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The Maryland House of Delegates
House Judiciary Committee

Re: Criminal and Civil Trespass – Professional Land Surveyors– House Bill 1230

I am a Maryland registered professional land surveyor and I have also been a practicing attorney in Maryland for now more than fifty (50) years; and am member of the Maryland Society of Surveyors. In addition, I have taught classes at the Baltimore Community College (the Catonsville Campus) for more than forty (40) years, on the subjects of boundary and surveying law. As a part of the curriculum for my classes, a great emphasis is given to the various statutes and case law dealing with both civil and criminal trespass.

As it has been said often over the years, land surveying is a time-honored profession, however, its importance is not always that well understood by most people which, in part, is to assist in the determination of the title to real estate. In making that determination, the land surveyor must correctly determine the bounds and the location of the common corners of the property which is being surveyed. In doing so, the surveyor cannot avoid entering upon a neighboring property, usually to uncover a property corner – a boundary monument, and to precisely determine the common line between two or more properties. Therefore, in the conduct of most surveying projects, it is necessary for the surveyor to enter onto adjoining properties in a reasonable and non-destructive manner.

In addition, local and national standards of practice for land surveyors require that structures and other improvements on adjoining properties be located when they are in close proximity to a common boundary line, or when those improvements may possibly be encroaching on the property being surveyed, which are important to locate in order to determine if the title to the property being surveyed is legally marketable.

When surveying, the land surveyor has traditionally and has always attempted to notify adjacent property owners of their activities. The land surveyor makes every attempt to not unnecessarily enter onto adjoining properties, however, they are sometimes required to find a property corner – a monument on adjacent property in order to re-establish common property liens.

It is inevitable and it cannot be avoided by the surveyors to enter onto adjoining properties to find the proper monumentation - that is, the evidence to re-establish a common property line. At common law, trespass involves an “unjustifiable interference with the land which is in the

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exclusive possession of another.” With the passage of House Bill 1230, Maryland land surveyors will be given a limited exception to the law of trespass, however, they will continue to be liable for both real and personal property damages.

I most heartedly support House Bill 1230 for the protection it will give to not only the land surveyors in the State of Maryland, but also for the protection that it will provide to property owners, so that they can be assured that their property is being adequately located.

Respectfully submitted,



James J. Demma