

THOMAS M. ERNST & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & PLANNERS
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In compliance with N.J.S.A. 45:8-36.3 & N.J.A.C. 13:40-5.1(d) & 5.2

WAIVER AND DIRECTION NOT TO SET CORNER MARKERS

To: "Surveyor"

**Thomas M. Ernst & Associates
457 Spotswood - Englishtown Road
Jamesburg, New Jersey 08831**

From: "Ultimate User"

Name: _____
Address: _____

Phone #: _____

Re: _____
Property (Lot and Block number, Municipality or other identifier)

This is to advise that I have been made aware of my right to have corner markers set as part of a survey to be performed on the aforementioned property. In addition, I have been made aware of the potential impact of signing the waiver including: (1) the possible need for a future survey as a result of physical improvements to the property, such as a fence, addition, deck, pool or shed, and (2) the potential inability of the ultimate user to identify the *[actual] boundary of the property which could result in a boundary dispute with an adjoining property owner and/or property improvements not accurately situated on my property. The right to have corner markers set is hereby waived, and you are directed to perform the land survey without the setting of corner markers as provided by the regulation (N.J.A.C. 13:40-5.2) of the State Board of Professional Engineers and Land Surveyors.

I/We hereby understand that I/We will be responsible for the payment of said survey regardless of whether or not this matter closes.

Ultimate User's Signature _____

Date: _____

Witness' Signature _____

Date: _____

Name of Witness (Typed or Printed)

Address of Witness (Typed or Printed)

For Surveyor Office Use Only After Receipt of Executed "Waiver"

I hereby certify that I have:

1. Advised the Ultimate user of the impact of signing the corner marker waiver, which shall include, but not be limited to, the possible need for a future survey as a result of physical improvements to the property and the potential inability of the ultimate user to identify the boundary of the property;
2. Reviewed the waiver to ensure that it was properly signed by the ultimate user and witnessed by a person other than a Land Surveyor; and
3. Performed a physical measurement of the property.

- **SEE PAGE 2 FOR**
IMPORTANT CLARIFICATIONS

New Jersey Licensed Land Surveyor

Date:

In compliance with N.J.S.A. 45:8-36.3) & N.J.A.C. 13:40-5.1(d) & 5.2

CLARIFICATIONS FOR WAIVER AND DIRECTION NOT TO SET CORNER MARKER

The “Ultimate User” should recognize that the “Setting of Corner Markers” does not GUARANTEE that a new or updated survey will not be required in the future. The “Surveyor” has no control over the requirements of other individuals or agencies that may necessitate a new or updated survey of the property.

The survey being prepared by the Land Surveyor is for a specific purpose as requested and directed by the Client/Ultimate User. It is NOT realistically possible for the surveyor to prepare a survey that meets ALL local, county and state requirements without specific directions from the Client/Ultimate User. The additional cost and time to prepare such a survey are factors in need of consideration at the time the survey is requested by the Client/Ultimate User.

The “ultimate User” should recognize that the “Setting of Corner Markers” may not help in visually locating the boundary line now or in the future due to a number of reasons, such as but not limited to the following:

1. Boundary lines obstructed by changes in ground elevation, wooded areas or other natural or man-made features of the property.
2. The length of the boundary line may make the visual location of the line or lines difficult/impossible.
3. Boundary markers being covered or otherwise hidden, removed or destroyed by natural changes to the property or by the actions of others.
4. Improvements or construction of structures, fencing, landscaping, etc. that may move, alter the location of and/or destroy the boundary markers.

Because of the above, additional survey work may be required to recover or replace boundary corners or provide additional markers along long lines. When requested by the “Ultimate User”, this work will be an additional cost.

The “Ultimate User” should be aware that “physical measurements of the property” are a required part of the New Jersey State Board of Professional Engineers and Land Surveyors rules, and are always taken by the Surveyor at the time the survey fieldwork is performed on any survey.

The Surveyor has prepared these “Clarifications” to the Waiver Form to assure that the “Client/Ultimate User” has a better understanding of the intent and purpose of the Form. The Surveyor should be contacted if the Client/Ultimate User has any questions.

Note: The Surveyor will accept the execution of the “Waiver and Direction Not To Set Corner Markers”, submitted to the Surveyor by the Client/Ultimate User, as evidence that the Client/Ultimate User fully understands and agrees with the content of said waiver.
