

**PROFESSIONAL SURVEY PROJECT III
ORVILLE FISCHER SUBDIVISION
NW1/4 14-17-29 W3 Mer**

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Board of Examiners

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CHAPTER 1 INTRODUCTION

The purpose of this project is to test my ability to apply the knowledge I have gained from my articling experiences throughout the last two years. The project was completed under the supervision of Roger L. Morrow, Saskatchewan Land Surveyor, Commission No. 227. This field portion of this survey was performed between the dates of April 27th and October 6th, 2006.

This project has been selected to cover the following criteria:

- The subdivision process in Saskatchewan
- The registry system in Saskatchewan

This project was specifically chosen so experience in the subdivision process could be gained. Field work, calculating and drafting was done, but emphasis will not be on these aspects of the project. This report will deal exclusively with the project area and how it was carried through the subdivision process.

The original intent of the individual subdividing his land in this project was to sell this subdivided parcel. Once the process was complete the buyer had changed his mind, therefore any plans to follow this project through the registry process were ruined. It was decided to include a section on how one would proceed in transforming the title of this subdivided land.

CHAPTER 2

THE SUBDIVISION APPLICATION APPROVAL PROCESS

The subdivision process ensures that new parcels of land are created in a manner that is beneficial to the overall well being of a community. This is accomplished by evaluating a subdivision application on a number of important factors such as planning and zoning bylaw requirements, environmental sensitivity, health requirements, compatibility with surrounding land uses, flood protection, slope stability, as well as a number of other factors.

There are numerous government agencies and other councils which may be requested to comment on an application such as neighboring municipalities, Agriculture, Food & Rural Revitalization concerning livestock operations, Health regarding private sewer and water systems, Environment about industrial sites, water systems, and wildlife areas, Highways & Transportation for access to and development near highways. The list goes on and on.

There are a number of steps in attaining subdivision approval and the remainder of this report will provide information on each of them.

2.1 Meet with Client

It is important to have a detailed discussion with the client on the subdivision approval process. In many cases, the individual has been told he needs to have a survey done, but he has no idea why or what it will entail. The first question out of most clients is regarding money. How much is this going to cost? This question is usually followed

by a second question regarding how much time the process will take. In order for the Land Surveyor to answer these questions, he must first determine the client's needs.

The Land Surveyor should ask the client what has brought them here. Do they wish to sell their farm yard and keep the remainder of the quarter section? Is it the other way around, do they wish to keep their farm yard and sell the remainder of the quarter section? Do they wish to subdivide a parcel of land for a son or daughter? By asking questions like these, a Land Surveyor can determine exactly what the client needs are.

The client in this project is a gentleman by the name of Orville Fischer. Mr. Fischer wished to subdivide and sell his farm yard. The remainder of the quarter section would remain in his name. This quarter section is the NW $\frac{1}{4}$ 14-17-29 W3 Mer, located in the Rural Municipality of Enterprise (#142). The portion to be subdivided is tucked in the northwest corner of the section, therefore the section boundary would have to be surveyed.

In this case, Mr. Fischer had an aerial photograph of his farm yard. He was very clear in where the boundary lines would be surveyed. The majority followed fences, but one line would be surveyed just west of a row of granaries. These granaries were not to be included in the subdivision. The desired boundaries were highlighted on the photograph. The locations as to the sewage lagoon, water well, and utility lines were also determined, as this information is needed for the next step in the process.

Under the Land Surveys Act, a Descriptive Plan Type I which can be used for an existing farm site subdivision. Survey requirements for this type of survey are the following:

- The subdivision is the first secondary subdivision in a quarter-section;

- The new parcel is intended for the severance of an existing farm site from the quarter-section;
- The parcel is a parallelogram in shape; and
- The parcel abuts a public road.

Unfortunately, this case does not satisfy all the requirements. For example, it is not a parallelogram in shape. A plan of survey must be done.

It is important at this time for the Land Surveyor to advise the client to advise the appropriate council on his intentions to be sure he or she will not contravene any bylaws set forth by that particular council. In this case, Mr. Fischer advised the Rural Municipality of Enterprise and everything was in order.

Another item which may have to be addressed with the client is regarding dedicated lands. Dedicated lands are those which are reserved for public uses. Types of dedicated lands are buffer strips, environmental reserves, or municipal reserves and walkways.

There are also municipal reserve options under the Planning and Development Act (1983). Of course dedication is the first option, but the client may also pay a monetary settlement to the municipality or the client may defer the dedication to a later time. In this case, an interest is registered on the title to the land from which the reserve will be provided at a future time. Once the reserve is provided, this interest may be withdrawn.

There are exemptions from dedication as well. The Planning and Development Act (1983) provides exemptions from the municipal reserve requirement for:

- Isolated single lots in northern Saskatchewan

- The first lot or parcel in a quarter section excluding any existing subdivisions for any of the following:
- Parcels larger than four hectares or more and is to be used for agricultural purposes.
- Land being re-subdivided to correct or rearrange property lines.
- Subdivisions involving lands previously subject to the requirements of dedication.
- Parcels intended for ditches and canals, utility lines and facilities, roads, water and sewage reservoirs, cemeteries, dedicated lands, parks, wildlife habitats, and historic or archaeological sites.

Mr. Fischer's application is the first lot or parcel in the quarter section and so it is exempted from any municipal dedication.

The Land Surveyor can now answer the client's first questions on money and time. There is no definite timeline that can be assigned to the subdivision process. Each application is different and more complex applications will take longer. However, legislation allows a subdivision approving authority 90 days to make a decision. This three month period is what community planning requires which would be added to the time the Land Surveyor needed to produce a Plan of Proposed Subdivision which was attached to the 'Application to Subdivide Land' and submitted to Community Planning. Once the subdivision is approved by Community Planning, the Plan of Survey must be created and approved at ISC (Information Services Corporation). Once the Plan of Survey is approved, then the titles can be dealt with. All in all, a Land Surveyor would estimate this timeline based on the complexity of the project area. Mr. Fischer's

approving authority unless the city council has delegated approving authority to an employee.

There are two Community Planning Branch offices, one for the Southern region of Saskatchewan found in Regina and one for the Saskatoon region of Saskatchewan found in Saskatoon. Mr. Fischer's property is in the southern region and so the application for subdivision approval will be sent to the Regina office.

An application to the Director of Community Planning must include three things:

- Application to Subdivide Land (Form A)
- Plan of Proposed Subdivision
- Payment covering all fees.

The Plan of Proposed Subdivision is prepared and signed by a Saskatchewan Land Surveyor. The plan will show subdivision or property lines with all the dimensions and the topography of the area. This topography will include buildings, utility lines, water wells, lagoons, gas wells, pipelines, tree lines or any other improvements on the land. Natural features such as water, hills, and slopes are also shown. If the project is in a low lying area, Community Planning may require contours and flood elevations. A lot, block and/or parcel designation is assigned to the parcel and an area is given. Once the plan is produced, it is signed by the registered owners and the Land Surveyor.

The second document to be submitted with the plan of proposed subdivision is the 'Application to Subdivide Land' or Form A. This form requires information such as location, access, land characteristics, existing and proposed land use, water supply, sewage disposal, existing utilities, surrounding land uses and the names of the applicants.

In most cases, the firm acting on behalf of the client will pay any necessary fees and include that cost in the bill for services once the job is complete.

A copy of each of these documents which were submitted on behalf of Mr. Fischer can be found in the Appendices.

2.3 Community Planning Review

Once the subdivision application has arrived at the Community Planning Branch and it is found to be complete an acknowledgement letter is sent in most cases back to the Land Surveyor. On Form A, there are checkboxes which indicate where replies are to be sent. This could be the registered owner, person acting on owner's behalf, or the Land Surveyor / Planner / Lawyer / Agent.

The acknowledgment letter indicates that copies of the subdivision application will be sent to the Rural Municipality of Enterprise No. 142, SaskTel, SaskPower, SaskEnergy and the Cypress Regional Health Authority. They are given forty days to reply. A copy of this letter can be found in the Appendices along with a reply from the Cypress Regional Health Authority.

The subdivision application is then reviewed to ensure that it does not contravene local municipal and provincial planning standards. Standards involve planning and zoning bylaws, site dimensions, servicing requirements, health requirements, land use compatibility, access to a public roadway, traffic safety, flood protection etc. For example a residential subdivision should never be found adjacent industrial land uses and the new parcel must satisfy minimum and maximum site dimensions prescribed by the Act.

2.4 Decision Issued

Once the review of the application is complete, a letter including the decision rendered is sent to the Land Surveyor. If approved, as Mr. Fischer's was, the notice of decision is sent in the form of a Certificate of Approval. A copy of Mr. Fischer's Certificate of Approval can be found in the Appendices

The application could also be approved with conditions, approved in part, or refused. A formal appeal can be made by sending a written notice of appeal and a fee. The appeal is made to the Planning Appeals Committee in Regina.

2.5 Plan of Survey

Receiving the Certificate of Approval will signal the Land Surveyor to produce a Plan of Survey for the subdivision and submit this to ISC via E-Business. The same process is followed as in every other plan of survey. The packet was submitted electronically to possibly save some time.

The subdivision plan packet included the following seven documents:

- Packet Cover Page
- Plan Processing Request
- Begin Attachment Sheet
- Cover letter
- Surveyor's Certificate
- Certificate of Approval
- Plan of Survey

The first three documents are forms which are downloaded from the ISC website. The packet cover page basically assigns my packet a number to be placed in the ISC queue and asks for a sheet count as well as billing information. The plan processing request page asks for plan information such as how many plans and support documents I am submitting. It also determines exactly what my request entails. The begin attachment page requires no information and acts as a separator page for attachments.

The cover letter is simply a letter from the land surveyor to the Controller describing the plan he wishes to be examined for approval. It is important to affix a job number on all support documentation. In Mr. Fischer's case, the surveying portion was straight forward. There were no unusual circumstances nor was there any disagreement with previous plans. Therefore the Surveyor's Report was included in the cover letter.

Every plan of survey must include a Surveyor's Certificate. According to the Land Surveys Regulations this is to certify three things:

- The date the survey was performed.
- The survey represented by the plan of survey was made in accordance with the Land Surveys Act and Regulations.
- The plan is correct and true to the best of the Surveyor's knowledge and belief.

The certificate must also include the signature of the Surveyor, the date the certificate was signed and the location where the certificate was signed and the surveyor's seal.

A copy of the Certificate of Approval is required and must be included in the submission.

The seventh and final document included in the packet is the plan of survey. A copy of all seven documents associated with this particular project can be found in the Appendices.

Once the submission has been received, an acknowledgement letter is sent to the Land Surveyor. The acknowledgement letter will list every document received and the total fees required for the request. Mr. Fischer's acknowledgement letter was dated August 15th. On August 23rd, a memorandum sent from ISC noting that I had failed to intersect the limits of the parcel with a pipeline right of way. The intersections were then made and re-submission of the plan was required. The re-submission packet can be found in the Appendices.

On October 17th, an acknowledgement notice was sent to indicate that the re-submission has been received by ISC. It was then examined and approved for survey information. Once approved a Transform Approval Certificate (TAC) is issued and sent to the Land Surveyor. The TAC facilitates the creation of the title to a parcel. A copy of both the TAC and the accompanying cover letter can be found in the Appendices.

CHAPTER 3 TITLING PROCESS

Once the plan of survey is approved and a Transform Approval Certificate has been issued, the titles can be issued for the new parcels created by the plan. The process by which you can achieve this is called a transform. An application is made to the Land Registry. The sale of Mr. Fischer's farm yard did not work out, and so this chapter will just describe the process of how one would apply for a title to this new parcel.

To begin, forms needed for this process can be found on the ISC website. There are seven forms needed for this particular case and they are as follows:

- Land Registry Packet Cover Page
- Application for Transfer (Part I – Surrender)
- Transform Authorization
- Consent of Mortgagee to Transform
- Affidavit of Value (Transform)
- Application for Transfer (Part II – Set Up)
- Title Print Request (Optional)

These forms will eventually be compiled to form a packet which is then submitted to ISC.

It is important to be sure that no interests have been registered on the title to the source parcel since the plan of survey was approved. While searching for this information, it is also important to review the title of the source parcel to determine if it has been tied to any other parcel. This information can be found under the 'Notes' section at the bottom of the title. There were not any notes to this affect on Mr. Fischer's title and there were no recent interests registered either.

The application for Transfer (Part I – Surrender) is used to surrender the title to the source parcel and may be completed as shown in Figure 3.1.

Information Services Corporation of Saskatchewan

Application Sequence Number Application Sheet Count

Application for Transfer
(Part I: Surrender)

Please make sure Authorizations are included.
Complete ONE of Sections A through F.

Section A - Transform Number (use for a Transform)

Section B - Parcel Number (use for a full parcel transfer)

Section C - Condominium Unit Transfer (use for a full condominium unit transfer)
Parcel Number Unit Number

Section D - Mineral Commodity (use for a mineral commodity transfer)
Parcel Number Mineral Commodity

Section E - Title Numbers

| | | | |
|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Figure 3.1: Portion of Application for Transfer (Part 1 - Surrender)

Only Section A will have to be completed. In this case, a new parcel has been formed via a Plan of Survey and so the transform process is used to set up ownership to the new parcel created as well as the source parcel.

The next form to download and complete is the Transform Authorization. The application to surrender title must be supported by the appropriate consents. Both the owners must authorize this form. The information to be completed is illustrated in Figure 3.2 below.


| | | |
|---|---|---|
|  <p>Information Services Corporation of Saskatchewan</p> | <p>Transform Authorization Two Individuals Signing Page 1 of 2</p> | |
| <p>Authorization</p> | | |
| <p>We, <u>Orville Keith Fischer</u>, and <u>Patricia Fischer</u> <small>(Name of Owner as appears on Title)</small> <small>(Name of Owner as appears on Title)</small></p> | | |
| <p>authorize Transform Number <u>100295580</u></p> | | |
| <p>To <u>List the persons who will be owning the parcel</u> <u>e.g. Tony MacAdam and Becky MacAdam , as joint tenants</u></p> | | |
| <p>Current Date Date (day, month, year)</p> | <p>Signature of Lawyer Witness Signature</p> | <p>Signature of Orville Title Owner Signature</p> |
| <p>Current Date Date (day, month, year)</p> | <p>Signature of Lawyer Witness Signature</p> | <p>Signature of Patricia Title Owner Signature</p> |
| <p><input checked="" type="checkbox"/> Check if Witness is Lawyer in and for the Province of Saskatchewan</p> | | <p><u>I.M.A. Lawyer</u> <small>Lawyer Name</small></p> |

Figure 3.2: Portion of Transform Authorization

If a Saskatchewan lawyer is not witnessing this document, a second portion of this Transform Authorization is to be completed. This portion is called the Affidavit of Execution and the witness must be a Commissioner of Oaths in and for Saskatchewan or Notary Public.

If a Land Surveyor found himself or herself processing titles more often than not, that Land Surveyor would most likely have one of his/her administrative staff apply to become a Commissioner of Oaths in and for Saskatchewan.

The next form is one entitled ‘Consent of Mortgagee to Transform’. If there is no mortgage registered on the parcel to be surrendered, this may be omitted. If there is a mortgage, the mortgagee must also consent to the transform. Mr. & Mrs. Fischer had no mortgage on the source parcel and therefore this form would not be required.

Next is the Affidavit of Value which helps to establish the values of new titles, so the appropriate fee is charged for the transaction. Essentially, any person with knowledge of the value of the new parcel may complete the affidavit. A person qualified to assign a value to a parcel would be an appraiser. An example is shown in Figure 3.3 below.

Information Services Corporation of Saskatchewan

Transform Affidavit of Value
Page 1 of 2

I, **Name of Appraiser**, of **Maple Creek** in the Province
of **Saskatchewan** make oath and say that:

- Pursuant to Transform Number **100295580**, a plan of survey has been approved which creates the parcel or parcels listed below.
- The value of each new parcel *[non-remainder parcels]* listed below, including all buildings or other improvements, is, to the best of my knowledge:

| | |
|--------------------------------|-----------------------|
| Parcel Number 161821469 | Value \$50,000 |
| Parcel Number _____ | Value _____ |
| Parcel Number _____ | Value _____ |
| Parcel Number _____ | Value _____ |

(fair market value, rounded down to nearest dollar)

Figure 3.3: Portion of Transform Affidavit of Value concerning the new parcel.

Remainder parcels are exempt from registration fees. A value may be given for the remainder parcel but the ISC system will automatically charge fees based on the value given. In this case, you may apply for a refund after titles have issued. The person doing the affidavit can choose to say that he or she does not know the value of the remainder parcel as seen in Figure 3.4 below.

3. The value of the remainder parcel or parcels listed below, including all buildings or other improvements, is, to best of my knowledge:

| | | | |
|---------------|------------------|-------|------------|
| Parcel Number | <u>161821470</u> | Value | <u>N/A</u> |
| Parcel Number | _____ | Value | _____ |
| Parcel Number | _____ | Value | _____ |
| Parcel Number | _____ | Value | _____ |

(fair market value, rounded down to nearest dollar)

Figure 3.4: Portion of Transform Affidavit of Value concerning the remainder parcel.

Finally, an Application for Transfer (Part II – Set Up) can be completed. This form will set up title to the new parcel created by the Plan of Survey. For the purposes of this project, the new owners are Tony and Becky MacAdam who will be registered as joint tenants. They are a new owner and do not have an existing client number in the system. In this case the following sections of this form should be completed as in Figure 3.5 shown below.

As Applicable

| | | | | |
|---|---|-----------------------------|-------------------------|--|
| | Information Services Corporation of Saskatchewan | Application Sequence Number | Application Sheet Count | Application for Transfer |
| | | _____ | _____ | (Part II: Setup) |
| New Parcel Number | Transform Number | Condo Unit Number | Mineral Commodity | |
| <u>161821469</u> | <u>100295580</u> | _____ | _____ | |
| Previous Title Numbers (only required if not a Transform) OR Application Sequence Numbers | | | | |
| _____ | _____ | _____ | _____ | _____ |
| New Owners: | | | | |
| <input type="checkbox"/> Single Owner <input type="checkbox"/> Tenant in Common <input checked="" type="checkbox"/> Joint Tenants <input type="checkbox"/> Joint Tenants with no survivorship | | | | |
| Fractional Title Share | <u>1</u> / <u>1</u> | New Title Value | | _____ |
| | | <u>50 000</u> | | <small>(New Title Value represents this title's share in the parcel)</small> |

Figure 3.5: Initial portion of the Application for Transfer (Part II - Set Up)

The new parcel number and transform number is found in the TAC which was received once the Plan of Survey was approved. If the new owners are joint tenants, the fractional share is 1/1. If for instance the new owners were tenants in common, the fractional share would be 1/2. In this case, there would have to be two applications for

transfer to be completed and submitted. Also, the title value would be \$25 000 for each tenant.

The next portion in this form is more or less attaining the client information. For the purposes of this project, we've established that the new owners are not in the system and so Section B would be completed (See Figure 3.6).

| For each new owner complete one of Section A or B (Corporation must complete Section A) | | | | | |
|---|---|----------------|---|----------------------------------|--|
| Section A - New Owner(s) with Client Number(s) | | | Note: Use Client Application form to amend Client Information. Do NOT include in Packet. | | |
| Client Number(s) | Corporation Name OR Client Name (First, Second, Third and Last) | | | | |
| | | | | | |
| Section B - New Owner(s) without Client Number(s) | | | Note: Will not create Corporation Number(s) | | |
| Client Name: Last | First | Second | Third | Phone Number (include Area Code) | |
| | | | | | |
| Client Address | City | Province/State | Country (if outside Canada) | Postal/Zip Code | |
| | | | | | |
| E-mail Address | | | | Fax Number (include Area Code) | |
| | | | | | |
| Client Name: Last | First | Second | Third | Phone Number (include Area Code) | |
| | | | | | |
| Client Address | City | Province/State | Country (if outside Canada) | Postal/Zip Code | |
| | | | | | |
| E-mail Address | | | | Fax Number (include Area Code) | |
| | | | | | |

Figure 3.6: Portion of Application for Transfer (Part II - Set Up) concerning client information.

The final portion of this form is dedicated to registration conditions. There are three options as you can see in Figure 3.7 shown below.

| | | | | |
|--|----|--|----|---|
| <input type="checkbox"/> No Conditions | OR | <div style="text-align: center;"> Conditional Registration Date and Time <input style="width: 100%;" type="text"/> (DD-MMM-YYYY HH: MM: SS.NNN) </div> | OR | <input type="checkbox"/> Free and Clear |
| BUT subject to Saskatchewan Writ Registry writ or maintenance order | | | | |
| <input style="width: 25%;" type="text"/> <input style="width: 25%;" type="text"/> <input style="width: 25%;" type="text"/> | | | | |
| ISC-LTR-CTA0002-2004 07 19 | | (Complete Additional Title Owners form if required) | | |

Figure 3.7: Portion of Application for Transfer (Part II - Set Up) concerning registered interests.

The first option is 'No Conditions', check this if you will accept the new title subject to any interests registered against the existing title at the time that the application is being processed.

Complete the second option if you will accept the new title subject only to interests that existed on the old title as of a specified date.

The third option of 'Free and Clear' may be accepted if the new title will show no interests at all. This option along with the conditional registration option may not be met by the system, and if that should happen, the application will be rejected.

This completes the title set up for a new parcel. If the client wishes to have copies of the title prints sent to them, a final form may be filled out called a 'Title Print Request'. This is an optional form.

Once these forms are completed and a Land Registry Packet Cover Page is downloaded and filled out, it is sent to ISC via E-Business.

CHAPTER 4 CONCLUSION

This project was selected to cover the subdivision process and the registry system in Saskatchewan. It is important that a Land Surveyor is able to explain these processes to their clients. An understanding and practical experience was gained in carrying out this subdivision. Unfortunately, the title process had to be a hypothetical situation and therefore, I cannot be sure if the application would have been accepted or rejected.

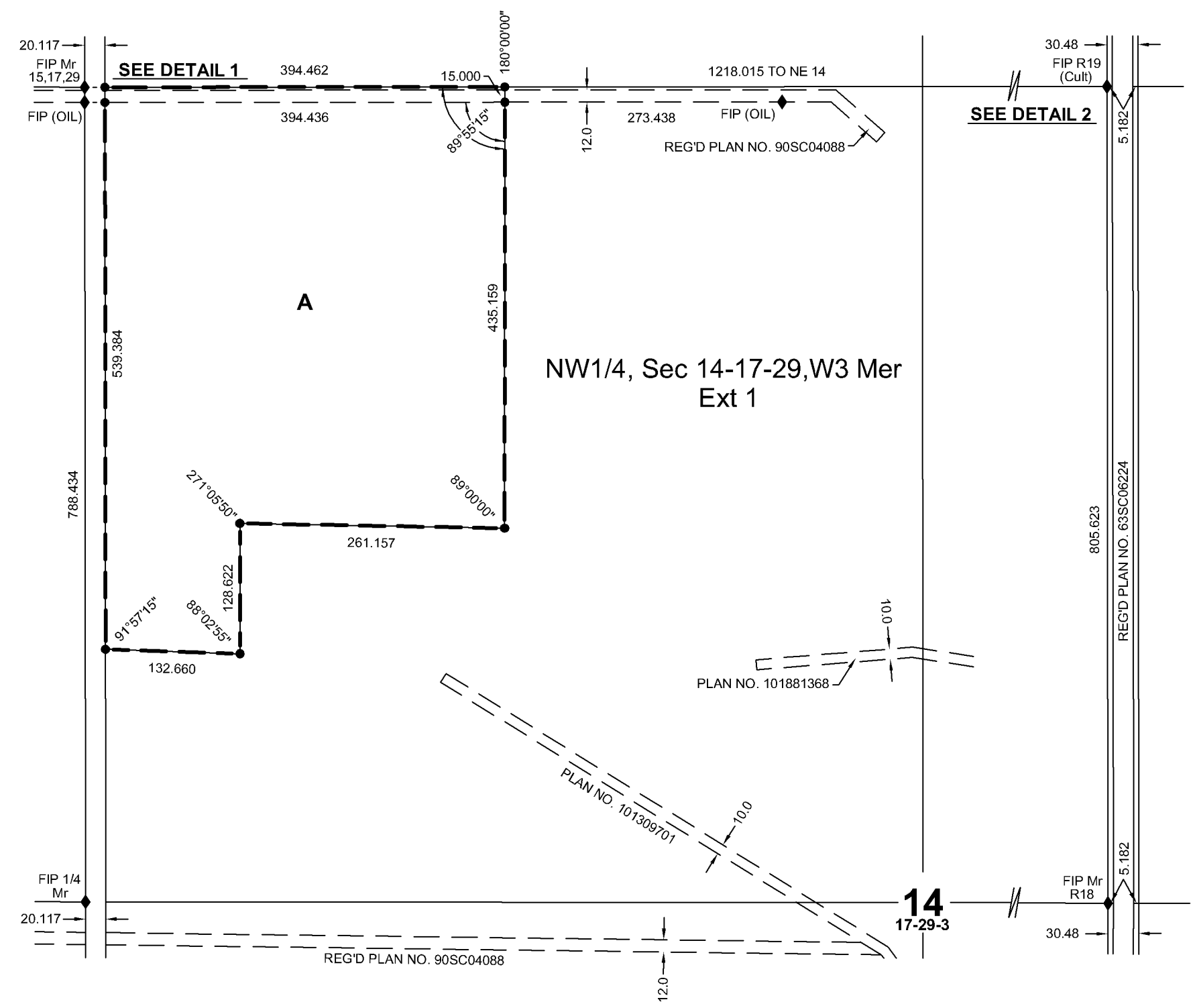
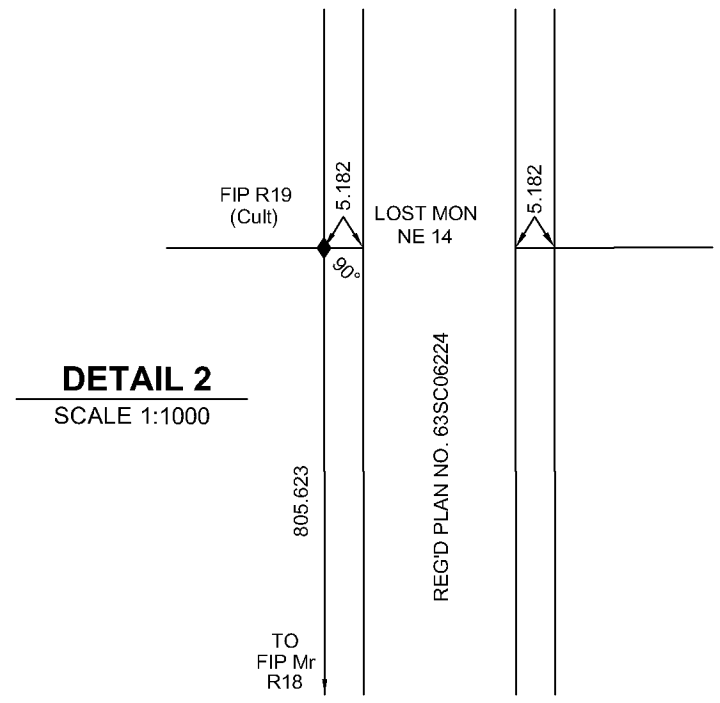
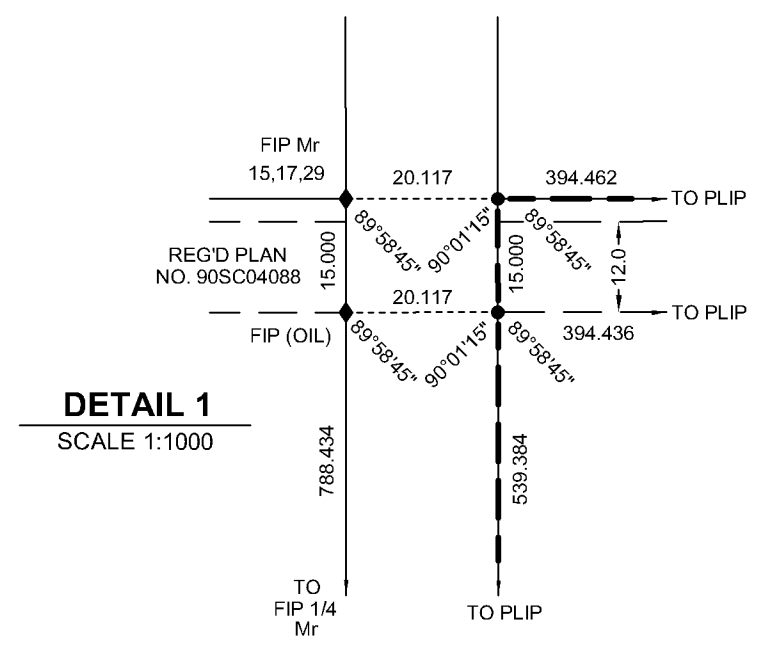
There is valuable documentation available on both of these areas. Saskatchewan Government Relations has a report available called 'Subdivision Process Overview' which I found very helpful in my studies and in performing the tasks within this project. Also, ISC has a document called 'Transforms Guide' which takes you step by step through the art of Transforms. I found this very beneficial.

REFERENCES

Information Services Corporation of Saskatchewan (2003). *Transforms Guide*. [Online]
<http://www.isc.ca/adx/asp/adxGetMedia.asp?DocID=456,80,16,1,Documents&MediaID=2488&Filename=Transforms+Guide+-+2005+07+20.pdf>

Saskatchewan Government Relations (2004). *Subdivision Process Overview*. [Online]
<http://www.municipal.gov.sk.ca/publications/pdf/cpb/subdivision/subdivprocoverview.pdf>

The Planning and Development Act (1983)



PLAN OF SURVEY
 SHOWING
SURFACE SUBDIVISION
 OF PART OF THE
NW1/4 SEC 14, TWP 17, RGE 29, W3 Mer
 IN THE
R.M. OF ENTERPRISE No. 142
SASKATCHEWAN
 BY R.L. MORROW, S.L.S.
APRIL, 2006
 SCALE = 1: 5000

LEGEND:
 Area to be approved is outlined with a heavy dashed line.
 Measurements are in metres and decimals thereof.
 All parcels within the line of approval have Extension 0.
 Standard iron posts found, unless otherwise indicated, are shown thus ◆
 Standard iron posts planted and marked "S034" are shown thus ●

