

# BRAUN & GRESHAM

ATTORNEYS AT LAW

## Do Good Fences Really Make Good Neighbors?



### By Patrick Reznik

*Patrick's Texas farm and ranch background, agricultural engineering education, and hardworking lifestyle bring a skilled, creative, understanding and compassionate approach to protecting clients' rights and resolving conflicts. His years of working with clients in difficult and often emotional circumstances have equipped him to handle complex legal problems with skill and compassion. Patrick leads the firm's transmission routing and condemnation practice, and also handles other general litigation work.*

We know Robert Frost's famous line from his poem *Mending Wall*: "Good fences make good neighbors." But what if the fence is not on the boundary line between you and your neighbor?

Historically, fences were often built where convenient and maintained for decades without regard to the actual boundary lines. As rural land in Texas continues to be subdivided and developed, surveys often reveal fences are not exactly on the boundary lines. When a landowner gets such a survey, the resolution may not be simple. But it is critical for the landowner to act to resolve the issue.

For example, a client tried to be a "good neighbor." He contacted his adjoining landowner, showed the neighbor the new survey, and asked for an agreement on the boundary line. After years of delay, no agreement was reached, and his neighbor filed an affidavit of adverse possession in the deed records. Our client moved forward with the development without resolving this new encumbrance on the title or

the boundary dispute. Years later when he was ready to sell the property in dispute, the project was delayed by protracted litigation and with statute of limitations problems.

Unfortunately, his good intentions resulted in a boundary dispute involving conflicting surveys, mistakes in the survey calls, and recorded deeds and claims for adverse possession. We have another client whose neighbor decided to clear valuable trees along the fence line. A new survey showed our client actually owned the trees and she had a claim for trespass to real property.

Any landowner, upon discovering a potential boundary dispute, should immediately contact Braun & Gresham, PLLC to map out a plan of action. The legal issues to clear title and any claims for damages or attorney's fees are complicated. Regardless of the individual facts, inaction will delay a resolution and be more costly to the landowner.