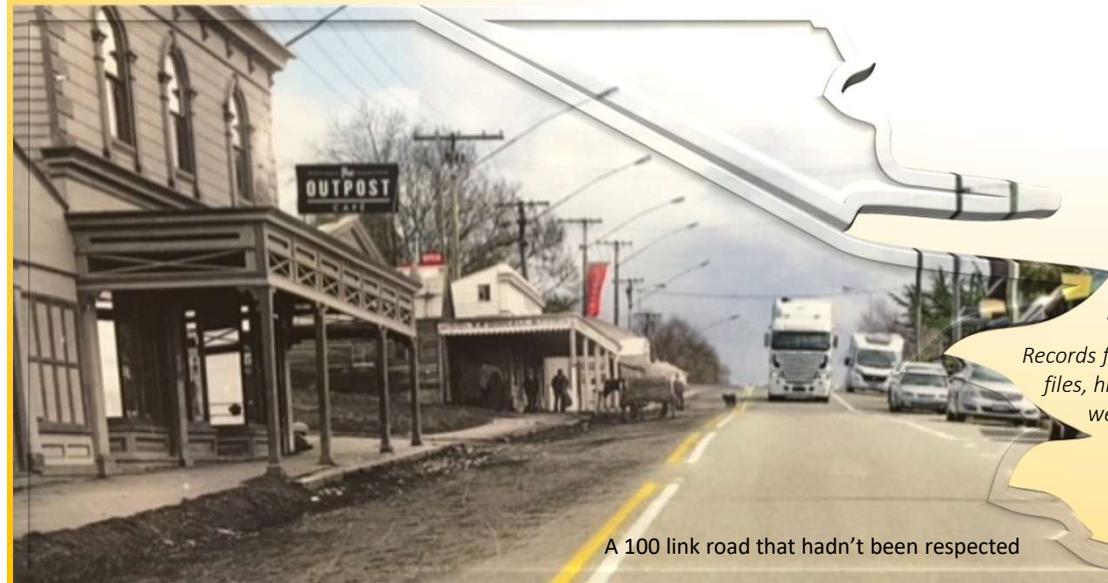
Purpose: to subdivide off an almost triangular parcel from Eldorado Farm for a sawmill operation and to create a single lot for the contracting yard.

This was a highly complex survey where a guaranteed title had been encroached on by adjoining properties through their occupation. While the underlying Deeds Plan 84 had been fenced, cadastral connections were questioned by the authorities and a detailed search for evidence took place. From consent to deposit, this was a 5-year process, lengthened to a large degree by the need to find evidence to prove survey errors existed and then later to prove we could claim the entire length of our title dimensions where possible. As Toitu Te Whenua (LINZ) did not agree that we had compelling evidence to prove that three surveys who had shown over-width roads were in error and we did not agree with their suggestion to maintain the SO 17957 alignment, we chose what we called the Manhattan. We felt that this approach maintained as many titles as possible.

There were too many postage stamp definitions nearby and we instead looked for evidence and connections from the North, South, East and West of the site. The hierarchy of evidence was always a consideration and good survey practice was deemed more relevant than the boundary depiction present in Landonline.

Records from the Hocken Library, Waikouaiti Museum, fieldbooks, historic Lands and Survey plan files, historic aerial photography, fieldbook registers and survey plans and title/deeds documents were all used in addition to field evidence.

My thanks also go to Bruce Soper and Corey Donaldson who were instrumental in this survey.



A 100 link road that hadn't been respected



[36] This is very much disputed by Mr Hojsgaard. He contends the evidence primarily relied upon by Mr Brill is a category of evidence which surveyors consider to be at the bottom of what they call "the hierarchy of evidence". As explained by this Court in *Otito Reserve*, the hierarchy of evidence is a principle or guideline that accords varying weight to different types of evidence when determining disputed boundaries.³¹ The generally accepted order is to attach greater weight to the points on which the parties were least likely to be mistaken at the time.³² Thus, evidence of natural boundaries comes first in the hierarchy followed by monumented lines such as original pegs, undisputed occupations, then abutments and finally calculations based on stated figures, deeds, grants and titles.³³

[37] The Court however also stated that the hierarchy of evidence is a guide rather than a straitjacket.³⁴ If the circumstances make it clear that a piece of evidence further down the hierarchy is a more reliable indication of the parties' intention then it may take precedence.³⁵