

Do I Need a Survey?

You have just signed a purchase agreement for a commercial property and your investigation period is beginning. In developing your "to do" list you ask yourself whether or not you should order a land survey. The answer depends on the kind of information you want and to what extent that information is already available on an existing survey.

The most obvious benefit from a survey is to get a visible depiction of your property. Property descriptions in Pennsylvania deeds are by courses and distances which are often complex and impossible to visualize. You may think you know what land you are buying, but without a survey translating the deed description onto a drawing, you really don't know.

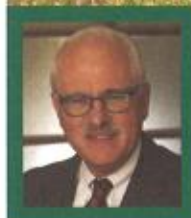
Deed descriptions of property can be flawed for a variety of reasons. Sometimes mistakes are obvious and can be easily corrected but in other cases, such as where a property description does not begin and end at the same point, or where the description refers to an iron pin or a rock or a tree that no can longer be found, the solution is not so clear. It is preferable to identify these kinds of problems by getting a survey before you buy the property than to have to cope with them after you already own the property, or, worse yet, when you are trying to sell it.

A survey will also identify the location of interests that others have acquired in your property and to which your ownership rights will be subject. It will also identify rights that you, as the owner of the property, may acquire in other adjoining properties. Your title report will disclose these interests, such as utility or drainage rights of way that are in public records. But without a survey, you will not be able to visualize easily the precise areas on your property that are affected by these interests.

A survey will also show you physical conditions that indicate possible rights in the property that are not described in a publicly recorded document. For example, an adjacent owner may have located a driveway or even an encroaching building on your property without any formal agreement. This may or may not have resulted in the creation of a legal right by the adjacent property owner. But before you can evaluate the legal issues, you first need a survey to establish the location of these kinds of conditions. Conversely, a survey will tell you what improvements or other features are actually located on your property and where. Before buying the property, you will want to know, for example, if the building you are buying encroaches onto an adjoining property or if a boundary fence is on your property or your neighbor's property.

Finally, if you are considering any kind of improvements to the property, a survey is absolutely essential so as to identify the property's physical conditions, such as wetlands and steep slopes and the effect of zoning and other land use regulations.

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William Stewart

William Stewart is a co-founder and principal in the Real Estate, Business & Finance group. He represents a diverse range of business clients, real estate developers and investors in a great variety of complex commercial transactions. Mr. Stewart himself has significant business experience in owning and developing diverse major real estate projects including apartment projects, condominiums, office buildings, residential and golf course developments. As both an attorney and businessman, he can offer a keen practical insight to clients' business problems. He can be reached at 610-941-2555 or by email to wstewart@kaplaw.com

Kaplin Stewart attorneys named to 2016 Best Attorneys in Business by PhillyBiz



Jessica A. Kubisiak
in the area of
Commercial Litigation



Marc B. Kaplin
in the areas of Land
Use, Zoning and
Development

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National Flip Flop Day to Benefit Camp Sunshine!

On Friday, June 17th, all members of Kaplin Stewart were invited to wear their flip flops to work. The firm matched the employee contributions and they submitted in Honor of Jax Utain.



KS News

- Maury B. Reiter spoke at the PBI A Day on Real Estate East in Philadelphia on Wednesday, August 3rd.** Mr. Reiter's topic was "Using a Partnership as Your Entity: Capital Commitments, Tax Allocations and Distribution Provision".
- Kaplin Stewart Golf Championship:** Under consistently threatening skies, Huntingdon Valley Country Club played a stubborn host to this year's Kaplin Stewart Golf Classic. The course was formidable so good scores were hard to come by, but good times were plentiful. Congratulations first to the team of Josh Quinter, Marc Snyder, Scott Butler and Mike Coughlin for their strong showing and dominant performance in the team competition proving we can actually cross-market at Kaplin Stewart! But the prize of the day - despite his trials and tribulations on the devious greens of HVCC- goes to Mike Coughlin as the 2016 Kaplin Stewart Golf Champion!
- Kaplin Stewart was a Proud Sponsor of the 2016 Legal Aid Golf Classic held at Meadowlands Country Club in Blue Bell, PA on June 24th.** Our contribution allows the Montgomery Bar Foundation to fulfill their mission to provide free legal services to ensure that the leverage of the law is available to the most vulnerable members of our community.
- Kaplin Stewart's Construction Department is at it again!!!** Since our Spring Construction Seminar Series was such a success, we are rolling out our Fall Construction Seminar Series. Topics being presented are:

 - **Friday, September 23, 2016:** Mechanic's Lien Claims How Recent Changes May Effect Your Right to Assert a Mechanic's Lien
 - **Tuesday, October 4, 2016:** Insurance Coverage for Construction Defect Claims in PA & NJ: An Update
 - **Thursday, October 27, 2016:** Navigating OSHA Inspections & Citations
- Neil A. Stein, Esquire and Daniel R. Utain, Esquire attended MSI Global Alliance Americas Regional Meeting held in Baltimore, MD.** MSI is a global association of over 250 independent legal and accounting firms in more than 100 countries. MSI carefully selects full-service legal and accounting member firms in each jurisdiction. Conducting business successfully across international borders not only requires detailed knowledge of local laws, tax systems, regulations and customs, but the experience, skills and resources to support business activities on a global scale. MSI recognizes that a wide range of professional advice is often needed when conducting business overseas. They bring together member firms with knowledge and experience in a wide range of disciplines. They provide local expertise and global reach to a wide variety of clients in many different industries. Kaplin Stewart is proud to offer our clients the support of a global legal and accounting network.
- Pamela M. Tobin, Esquire has been accepted as Master for the Mortgage Foreclosure Conciliation Program in Montgomery County, PA.** In response to the ongoing foreclosure crisis in this country, many states have implemented foreclosure diversion programs to assist borrowers in finding ways to avoid foreclosure. In Pennsylvania, certain counties have implemented such programs and made conciliation conferences available to homeowners facing foreclosure.

Celebrating 20 Years

Kaplin Stewart Meloff Reiter & Stein, P.C. is celebrating 20 years strong in the legal industry. This year marks a major milestone for Kaplin Stewart, the fact that in 1996 we began as a law firm dedicated to providing our clients with sophisticated, responsive and efficient legal counsel, providing practical advice with a solid foundation of business acumen and have now become an industry leading service provider with 75 employees committed to delivering the highest level of quality and satisfaction to our customers.

This celebration is dedicated to the people who have supported us throughout our remarkable 20-years! Thank you!

Did you know...

That an appraiser must be licensed in Pennsylvania to appraise a property located in Pennsylvania and if they are not, they committed a crime?

Pennsylvania statute makes it unlawful for a person to appraise Pennsylvania property unless they hold a valid certificate from the Pennsylvania Board of Certified Appraisers. See 42 Pa. Stat. 457.3.

Practically speaking, what that means is that a bank could reject the appraisal if the appraiser is not properly licensed. Additionally, if the property should become the subject of litigation, the appraisal will not hold up in court. The court will hardly credit testimony from an appraiser



who is not licensed and thus violating Pennsylvania law.

This lesson is not just limited to appraisers. My father recently retained a contractor to design and install front windows for a historical house that he owns downtown. Although the Philadelphia Redevelopment Authority had recommended the contractor, it turned out that the contractor had not renewed his license and my father could not obtain the permit he needed to install the windows as a result.

Now my father is faced with hunting down the contractor and nagging him to renew his license. What a hassle and shame on the professional.

Err on the side of caution to make sure that your appraiser -- or any professional really -- is currently licensed so that the final work product will stand up before a reviewing authority. So when you are

gazing at all those certificates hanging on the professional's wall, you would do well to check their expiration date!



PAMELA M. TOBIN

Pamela Tobin handles complex commercial litigation involving real estate disputes; trust and estate contests; and breach of software implementation contracts.

Ms. Tobin can be reached at 610-941-2543 or by email to ptobin@kaplaw.com.

Kaplin|Stewart
Attorneys at Law

KAPLIN STEWART LAND USE

Gregg I. Adelman
610-941-2552
gadelman@kaplaw.com

Barbara P. Anisko
610-941-2457
banisko@kaplaw.com

George W. Broseman
610-941-2459
gbroseman@kaplaw.com

Amee S. Farrell
610-941-2547
afarrell@kaplaw.com

Marc B. Kaplin
610-941-2666
mkaplin@kaplaw.com

Simi Kaplin Baer
610-941-2657
skbaer@kaplaw.com

C. Robert Lewis
610-941-2584
rlewis@kaplaw.com

Neil A. Stein
610-941-2469
nstein@kaplaw.com

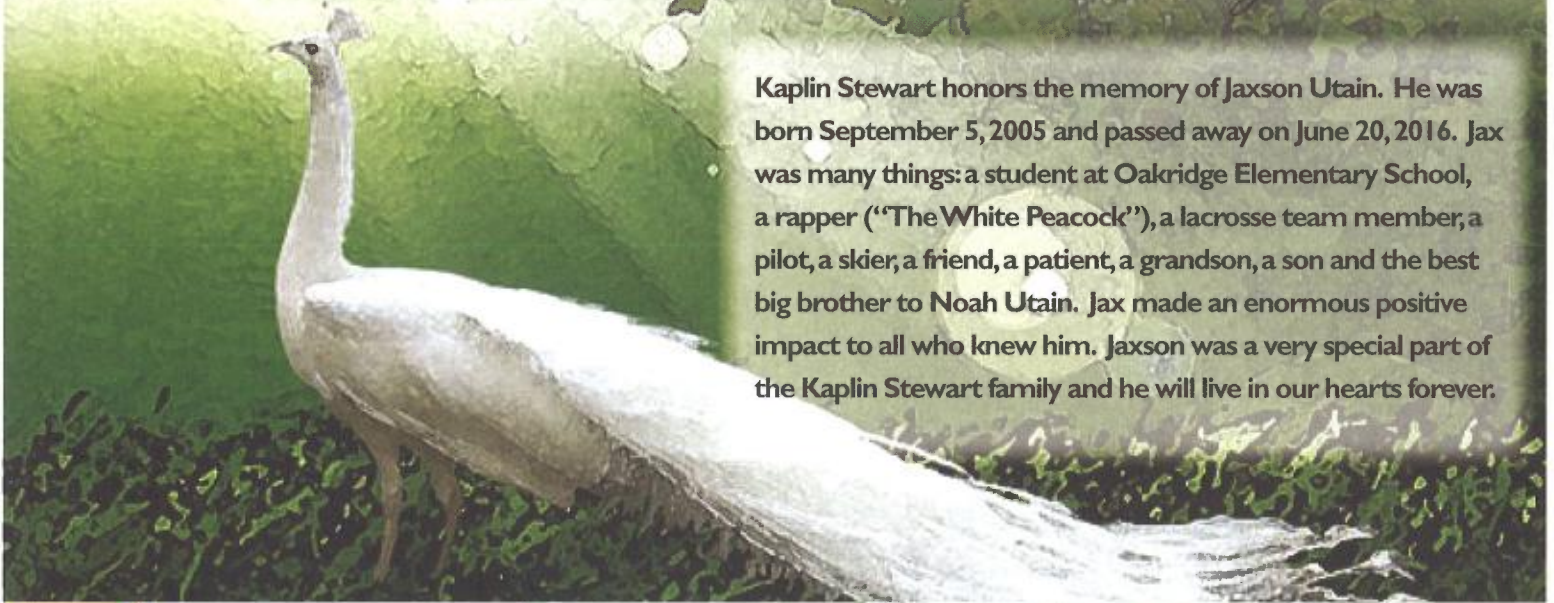
Pamela M. Tobin
610-941-2543
ptobin@kaplaw.com

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Kaplin Stewart
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Those we love don't go away, they walk beside us every day... unseen, unheard, but always near, still loved, still missed and very dear.



Kaplin Stewart honors the memory of Jaxson Utain. He was born September 5, 2005 and passed away on June 20, 2016. Jax was many things: a student at Oakridge Elementary School, a rapper ("The White Peacock"), a lacrosse team member, a pilot, a skier, a friend, a patient, a grandson, a son and the best big brother to Noah Utain. Jax made an enormous positive impact to all who knew him. Jaxson was a very special part of the Kaplin Stewart family and he will live in our hearts forever.

Kaplin Stewart
TO THE **POINT**
Keeping You Informed

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Editor: Adelaine Williams Photos: Paul Sirochman Design & Production: B Creative LLC



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Kaplin Stewart Meloff Reiter & Stein, P.C.
Union Meeting Corporate Center
910 Harvest Drive
P.O. Box 3037
Blue Bell, PA 19422-0765

Kaplin Stewart
Attorneys at Law