**LEGAL DESCRIPTION.** No two parcels of land are exactly alike. Each parcel occupies a unique location. A street address is not enough to legally describe a parcel because it only tells where to find it, not what it consists of. Over the years, street names and numbers change. A legal description is one that is precise and not ambiguous. This is what the courts require in contracts such as real estate sale contracts, mortgages, deeds and leases.

A legal description will identify the property in such a way that it cannot be mistaken for any other parcel and can be found at a later date in spite of changes that might occur. The street address is usually included in the legal description, if available, just to be sure both parties to a contract are thinking of the same property.

The more formal ways of describing property require the technical skills of a surveyor. Only licensed surveyors can officially prepare the survey, which is an authenticated map based on measurements and data assembled for that purpose. The survey a buyer receives at closing is called a spot survey. Real estate professionals are not expected to have this expertise; however, they should be able to read and understand information on a surveyor prepared plat of survey in order to advise clients.

There are two different forms of legal description commonly used in Georgia: metes and bounds and recorded plat

1. METES AND BOUNDS. The metes and bounds method of legal description identifies the parcel by describing its boundaries. It can be compared to a walk around the border of the property. It is the most authoritative method but also usually the longest and most difficult to prepare and to interpret. Metes are distances and directions. Bounds are landmarks or monuments that serve as markers each time the distance and direction must change. Objects like trees and rocks are natural monuments and manmade markers such as stakes, metal pins, concrete markers, roads, walls or fences are artificial monuments.

Before modern surveying technology was developed, monuments served as the primary method for describing the land. Even today, land of little value or in remote areas might be described solely by monuments.

A metes and bounds description must have a definite point of beginning (P.O.B.) that is the place in the property where the survey begins. Any uncertainty about this could make it vague and might void a contract or deed. Because this is so important, the point of beginning is identified in relation to some permanent point of reference, such as a standard bench mark, whenever possible. Bench marks are fixed points, set in place by the U.S. Geological Survey. They are referenced to each other by distance and direction and are considered to be the most reliable references because of their permanence and accuracy. If a monument is destroyed or removed, it can be reestablished by relying on the bench mark.

Once the point of beginning is established, the description continues with the compass direction and distance for each boundary line. This is known as a call. Finally it must return to the point of beginning for closure. If closure is not possible, the description is incomplete

1. THE RECORDED PLAT (SHORT FORM) DESCRIPTION. When a subdivision has been recorded, the recorded plat provides the most convenient legal description. When a tract of land is subdivided, most local governments would require that a licensed surveyor or engineer prepare a plat showing how the land would be divided into blocks and lots. Letters and numbers are assigned to each block and lot, with exact sizes and dimensions shown. Once the plan is finally approved, the plat is recorded at the county courthouse. Then all future legal descriptions of lots in that subdivision need only recite the name of the subdivision, the lot and block number, the plat book and page number, along with land lot, District, Section (if applicable), and name of the county and state.

A sales contract or lease without a sufficient legal description is not enforceable. The street address is not enough. You should obtain the legal description before writing the contract.

An agent should be able to compose a short form description from a recorded subdivision plat. Only surveyors, attorneys or qualified persons should attempt to compose a metes and bounds description.

A listing agent should get the legal description of the listed property as soon as possible. It can be found:

a) in the seller’s deed or in the security deed;

b) on the seller’s plat of survey if one is available;

c) on the subdivision plat if it is in a recorded subdivision; or, d) as a last resort, in the public records of the county in which the property lies.

There are three circumstances where one cannot use an existing legal description:

1) When the seller is not selling the entire tract. A new survey is needed.

2) When the seller has previously sold part of the land. A new survey is needed.

3) When a recent survey is in conflict with the description on the deed. This indicates a possible title problem. Consult your broker or closing attorney.