

Massachusetts Legal Descriptions

Understanding Metes and Bounds

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INTRODUCTION

A deed in Massachusetts must have several key components. One of these components is the legal description. Without a clear legal description, it is not possible to know what property is being sold or leased or mortgaged.

For a deed to be valid, the legal description must be capable of referring to only one parcel. It also must be clear enough to allow a surveyor to find the precise location of the parcel on the ground.

WAYS OF DESCRIBING PROPERTY

There are several methods now used to legally describe land. Below is a list of these, together with an example in italics. This article focuses on the methods most common in Massachusetts, (which includes all of those listed below except the last).

- **Bounded Descriptions:** These have no distances or direction given.
“Bounded on the north by land of A F Walsh”
- **Metes Descriptions:** These give both a bearing and distance.
“North 24 degrees East 300 feet to point”
- **Metes and Bounds Descriptions:** These combine both of the above.
“North 24 degreed East 300 feet by land of Jones to land of Smith”.
The Metes and Bounds method of describing property was used in original 13 United States Colonies as well as several of the other early states.
- **Strip Descriptions:** These identify a centerline and offsets from that line.
“A strip of land 3 feet wide bounded on the north by the first course above”
- **Reference Descriptions:** These rely on a reference to a recorded plan.

“Lot 27 shown on the plan recorded at Plan Book 11, Plan 2”

- **Call Descriptions:** These rely upon reference to physical objects.
“Beginning at a drill hole in a wall, thence southerly to a spruce tree”
- **Sectionalized Descriptions:** These generally refer to the Public Land Survey System common in the west and central parts of the country.
“The Northwest Quarter of the Southwest Quarter of the Northeast Quarter of Section 2 Township 6 North, Range 3 East”

MASSACHUSETTS DESCRIPTIONS IN PRACTICE

In practice, the deeds found in Massachusetts are not purely of one type of the other. We often see deeds that use several combinations of description types. It is not uncommon to find a well-crafted deed that includes a metes and bounds description as well as a reference to plans and physical monuments.

This practice can improve accuracy, but also can make a deed unintelligible to most people. It is easy to understand words such as “by the highway” or “to land of Wilson”. It is not so easy to understand a bearing such as “N 53°37’23” E”.

UNRAVELING THE DESCRIPTION

The Metes and Bounds Descriptions can be thought of as a walking tour around the property. In order to have a successful walk you must know:

- Where the walk will start,
- The direction that you will travel in, and
- How far to you will travel.
- It is also helpful know what you will find when you get there.

WHERE THE WALK WILL START

The starting point of the description is the “point of beginning” (POB for short). This should be a spot that can be found without much trouble.

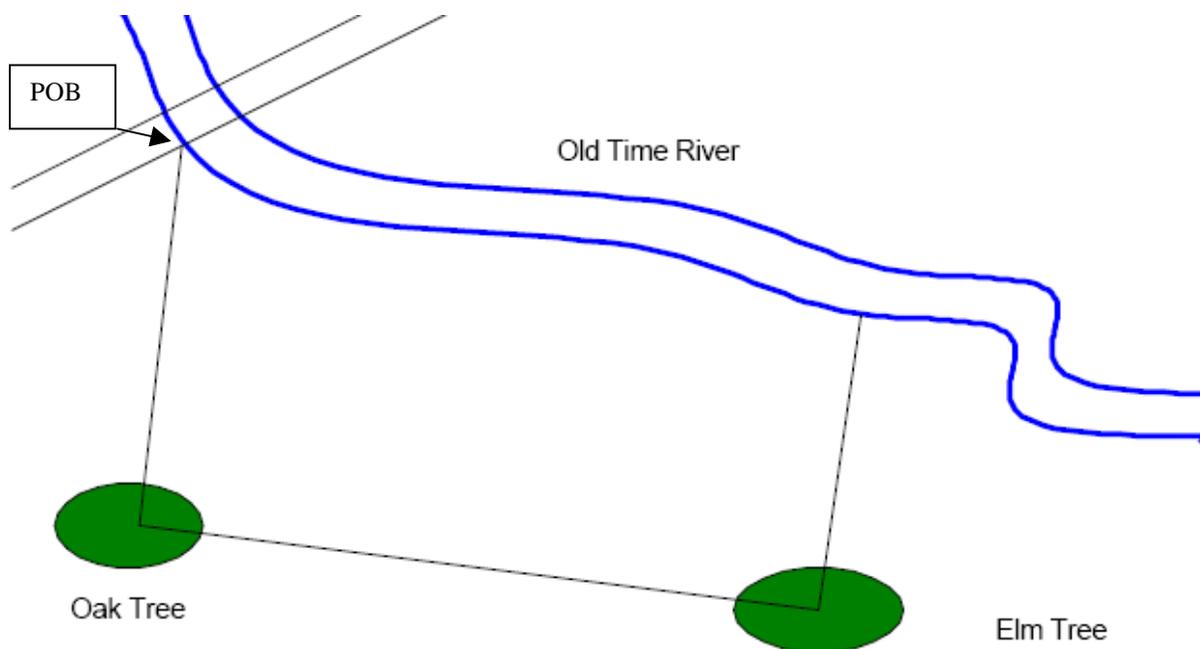
Below is an example of a poor point of beginning actually found in an ancient deed:

“Where the grape vine once grew.”

A better example of a point of beginning is:

“Beginning at a granite highway bound located at the west side of Old Time River where it intersects the south side River Road”.

To get to the point of POB, we would walk down River Road until we found the Old Time River. Then we would get our compass out and find out which was the south side of the road and the west side of the river. When we got to that point we would look for a square granite post, mostly buried in the ground. Here is a sketch of this point.

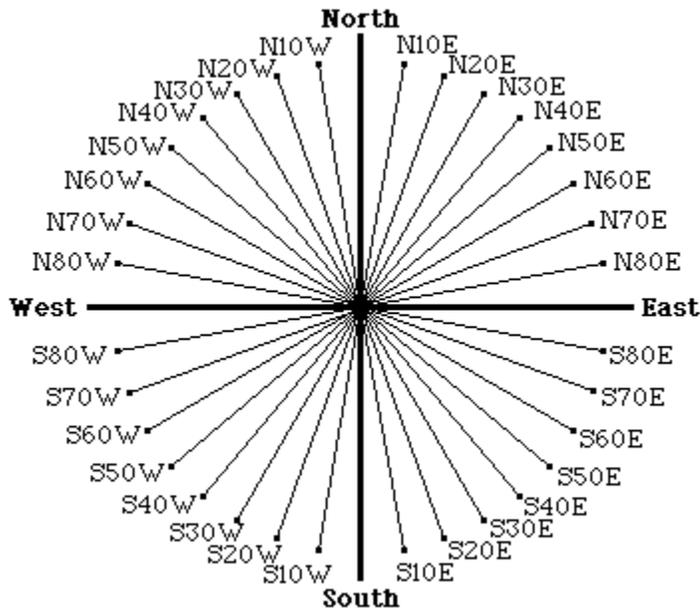


THE NEXT STEPS

From this point we would then look at the next sentence to see what direction we go in and how far we are to travel. In this case the description reads:

“Thence in a S35° W a distance of 150 feet to an old oak tree”

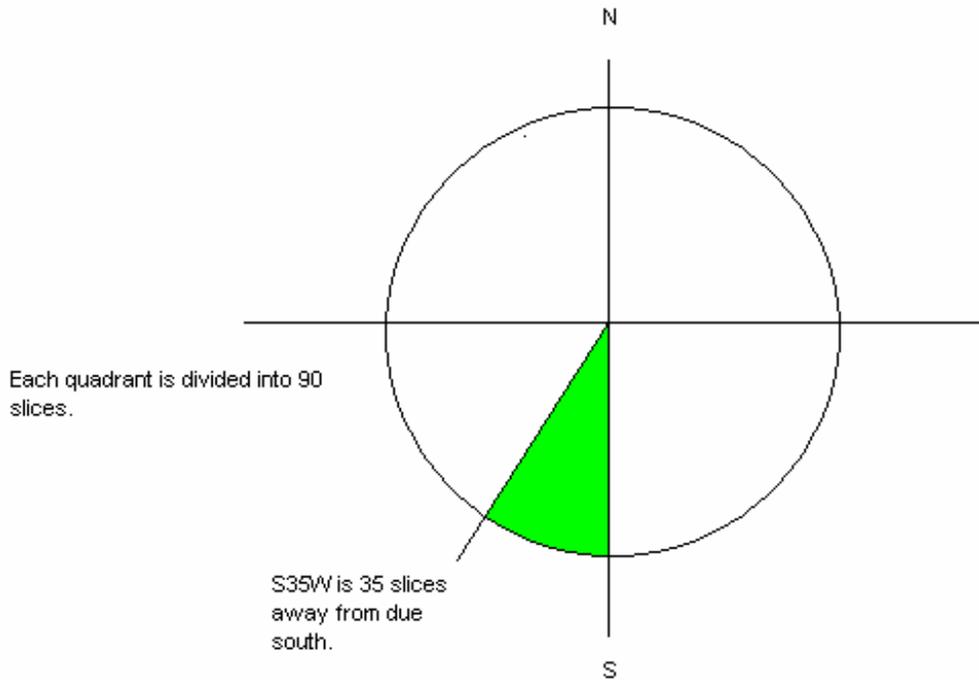
To understand this line, you need to understand how some basic facts about the compass.



A compass sets direction by dividing a circle into 360 equal slices called degrees. The standard symbol for a degree is “°”.

Note: Often, you will find see bearings such as this: “N 53°37’23” E”. In this case the 37’ refers to minutes (not feet) and the 23” refers to seconds (not inches). The bearing stated above, without the abbreviation, translates to “North 53 degrees, 37 seconds, 23 minutes East. Each 1/60th of a degree is referred to as a minute. Each 1/60th of a minute is referred to as a second. Unless you are a surveyor, this level of detail is not relevant to the general understanding of the description.

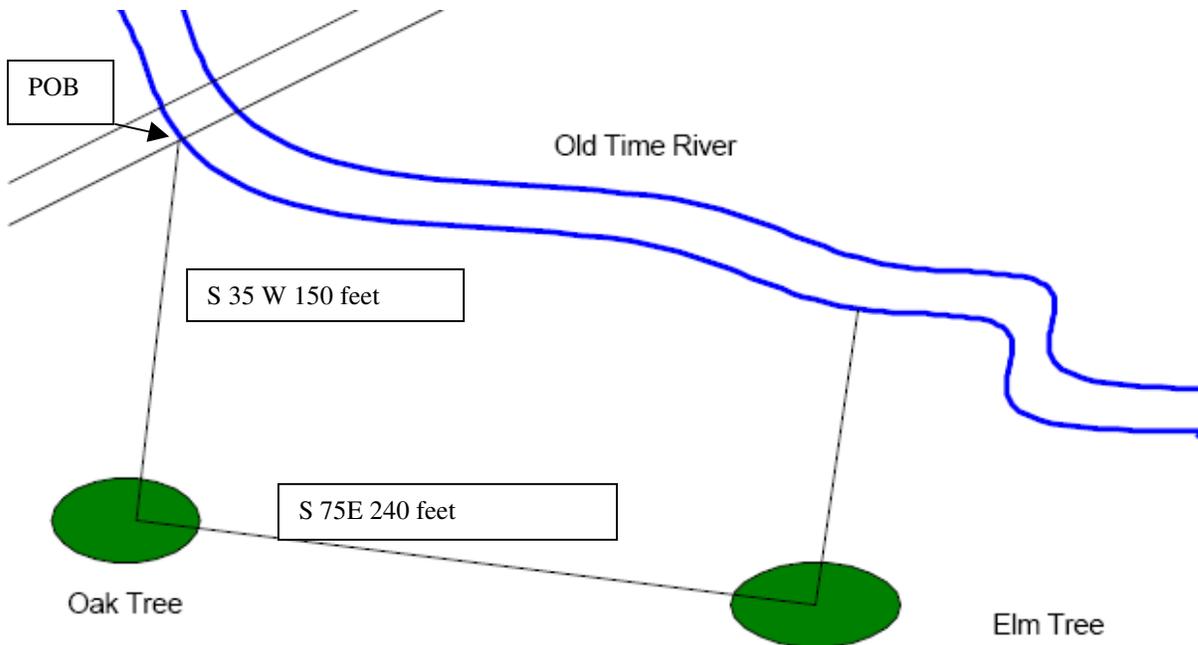
The compass is also divided into four quadrants (northeast, northwest, southeast, and southwest). Bearings are described by the number of degrees they depart from due north or due south. Thus, *S35°W* refers to a line that is 35 degrees west of due south. There are 90 degrees in each quadrant so *S35°W* is about 1/3 of the way into the quadrant counting from due south towards due west.



Now we look at our course.

“Thence in a S35° W a distance of 150 feet to an old oak tree”

We stand on our POB and face due south. Then we turn 35/90th of the way to due west. We start walking and keep going until we go 150 feet. At that point we confirm that we are in the right spot because we see the old oak tree just as expected.



The next course is understood in much the same way.

“Thence S75°E a distance of 240 feet to an elm tree.”

We stand at our oak tree and look due south. Then we turn 75/90th of the way towards due east. Then we walk 240 feet to the elm tree.

Next our description states:

“Thence N30°E a distance of 125 feet to the river.”

We stand at our elm tree and face due north. Then we turn 30/90th of the way toward due east. We then walk 125 feet where we should then see the river.

The last course concludes the walk:

“Thence by the east bank of the river 285 feet to the point of beginning.”

CONCLUSION

As a rule a lawyer is not as interested in the technicalities of the description as is the Surveyor. The lawyer commonly deals with the “quality of title” (i.e. who owns the land). It is the land surveyor who deals primarily with the “extent of title” (i.e. where the boundaries of the land are located).

None the less, the lawyer must be able to understand the description, plot the description on paper, and be able to determine if it the description is legally sufficient. Without these skills, the lawyer cannot understand the documents he or she is preparing or properly represent the client.

CONVERSION TABLE

1 link = 7.92 inches

1 rod = 25 links = 16.5 feet

1 chain = 4 rods = 66 feet

1 furlong = 10 chains = 40 rods = 660 feet

1 mile = 8 furlongs = 80 chains = 320 rods = 5,280 feet

1 square rod = $272\frac{1}{4}$ square feet ($30\frac{1}{4}$ square yards)

1 square chain = 4,356 square feet

1 acre = 43,560 square feet

1 square mile = 640 acres (one section)

1 township x 1 range = 36 square miles