July 6, 1965 G. R. M. PRATT 3,192,633

BUILDING APARTMENT LEGAL DESCRIPTION REFERENCE MARKER

Filed April 12, 1962 2 Sheets-Sheet 1

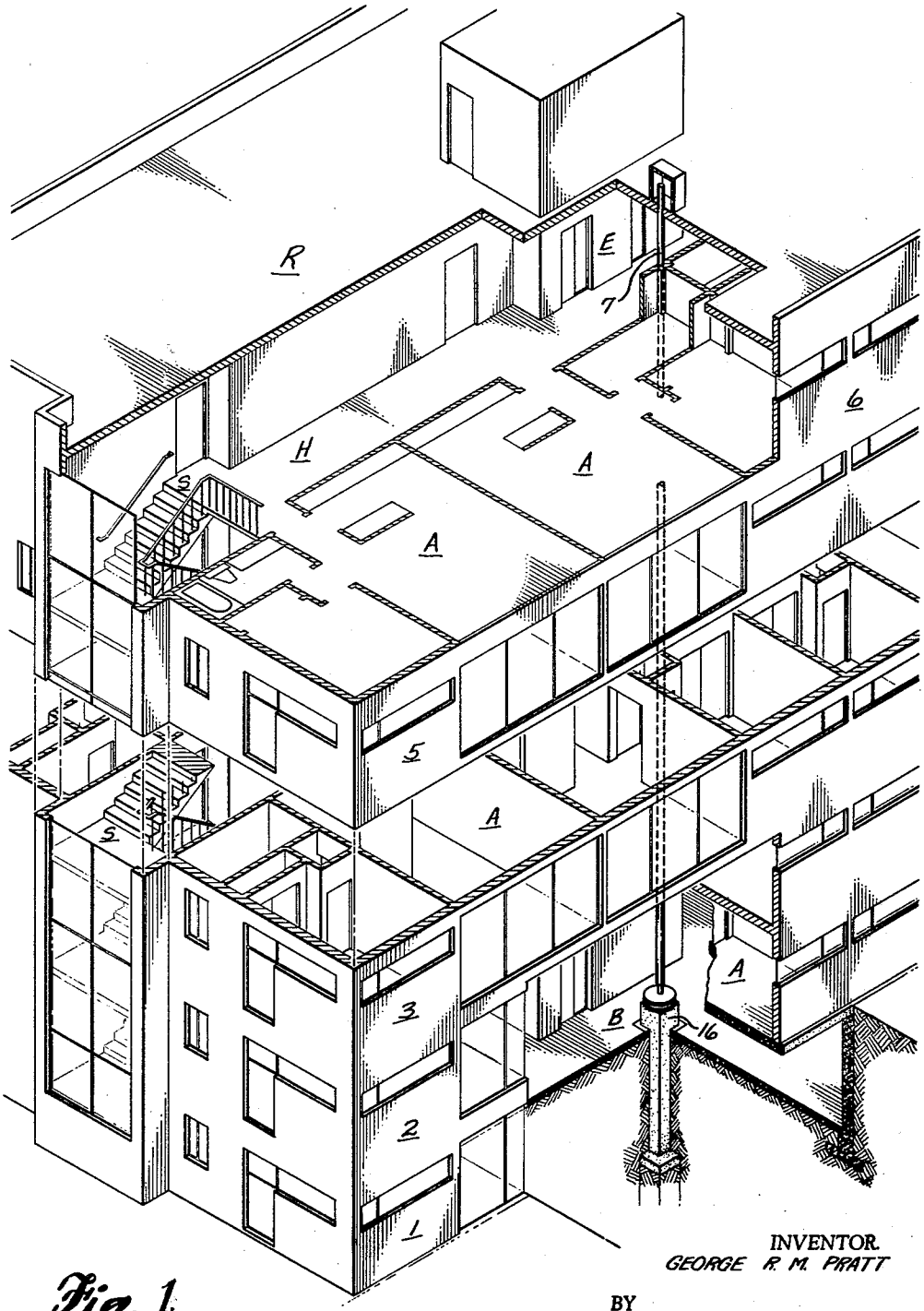


Fig. 1.

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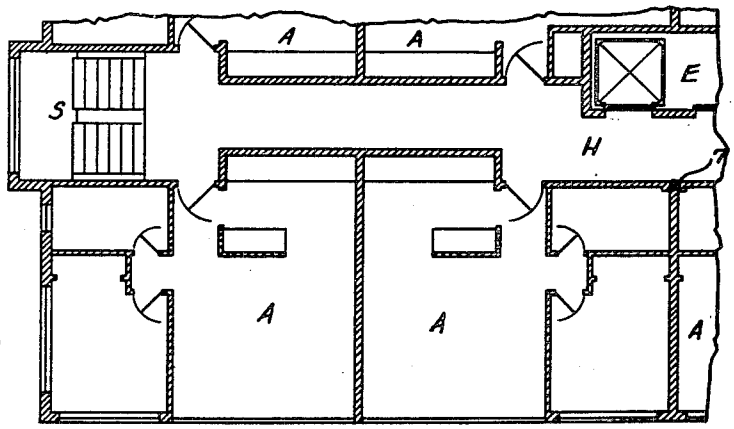


Fig. 2.

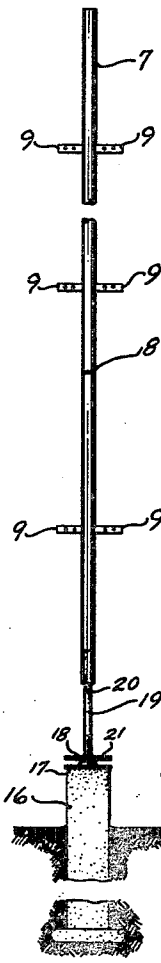


Fig. 3.

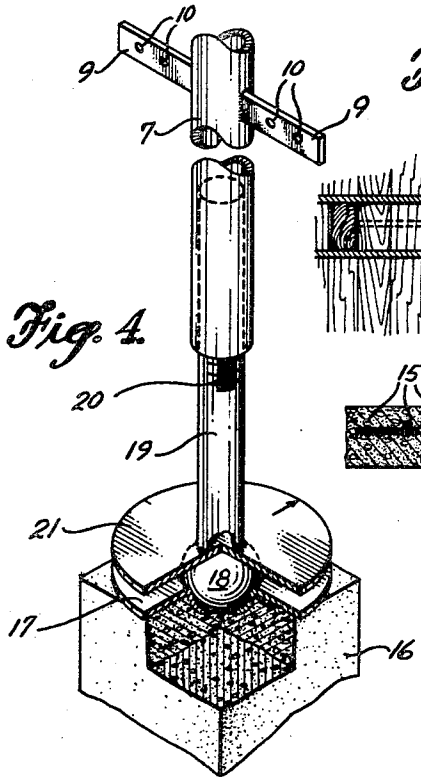


Fig. 4.

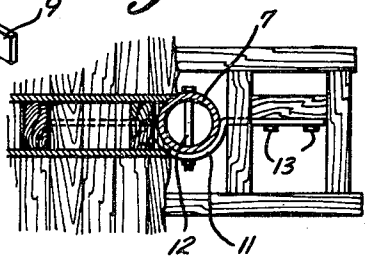


Fig. 5.

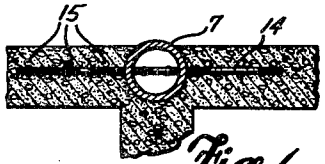


Fig. 6.

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3,192,633

Patented July 6, 1965

3,192,633
BUILDING APARTMENT LEGAL DESCRIPTION REFERENCE MARKER

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Filed Apr. 12, 1962, Ser. No. 187,101
3 Claims. (Cl. 33—125)

The reference marker of the present invention is intended particularly for providing convenient bench marks to which metes and bounds descriptions of individually owned apartments in a multiple apartment building can be referred.

In most instances an entire building will be owned by a single owner. In some instances, however, particularly apartment buildings, it may be desirable for each of several apartments to be owned by a different owner in fee simple while various portions of the building are owned jointly by the owners of the several apartments, namely, the land, foundations, exterior walls, party walls between the individually owned apartments, halls, lobbies, stairways, walls between the individual apartments and such commonly owned portions of the building, basements, roof, automobile parking areas, yards and utility installations for water, gas, power, light, heat, elevators, sewers and incinerators. Such common facilities of the building may be owned without designation of any particular fractional interest being allocated to the owners of the several apartments, or it may be preferred to determine what particular fractional part of all the apartments each apartment is so that the corresponding fractional part of the common facilities can be owned by each separate apartment owner appurtenant to his apartment.

A building in which multiple apartments are thus separately owned and facilities common to the several apartments are owned jointly by the apartment owners is designated a condominium, Webster's Third New International Dictionary defining a condominium as "common ownership by two or more persons holding undivided fractional shares in the same property and having the right to alienate their shares, resembling tenancy in common in Anglo-American law rather than joint tenancy with its rights of survivorship." As applied to individual apartments, James F. Neville in the article "Condominium Gaining Favor in U.S." in the N.A.H.B. Journal of Home Building for October 1961, page 65, states, "Condominium is the individual ownership of a part of communally-held structure and land," while William S. Everett in his article "Condominium and Cooperative Apartments" published in the Journal of Property Management, vol. 27, No. 1, fall of 1961, states at page 7, "The dictionary defines condominium as 'joint ownership and control.' In practice it refers to property under joint ownership and control. In common usage it is applied to the individual apartment which is individually owned outright, together with the bundle of rights, privileges and responsibilities that go with the areas or portions of a building and land which are owned and controlled jointly." In the following description a "condominium" apartment will be used to designate one apartment of a multiple apartment building owned in fee simple so that it can be sold, mortgaged, assessed and taxed separately from the other apartments in the same building. The right to mortgage independently such a separately owned condominium apartment has been recognized in the provision for insuring such mortgages under the Federal Housing Act of 1961, Public Law 87–70, 75 Stat. 161, page 12, adding Section 234 to Title II of the National Housing Act which includes within the term "mortgage," "a first mortgage given to secure the unpaid purchase price of a fee interest in, or a long-term leasehold interest in, a one-family unit in a multifamily structure and an undivided

interest in the common areas and facilities which serve the structure."

In order to avoid any question as to what specific property is included in a particular condominium apartment it is very desirable that each apartment be capable of accurate legal description by metes and bounds, but in order to provide such a description it is also necessary to refer each such description to indisputable reference markers. Condominium apartments have been described in this manner in the past by giving distances and elevations from an established land datum. A difficulty, however, is that if the building or the apartment in the building is disturbed by earthquake, sliding or settlement the description would no longer be correct.

It is therefore a principal object of the present invention to provide a legal description reference marker for use as a datum or bench mark in describing a condominium apartment which will maintain its accuracy of description irrespective of any movement of the building in which the apartment is located.

More specifically, it is an object to provide such a reference marker which is integrated with the building so as to eliminate any possibility of a change in relationship between the marker and any apartment of the building described with reference to such marker, and which is located in the building at a position which is convenient for reference in describing various apartments in the building.

In order to compensate for any movement of the building relative to its site, whether by shifting or by settling, it is an object to provide a site reference marker coordinated with the building-integrated reference marker so as to indicate any relative movement of the building and the site, and the nature and extent of such movement.

Another object is to provide a convenient and inexpensive reference marker for installation in a multiple story building at the time of the construction and which is provided with bench marks for each floor of the building, to which respective bench marks the metes and bounds descriptions of the apartments on the respective floors can be related.

A more specific object is to provide universally shiftable transition means between a building-integrated marker and a site marker which will indicate readily any change in attitude or location of the building-integrated marker relative to the site marker.

The foregoing objects can be accomplished by installing in a condominium apartment building while under construction a hollow building-integrated reference bench mark column having a bench mark exposed at each floor, or capable of being exposed easily, a base or site section permanently located on the building site and a transition section received telescopically in the hollow column and engaging the site marker for universal tilting and shifting relative to it. Relative movement between the transition section and either the building-integrated section or the site section, or both, will indicate the extent and nature of the movement of the building relative to the site, if any.

FIGURE 1 is a top perspective of a condominium ment building in which a reference marker of the present invention is installed, parts of such building being broken away.

FIGURE 2 is a horizontal section through a portion of the apartment building of FIGURE 1.

FIGURE 3 is an elevation of the reference marker of the present invention, parts being broken away, and

FIGURE 4 is a top perspective of a portion of such marker showing particularly its transition section.

FIGURE 5 is a horizontal section through an alternative form of marker and FIGURE 6 is a horizontal section through still a different type of marker, adjacent

portions of the building structure being shown in each instance.

A typical condominium apartment building is illustrated in FIGURE 1 as including several floors 1, 2, 3, 5 and 6. Only one corner of the apartment building is shown. Each floor may have several apartments which are individually owned, as well as communal halls H, stairways S, elevators E and other facilities. The basement B which may be used for storage, heating equipment, laundry facilities and automobile storage will also be owned in common. In order to enable each of the apartments A to be described by a legally accurate and sufficient metes and bounds description the reference marker of the present invention is provided.

The principal component of the reference marker is an upper reference column section 7 which extends vertically through all the floors of the building and is suitably integrated with the building to move with the building but is excluded from its load-bearing structure. Such a reference column must be accessible at each floor and it is preferred that the column be exposed or exposable in a communal portion of each floor, such as a hall H, as shown in FIGURE 2. Usually the floor plan of at least the upper floors in such an apartment building is the same for each floor, so that it is possible to locate the reference column 7 in a position exposed or to be exposed to a hall in each instance. Conveniently, the column can be imbedded in the wall of each hall, as shown in FIGURE 2, so that one side of the column is substantially flush with the wall of the hall but still is exposed. Alternatively, the column could be concealed by a readily removable panel or its appearance could be suitably blended with the finish of the hall so as not to be obtrusive.

Each portion of the reference column 7 exposed or exposable to each floor of the building, designated accessible to each floor, should bear a bench mark 8 which will constitute the datum for the particular floor, with reference to which the several apartments on that floor will be described. It is therefore necessary to insure that the reference column 7 be integrated with each of the floors of the apartment building so as to be immobilized with reference to the building structure. For this purpose anchor means interconnecting the reference column and the building structure are provided. Such anchor means may, as shown in FIGURES 3, 4, 5 and 6, be projections extending laterally from the column which are anchored to the building structure.

In FIGURES 3 and 4 the anchor means projections are metal bars 9 having ends welded to the sides of the tubular metal column 7. These bars have holes 10 in them through which bolts, lag screws, or nails may be inserted into structure of the building at each floor so as to integrate the column permanently with the building structure. Such column should, of course, be anchored in a precisely vertical position. Alternatively, a strap 11, shown in FIGURE 5, can be provided having a curved portion engageable with the side of the column 7 and which can be secured to the column by a bolt 12 extending through the strap and the column. Like the bars 9 the ends of such straps may have holes in them through which bolts, lag screws or nails 13 can be extended into the building structure, particularly if such structure is made of wood.

A form of anchoring means for a reference column which is particularly adapted to reenforced concrete building construction is shown in FIGURE 6. In this construction a crossbar 14, which may conveniently be made of reenforcing steel, extends through aligned apertures in the opposite sides of the tube 7 and may project alongside upright reenforcing bars 15 embedded in a concrete wall. The tube 7 may, for example, be four inches inside diameter and the concrete wall may be six inches thick. The reenforcing rod 14 may be three-quarters of an inch in diameter. Since the concrete embraces the tubular column 7 on three sides it cannot move laterally toward those sides and since the crossbar 14 is engaged behind the reenforcing rods 15 the column cannot move toward the face of the wall. Also, the column cannot move vertically relative to the wall because of the anchoring action of the crossbar having its ends embedded in the wall and its central portion passing through the walls of the tubular column.

As shown in FIGURE 6, it is preferred that one surface of the wall, such as in a hall of the building, be substantially flush with a side of the tubular reference column 7. The bench marks 8 will be provided on this exposed side of the column. If the column is painted or finished to match the wall surface adjacent to it such column will be hardly noticeable, yet will be exposed so that the bench mark 8 will be available at any time. In FIGURE 5 the column is shown as having the strap 11 connected to it beneath the floor, but the strap could be secured to the column at any convenient location. Also, as shown in FIGURE 1, it is preferred that the column extend upward through the roof R for reference purposes.

It is evident that the reference tube 7 should be perfectly straight when it is installed, as well as being vertical. When it is anchored to the building in the manner described, the bench mark 8 at each floor will remain in definite predetermined relationship to all the apartments on the respective floor because it is extremely unusual for appreciable shift to occur between two floors of a building. Almost invariably any shift of a building is of the building as a whole. Such shift may be a lateral shift such as caused by an earthquake, or may be vertical movement or a slight tilt caused by settling of the building. Since the legal description of each apartment should be related to a permanent site datum, the reference column 7 can be located relative to a site marker or bench mark.

While it would be feasible to locate the reference member along side a condominium building, rather than in the building itself as preferred, such member should be definitely related to a site marker of some type. Preferably such relationship is accomplished by structural correlation of the building-integrated marker and the site marker, such as in the manner shown in FIGURES 1, 3 and 4. These figures show a stationary base site section 16 of the reference marker which is integrated with the site and is independent of the building foundation as shown in FIGURE 1. Its lower end shown in FIGURES 1 and 3 preferably rests on bedrock, or at least this base section is of sufficient length and engages a sufficiently firm footing so as to constitute an immobile site marker. Whether or not the building settles or tilts, or shifts laterally the base section 16 of the reference element would remain fixed. It is important, therefore, that there be sufficient clearance between the floor of the basement B and the base section 16 to prevent the base section being moved by shifting of the basement floor. The space between these elements could, for example, be filled in with soft mastic which could yield in case pressure were put on it by shifting of the basement floor.

On the upper end of the base section 16 is a bench mark or reference element constituting a site marker and this element may be correlated with the building-integrated reference column 7. Preferably, the site marker or bench mark takes the special form of a plate 17 on the upper end of the base section 16 and having a centrally mounted ball 18. Between such bench mark element and the building-integrated reference column 7 is interposed a transition section of the marker device including a tube 19 which is movable lengthwise relative to the column 7. The column 7 and tube 19 can have relative telescoping engagement, such as the upper end of the tube 19 fitting slidably in the lower end of the column 7. The upper end of such tube may have graduation marks 20 on it to indicate the relative lengthwise disposition of the building-integrated column and the transition tube.

On the lower end of tube 19 is mounted a disk 21, which

preferably is circular and of the same size as the disk 17. The lower surface of the disk 21 should be flat so that when it rests on the upper side of ball 18 it can slide relative to the plate 17 without resistance. The base section 16 usually would be installed before the building-integrated column 7 is installed. Whichever of these elements is installed first the disk 17 and ball 18 and the transition section 19, 21 should be installed so that the tube 19 fits snugly, although slidably, in the column 7 and the plates 17 and 21 are in exact registry and parallelism.

The change of relationship between the transition section 19, 21 and the site marker 17, 18 on the one hand, and the building-integrated column 7 on the other hand, will indicate any relative movement which may occur between the building-integrated column and the site marker whether the change in relationship is effected by lateral shifting, settling or tilting of the building, or some combination of these movements. Lateral displacement would be indicated by the direction and degree of movement of disk 21 out of exact registry with disk 17. Tilting of the building would be indicated by movement of disk 21 out of parallelism with disk 17 and the direction of tilt would be indicated by the portions of the disks between which the spacing decreases. Settling of the building would be indicated by movement of the lower end of tube 7 relative to the index marks on the tube 19 of the transition section. Thus, not only the fact of movement of the bench mark building-integrated column 7 relative to the site marker 17, 18 would be detected but the change in relationship of either of these members and the transition section will indicate the type, degree and direction of such relative movement.

Initially, all the bench marks 8 on the building-integrated column 7 will bear a known relationship to the disk 17. By describing each condominium apartment relative to a bench mark on the column, preferably located at the elevation of the same floor, a proper and legal metes and bounds description of the apartment can be prepared. Since each such reference column bench mark will bear a known relationship to the base section 16 of the marker device the description of the several apartments can be definitely related to the site marker. If the building should shift so that this description no longer is accurate in space the description can be revised to be accurate simply by revising the description of the relationship between the building-integrated reference column section and the base section of the marker, as indicated by the transition section. Thus, the same revision can be made in the description of all of the condominium apartments from time-to-time according to any shift of the building relative to the site. The description of any apartment with respect to the bench mark 8 on the reference column 7 at its floor would not be changed, however, because, whatever shift there may be in the building, the relationship of a particular apartment to the building and bench mark column would not change.

By utilization of a reference marker having a building-integrated reference column section 7, a base section 16 and a transition section 19, 21 cooperating in the manner described above, separate metes and bounds legal descriptions of all the condominium apartments in a building can be provided, and these descriptions can be checked at any time both with respect to the bench mark column 7 and by reference to the base of the marker. Thus, despite movement of the building, a correct legal description of each compartment with reference to a site bench mark can be established at any time.

By provision of a reference marker according to the present invention in a condominium apartment building it would be possible to identify the extent and location of any apartment in the building as originally constructed even though all of the partitions on a particular floor were removed, or destroyed by fire, for example. Thus, a proper legal description is possible for each such apartment without relying simply on designation of the floor

and an apartment number, or even the size of an apartment and its general location on the floor. Ownership disputes could be settled if a party wall were destroyed. An actual plat of each floor plan could be recorded and the description of each apartment of such floor plan could be identified by reference to the reference marker described above.

I claim as my invention:

1. A legal description reference marker for apartments in a multistory building, comprising an upper reference column section extending vertically for a distance equal to the composite height of a plurality of floors of such building and having a reference portion accessible to each floor, anchor means securing said upper column section to the structure of the building, a stationary base site section independent of the building foundation fixedly embedded in the ground beneath said upper reference column and thus integrated with the building site, and transition means interposed between said upper reference column section and said stationary base site section indicating relative displacement of said upper reference column section and said stationary base site section resulting from settling of the building relative to said stationary base site section.

2. A legal description reference marker for apartments in a multistory building, comprising an upper reference column section extending vertically for a distance equal to the composite height of a plurality of floors of such building and having a reference portion accessible to each floor, anchor means securing said upper column section to the structure of the building, a stationary base site section independent of the building foundation fixedly embedded in the ground beneath said upper reference column and thus integrated with the building site, and a transition section slidably engaging said upper reference column section and supported from said stationary base site section and by shift of said upper reference column relative thereto indicating relative displacement of said upper reference column section and said stationary base site section resulting from settling of the building relative to said stationary base site section.

3. A legal description reference marker for apartments in a multistory building, comprising an upper reference column section extending vertically for a distance equal to the composite height of a plurality of floors of such building and having a reference portion accessible to each floor, anchor means securing said upper column section to the structure of the building, a stationary base site section independent of the building foundation fixedly embedded in the ground beneath said upper reference column and thus integrated with the building site, and a transition section slidably engaging said upper reference column section to indicate a change in elevational relationship between said upper reference column section and said stationary base site section by sliding of said upper reference column section relative to said transition section and said transition section tiltably engaging said stationary base site section to indicate tilting of said upper reference column section relative to said stationary base site section by tilting of said transtion section relative to said stationary base site section resulting from settling of the building relative to said stationary base site section.

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