

SUMMARY OF PASTA HOUSE CO. V. WILLIAMS

833 S.W.2d 460 (Mo.App. E.D. 1992)

by

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Note: The principles discussed may not apply to all states. The reader is encouraged to research the law in their own state.

A surveyor was charged with breach of contract and negligence for failing to properly stake a building within the building set back lines. As a result, the developer had to remove a portion of the building. The trial court found in favor of the surveyor because “*expert testimony was required to establish the alleged standard... [and the developer] presented no such testimony; accordingly, the trial court determined appellant's cause of action failed.*” p. 462 In truth, it appears the surveyor probably did not make a sufficient effort to determine the building setback lines. However, the developer did not offer enough evidence to establish the surveyor’s duty under the applicable standard of care. A point of interest arising from the case is the developer’s contention that the surveyor is per se liable by failing to abide by the State’s mandatory “*Minimum Standards for Property Boundary Surveys,*” which requires that “[t]he surveyor shall, acquire ... data, such as adjoining deeds, maps, certificates of title, subdivision plats and original plats and notes.” In what is arguably misdirected logic, the appellate court determined that the standards as written apply to locating boundaries and not set back lines. (Implying that the term “boundaries” within state standards do not encompass restriction lines. The standards must specifically mention restriction lines to charge the surveyor with the responsibility for locating restriction lines under the standards.)