



# Carolina Update

*NCLTA's Exclusive Report to its Members*

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## President's Message

*By Tabatha Cruden*



It has been an active spring on several fronts for NCLTA. In April, we presented a first of its kind CLE on trust accounting hosted at Campbell University Law School in Raleigh.

Attendees received a great

overview of trust accounting basics as well as a primer on how to be prepared for and what to expect in the event of an audit by a title insurance underwriter. This CLE was part of our continuing commitment to the Real Property Section of the NCBA to provide forms and education to real property attorneys about the audit process.

Our Association continues to be a voice for the title industry in North Carolina on legislative issues. I encourage you to review the legislative report below to see specific bills of interest. Many thanks are owed to David Ferrell, Nick

Long and many others for keeping up with the onslaught of legislation impacting our industry this session and representing our interests. Please communicate with our Legislative Committee if you have questions about legislative issues or would like to share any input. It appears from the latest status report on HB 489 (the lien/bond law revision) that it is headed to a Study Committee and we will be working hard to make sure that it will be one of the issues actually studied.

I hope you all have our **Annual Convention** on your calendars for **September 15-17, in Asheville at the Grove Park Inn**. NCLTA Vice President and Convention Chair, Ryan Wainio has put together a fantastic program. In response to the feedback received from last year's Convention, I'm pleased to announce that we are bringing back the band! Please check out the details elsewhere in this issue of Carolina Update. I look forward to seeing you there!

## ALTA/ACSM New Survey Standards

**Richard F. Bales** is employed by Chicago Title Insurance Company as Assistant Regional Counsel and Assistant Vice President in its Wheaton office. He graduated from Illinois College in Jacksonville in 1973. He received his juris doctorate degree from Northern Illinois University in 1983 and is admitted to practice law in Illinois.

Bales is a member of an American Land Title Association and American Congress on Surveying and Mapping liaison committee, and he helped draft both the 2005 and 2011 ALTA/ACSM land title survey standards. These standards are used by surveyors throughout the United States. Bales' article on the 2011 survey standards is scheduled to be published by the American Bar Association in the July/August 2011 issue of Probate & Property. For the complete article, see pages 5-24.

## Three times as Nice...

**Carolina Update** is the official publication of the North Carolina Land Title Association. It is distributed quarterly to title insurance company members, attorney members, and other persons interested in the title insurance industry. Readers are encouraged to submit articles to the newsletter. The opinions and statements of guest writers do not necessarily reflect the policies or opinions of NCLTA.

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The 2011 annual convention of the North Carolina Land Title Association will once again return to the Grove Park Inn and Resort [www.grovesparkinn.com](http://www.grovesparkinn.com) in the mountains of Asheville, NC, September 15-17. This is the third visit NCLTA has made to this historic property in the last few years. Following a successful 2010 convention on the coast the group hopes to continue success in the Mountains and will embrace the laid back casual atmosphere of one of North Carolina's most unique cities.

The NCLTA 2011 convention will focus on quality Continuing Legal Education offerings that should appeal to the title insurance professional and the real property attorney, while creating a unique casual atmosphere for attendees to enjoy. NCLTA is very fortunate to have many sponsors that contribute to the success of the meeting which has provided us an opportunity to reduce registration fees this year.

### Grove Park Inn Historical Facts

Built from granite boulders hewn from Sunset Mountain, The Grove Park Inn opened in 1913. At its opening dinner, William Jennings Bryan declared that it had been "built for the ages." In the decades since it has become one of the South's most famous and venerable resorts.

NCLTA Vice President and Convention Chair Ryan Wanio has compiled an outstanding line up of topics and speakers for this year's convention. Tim Quinlan of Wells Fargo/Wachovia will join us again for "Economic Update 2011" and Drew Foley of Investors Title will present a Case Law Update. Pat Kelly, Johnston Alison and Ward will present a Claims Update and Teri Callen, a South Carolina Title Attorney and President-elect of the Palmetto Land Title Association will present a session on UPL Issues in SC and NC Borrowers. We expect to again have an ALTA Update, Legislative Update



as well as Katherine Wilkerson from the Real Property Section in attendance to share with us an RPS Update. Another topic not yet confirmed but in the works is ALTA Surveys- New 2011 Standards. We hope to have that in place very soon.

NCLTA social events are planned to maximize interaction and enjoyment of participants. Thursday evening's welcome reception will be planned for, overlooking the Blue Ridge Mountains, providing a scenic backdrop for mingling and relaxing with friends and colleagues. During the morning continental breakfasts and refreshment breaks, delegates can visit the booths of sponsoring companies and socialize before the education sessions begin. On Friday evening, get ready to party, starting with a cocktail reception after the golf tournament, a dinner banquet, and a dance band for a night of "footloose and fancy free."

Mountain air is usually 10 degrees cooler than the Piedmont, so by mid-September you will be ready for a change in weather and we will hopefully enjoy a cool breeze. Save the date for September 15-17!

Due to the popularity of the Grove Park Inn and several other meetings already booked on property, our sleeping room block is expected to be filled very quickly. You should also make lodging reservations at the Grove Park Inn by calling the resort at 1-800-438-5800 and mentioning "NC Land Title Association." Or using their online reservations at [www.grovesparkinn.com](http://www.grovesparkinn.com) and enter the group number 068Q2D1. The room rate is \$259 plus tax per night, single or double. NCLTA's room rate is valid September 12-20, so take advantage of this great rate at this great property and plan to come early or stay late.

*continued on next page*

## NCLTA Annual Conference Tentative Schedule

### Thursday, September 15

3:00-5:00pm	Executive Board Meeting
5:00-6:30pm	Early Registration
7:00-9:00pm	Welcome Reception

### Friday, September 16

8:30-8:40am	Welcome and Announcements
8:40-9:40am	Economic Update <i>Tim Quinlan</i>
9:40-10:25am	Case Law Update <i>Drew Foley</i>
10:25-10:40am	Break
10:40-11:40am	Professionalism <i>Mel Wright</i>
11:40am-12:25pm	Survey Issues and New ALTA Survey Standards (Amos)

### Saturday, September 17

8:45-8:55am	Announcements
8:55-9:55am	Real Property Section Highlights and Legislative Update <i>David Ferrell and Katherine Wilkerson</i>
9:55-10:25am	ALTA Update <i>Frank Pellegrini</i>
10:25-10:40am	Break
10:40-11:25am	“Why is the Mortgage Invalid?”: Closing Real Estate Transactions in South Carolina <i>Post-Matrix &amp; Coffey Terri Callen</i>
11:25am-12:10pm	Claims Update <i>Pat Kelly</i>
12:10-12:45pm	Annual Business Meeting

## NCLTA April CLE - “Solid Trust Accounting Habits = Solid Trust”

By Sara Boshart

NCLTA hosted a complimentary half-day CLE entitled “Solid Trust Accounting Habits = Solid Trust” on April 5th, at Campbell University’s downtown Raleigh campus. The CLE focused primarily on ethics specific to trust accounting procedures, and included speakers from the North Carolina State Bar and the title industry. The CLE was a great success with close to ninety attendees from as far away as the Outer Banks. The NCLTA Education Committee would like to thank all of our participants for joining us.

## Sam Mann Memorial Award Nominations

At the March 3, 2011, Spring NCLTA Executive Committee meeting, a motion was entertained to alter the requirements for nominations for the Sam Mann Memorial Award. Previously, the award was to have been given to someone new to the title insurance industry. As there is not a large pool of people new to our business these days, the Committee felt that it was appropriate to remove this condition. The hope is to preserve the award, to continue to honor our friend, Sam Mann, and to encourage nominations of the many people in our business who demonstrates the special qualities of Sam.

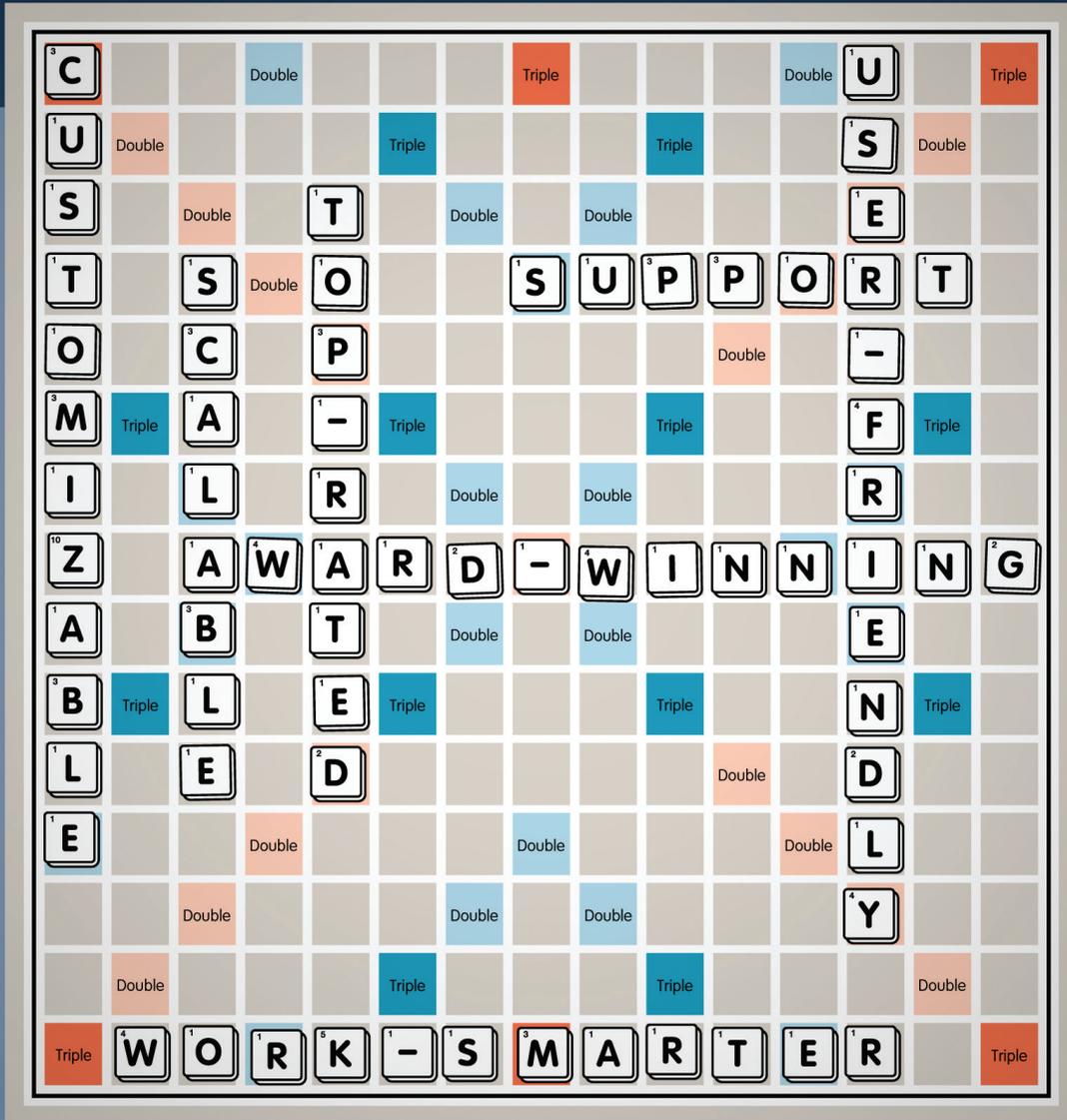
If you know of a person or persons in our business that

- Put people at ease, inclusive, and caring; willing to listen
- Approach life with wisdom, dignity, courage, and a sense of humor
- Dependable, honest, loyal, and trustworthy
- Willingly seek leadership opportunities

...then please consider nominating them for this prestigious award given annually at our Annual Convention. The nomination form can be found at <http://www.nclta.org/awards/sammann.html#award>

## Preview of Tim Quinlan’s Presentation on Economic Update

It has been more than two years since the recession ended and real GDP is above the pre-recession peak, meaning the U.S. economy has moved from recovery to expansion. But it certainly does not feel like an era of prosperity to many Americans. The unemployment rate remains elevated, the housing market is only recently finding its footing and Washington continues to debate budget issues. In this session, Wells Fargo economist Tim Quinlan discusses the prospects for the U.S. economy considering the various headwinds confronting growth in the years ahead.



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# The 2011 ALTA/ACSM LAND TITLE SURVEY STANDARDS

By

Richard F. Bales

Chicago Title Insurance Company

Wheaton, Illinois

## **Introduction**

The 2011 ALTA/ACSM land title survey standards (hereafter “2011 Standards”) will come into effect on February 23, 2011--the date of the festival held in honor of Terminus, the Roman god who protected boundary markers. These new standards represent the first major revision of the standards since they were first adopted by the American Congress on Surveying and Mapping (ACSM) and the American Title Association (now the American Land Title Association, or ALTA) in 1962. This article will discuss the most significant changes to these standards.

## **The Changes**

In general, the 2011 Standards have been completely reformatted and reorganized. The 2005 ALTA/ACSM land title survey standards (hereafter “2005 Standards”) contained a few untitled preliminary paragraphs, followed by an extensive section that detailed what the survey should contain.

The 2011 Standards contain eight numbered sections. These standards begin with a “Purpose” section that sets out the premise that title companies, lenders, and their respective customers are entitled to rely on plats of survey that are appropriately uniform, complete, and accurate. This section also includes a definition of a “2011 ALTA/ACSM Land Title Survey”:

A complete 2011 ALTA/ACSM Land Title Survey includes the on-site fieldwork required under Section 5 herein, the preparation of a plat or map showing the results of the fieldwork and its relationship to record documents as required under Section 6 herein, any information in Table A herein that may have been negotiated with the client, and the certification outlined in Section 7 herein.

This paragraph illustrates a fundamental change in the structure of the survey standards. The 2005 Standards contained a lengthy section (Section 5) on what the land title survey should contain. But it was a mixture of other things as well, such as field work requirements and calculations. Thus, the drafters of the standards decided that it would make more sense to have one section that dealt with what had to be done in the field to assure that everything that the title company needed was gathered by the surveyor. This section was followed by a section that addressed--now that the field work was done--the transfer of the survey field work onto the plat of survey--that is, the setting forth what items should appear on the plat of survey.

Section Two, entitled "Request for Survey," provides that the surveyor's client should request the survey, and that the request should include which, if any, of the optional items listed in Table A should be incorporated into the plat of survey. This section also includes some guidance for surveying non-standard properties:

Certain properties, including, but not limited to, marinas, campgrounds, trailer parks, and leased areas, may present issues outside those normally encountered on an ALTA/ACSM Land Title Survey. The scope of work relating to such properties should be discussed with the client, lender and insurer, and agreed upon in writing prior to requesting the survey. The client may need to secure permission for the surveyor to enter upon the property to be surveyed, adjoining properties, or offsite easements.

Note the naming of four specific properties: marinas, campgrounds, trailer parks, and leased areas. Why were these four property types singled out? The reason is that Gary Kent, the Indianapolis surveyor who heads the ALTA/ACSM liaison committee that drafted these standards, routinely gets phone calls and e-mails about these properties. For example, with marinas, surveyors are concerned about riparian rights issues. With marinas, camp grounds, and trailer parks, surveyors often ask, "What do I locate and show on my plat of survey?" And with leased property, surveyors will simply wonder, "Can I survey a leased area?" Ultimately, this paragraph was drafted to encourage surveyors to communicate with their clients and with title companies so that everyone has the same expectations.

Section Three is entitled, 'Surveying Standards and Standards of Care.'" This section illustrates how the drafters of the standards ingeniously walked the fine line between drafting a national standard but yet still recognizing a possible local standard of care.

That is, the drafters wanted to create an objective survey standard. The drafters wanted the surveyor to essentially follow an objective set of guidelines so that, when the surveyor was finished, he could say to himself, "I did everything the standards required; therefore, I can certify that this survey meets these survey standards."

On the other hand, because these standards are a national standard but used on a local level, the drafters felt compelled to mention one, that there may be written statutes, administrative rules, and/or ordinances that regulate the practice of surveying, and two, that there may be subjective unwritten local, state, and/or regional standards of care as defined and practiced by the “prudent surveyor” in a particular geographical location.

Thus, the drafters had to deal with three “bodies of survey standards”:

One, the actual ALTA/ACSM land title survey standards;

Two, written statutes, administrative rules, and/or ordinances; and

Three, an unwritten and therefore subjective and nebulous standard of care for the “reasonably prudent surveyor.”

Problem: the ALTA/ACSM liaison committee that drafted the standards wanted to create an objective standard, but also wanted to make sure that the surveyor should be mindful of a possible subjective local or regional standard of care.

Solution: The standards require the surveyors to “*conduct their survey*” in accordance with both the ALTA/ACSM land title survey standards and the written statutes, administrative rules, and/or ordinances. But on the other hand, the standards require that the surveyor should nonetheless “*recognize that there may be unwritten local, state, and/or regional standards of care. . . .*”

In the past, these survey standards have not addressed the issue of properly establishing the *boundary* of the surveyed property. Section 3(D) now provides for this:

The boundary lines and corners of any property being surveyed as part of an ALTA/ACSM Land Title Survey shall be established and/or retraced in accordance with appropriate boundary law principles governed by the set of facts and evidence found in the course of performing the research and survey.

Section 3(E) modifies and expands on the mathematical accuracy standard of the land title survey. Before, the term was *Relative Positional Accuracy*. Now the term is *Relative Positional Precision*. The committee is now working to develop a document that would not be part of the standards, but would rather be a reference for surveyors with respect to this measurement standard.

Section 4 is entitled “Records Research.” It provides that the so-called “Record Documents,” such as title insurance “Schedule B documents” be furnished the surveyor.

Section 5, entitled, "Field Work," is the heart of the standards. This section provides that "the field work shall include the following [topics]": Monuments; Rights of Way and Access; Lines of Possession, and Improvements along the Boundaries; Buildings; Easements and Servitudes; Cemeteries; and Water Features.

This section contains several new elements. For example, the issue of access is greatly expanded:

The location and character of vehicular, pedestrian or other forms of access by other than the apparent occupants of the surveyed property to or across the surveyed property, including, but not limited to driveways, alleys, private roads, sidewalks and footpaths observed in the process of conducting the survey.

Paragraph 5(D) requires the surveyor to show the location of all buildings on the surveyed property "based on the normal standard of care."

What is the significance of this statement? Simply, what is appropriate to the given situation? Is a building "on line" in downtown Chicago if it is located to the nearest 0.01 foot? On the other hand, if a surveyor has to locate a barn in the middle of a quarter section (2640 feet square) that is in the middle of a rural countryside, is it appropriate if he locates said barn to the nearest ten feet? The standard of care will be different for each example. The ALTA/ACSM liaison committee wanted to emphasize that surveyors had to know what was expected of them and what the appropriate standard of care was in any given situation.

Section 5(G) is entitled "Water Features."

Paragraph 5(G)(ii) is a new water rights paragraph:

The location of any water boundary on the surveyed property. The attribute(s) of the water feature located (e.g., top of bank, edge of water, high water mark, etc.) should be congruent with the boundary as described in the record description or, in the case of an original survey, in the new description.

In other words, if the legal description contained a call, "to the west bank of the creek," then the surveyor should locate and show the west bank of his plat of survey. Similarly, if there was a call, "to the edge of the river," the surveyor should locate and show the edge of the river on his plat of survey. Thus, the committee felt that there should be some connection, some agreement, as to how the legal description describes the boundary of the surveyed property and what the surveyor actually locates and shows on his plat of survey.

This would be the case, regardless of whether the surveyor was performing a retracement survey, using an existing legal description, or surveying a newly created tract of land and writing a brand new legal description. Thus, if the surveyor was performing a retracement survey of an existing parcel of land that contained the call, "to the west bank of the Fox River," he should show the west bank on his plat of survey. Or, if the surveyor was surveying the "first deed out" of a forty-four acre tract of land carved out of a quarter section of land, and his survey field work showed that the edge of Blackberry Creek ran along the easterly boundary of the tract being surveyed, when the surveyor drafts the legal description for this newly created forty-four acre parcel of land, his legal description should reference this edge of Blackberry Creek.

Other water-related paragraphs in the 2011 Standards are 5(B)(vii) and 6(B)(vi).

Section Six is entitled, "Plat or Map - A plat or map of an ALTA/ACSM Land Title Survey shall show the following information. Where dimensioning is appropriate, dimensions shall be in accordance with the appropriate standard of care." Note that the dimensioning of features shown on the survey has never been addressed in previous versions of the standards except with regards to building locations, and that was in the 2005 standards.

Paragraph 6(A) carries forward the surveyor's field work described in paragraph 5. That is, the plat of survey shall show "the evidence and locations gathered during the field work as outlined in Section 5 above.)

Section 6(B) concerns "Boundary, Descriptions, Dimensions and Closures."

Paragraph 6(B)(l) indicates that the surveyor should avoid writing new legal descriptions unless necessary or appropriate.

Paragraph 6(B)(v) clarifies how the remainder of a parcel should be depicted on a plat of survey, noting that "such remainder does not need to be included as part of the actual survey, except to the extent necessary to locate the lines and corners of the surveyed property. . . ."

Paragraph 6(B)(vii) concerns the "gap/overlap" or "junior and senior rights" issue. This paragraph suggests that "where gaps overlaps are identified, the surveyor shall, prior to preparation of the final plat or map, disclose this to the insurer and client for determination of a course of action concerning junior/senior rights."

Paragraph 6(B)(x) sets forth the requirement that the title commitment or policy information (number, effective date, and name of insurer) of any title work furnished the surveyor be shown on the plat of survey.

Paragraph 6( C ) is entitled, "Easements, Servitudes, Rights of Way, Access and Record Documents)

Paragraph 6( C )(I) requires that the width of all on-site easements be shown on the survey. (“Width” was not specified in paragraph 5(h) of the 2005 Standards.)

Paragraph 5(h) of the 2005 Standards required that if an easement could not be located on the plat of survey, “a note to this effect shall be included.” Paragraph 6© )(ii) of the 2011 Standards greatly expands upon this concept of offering explanatory notes concerning easements. Six topics are mentioned; for example:

A note regarding any right of way, easement or servitude evidenced by a Record Document which has been provided to the surveyor (a) the location of which cannot be determined from the record document, or (b) of which there was no observed evidence at the time of the survey, or ( c ) that is a blanket easement, or (d) that is not on, or does not touch, the surveyed property, or (e) that limits access to an otherwise abutting right of way, or (f) in cases where the surveyed property is composed of multiple parcels, which of such parcels the various rights of way, easements, and servitudes cross.

Section 6(D) is entitled, “Presentation.”

Paragraph 6(D)(I) requires, among other things, “a vicinity map showing the property in reference to nearby highway(s) or major street intersection(s).” (A vicinity map was merely an optional Table A item in the 2005 Standards.)

Section 7 is entitled, “Certification.” For years surveyors have struggled with lenders who want “long form certifications” on their land title surveys. These certifications invariably required the surveyor to make express guarantees and warranties that exposed the surveyor to excessive liability. This section makes it clear that “the plat or map of an ALTA/ACSM Land Title Survey shall bear *only* the following certification, *unaltered*, except as may be required (by the federal agencies, states, and local jurisdictions mentioned above in section 3(B).)” [emphasis added; note that state surveying licensing boards sometimes require that certain wording be included in the surveyor’s certificate.]

On the other hand, if a surveyor and a lender wish to contract for the execution of an alternative certification, they can do so, but this non-standard certification will have to be provided on a separate document (e.g., in a letter that references the survey). The hybrid certificate cannot be placed on the actual plat of survey.

Note that this certification requires the date of the field work and the date of the plat of survey.

Section 8 is entitled, “Deliverables.” Bowing to the Internet Age, the drafters of the 2011 Standards added a sentence, indicating that “digital copies of the plat or map may be

provided in addition to, or in lieu of, hard copies in accordance with the terms of the contract.”

Table A is a listing of “Optional Survey Responsibilities and Specifications.” This table has also been revised by the red pen of the ALTA/ACSM liaison committee.

The introduction to Table A in the 2005 Standards included a statement about surveying for the U.S. Department of Housing and Urban Development. That statement has been eliminated from the 2011 Standards. (However, see item 12 of Table A of these new standards.) The committee has included a new statement that “notwithstanding Table A Items 5 and 11(b), if an engineering design survey is desired as part of an ALTA/ACSM Land Title Survey, such services should be negotiated under Table A, item 22.”

Table A, item 2 is a new requirement: “Address(es) if disclosed in Record Documents, or observed while conducting the survey.” (As noted above, the former item 2, a vicinity map, is now a requirement in paragraph 6(D)(l).)

Table A, item 5, concerning “vertical relief” and “contours,” has been expanded and clarified.

Table A, item 6, concerns zoning. In the 2011 standards, this item has been expanded into two paragraphs, 6(a) and 6(b):

6(a): Current zoning classification, as provided by the insurer.

6(b): Current zoning classification and building setback requirements, height and floor space area restrictions as set forth in that classification, as provided by the insurer. If none, so state.

Note that in both paragraphs 6(a) and 6(b), the zoning information is to be provided by the title insurer. If the surveyor obtained these zoning materials from a person or entity other than the title company, would that result in the survey not being an ALTA/ACSM land title survey?

No, it would not. This is made clear in the introductory paragraph to Table A:

NOTE: The items of Table A must be negotiated between the surveyor and client. It may be necessary for the surveyor to qualify or expand upon the description of these items (e.g., in reference to Item 6(b), there may be a need for an interpretation of a restriction).

In Mr. Kent's experience, surveyors are not usually asked to add zoning information on their surveys unless the title company was including some kind of zoning endorsement with its title policy(s). Thus, the drafting committee felt that the title company could

provide a copy of its zoning materials that it used to issue its zoning endorsement to the surveyor preparing the survey. However, there is nothing that prohibits some other third party (or even the surveyor) from obtaining this zoning information. (Feeling the heat of potential liability that is unfettered by title policy exclusions and conditions, it is possible that a title company might be reluctant to furnish zoning information to a surveyor.) That is, the surveyor could obtain the zoning information from another source and then still sign the survey certificate, as set forth in paragraph 7 of the 2011 Standards, but indicate, e.g., that item 6(a) or 6(b) was “as negotiated.”

Title insurance zoning coverage is highly regulated in some states and even prohibited in at least one state. Thankfully, the failure to include this Table A item on a land title survey will not invalidate its “land title survey” status. Table A makes it clear that item 6, like all the items in Table A, are “*optional* survey responsibilities and specifications.” [emphasis added]

Table A, item 7, concerns square footage. Item 7(b)(2) of the 2005 Standards was “gross floor area of all buildings.” This has been deleted as being superfluous, as item 7(b)(3) of the 2005 Standards was, “other areas to be defined by the client.” This item, slightly reworded, is now item 7(b)(2) in the 2011 Standards: “Other areas as specified by the client.”

Table A, item 10 of the 2005 Standards was “indication of access to a public way on land such as curb cuts and driveways, and to and from waters adjoining the surveyed tract, such as boat slips, launches, piers and docks.” The issue of access is crucial to title companies, and so this is now mandatory under the 2011 Standards; see paragraphs 5(B)(iii) and 5(B)(vii) of the 2011 Standards.

Table A, item 10(a) of the 2011 Standards concerns party walls, and item 10(b) of these new standards deals with whether or not certain walls are plumb. These two new items were created from the last sentence of paragraph 5(l) of the 2005 Standards. However, the committee felt that whether or not a wall is legally a “party wall” or whether or not a wall is “plumb” may require extra work, work that should be negotiated between the surveyor and the client. Therefore, the drafters felt that these two issues should be set forth as something optional in Table A. (Walls are also covered in paragraph 5( C )(ii) of the 2011 Standards.)

Table A, item 11 concerns the location of utilities existing on or serving the surveyed property. A qualifying note has now been added:

Note - With regard to Table A, item 11(b), source information from plans and markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more

detailed information is required, the client is advised that excavation may be necessary.

Item 12 of Table A of the 2005 Standards was "Governmental Agency survey-related requirements as specified by the client." This sentence has been expanded in 2011: ". . . such as for HUD surveys, and surveys for leases on Bureau of Land Management managed lands."

Item 15 of Table A concerns photogrammetric mapping. The 2005 Standards included the term, "laser scanning." The 2011 Standards replaces this term with "airborne/mobile laser scanning," making it clear that laser scanning can be either terrestrial (i.e., ground-based) or airborne.

The committee made some minor changes to the wording of items 16 and 17.

Item 19 is new: "Location of wetland areas as delineated by appropriate authorities.

Item 20, consisting of two lettered paragraphs, is also new:

20(a): Locate improvements within any offsite easements or servitudes benefitting the surveyed property that are disclosed in the Record Documents provided to the surveyor and that are observed in the process of conducting the survey (client to obtain necessary permissions).

20(b): Monuments placed (or a reference monument or witness to the corner) at all major corners of any offsite easements or servitudes benefitting the surveyed property and disclosed in Record Documents provided to the surveyor (client to obtain necessary permissions).

20(a) should be of particular interest to title insurers. When title companies are asked to insure easements, they may want to have the easement parcel surveyed to make sure that access through the easement area is still open and not obstructed in any fashion. This paragraph authorizes the surveyor to provide this additional service.

Item 21 is also new: "Professional Liability insurance policy obtained by the surveyor in the minimum amount of \$\_\_\_\_\_ to be in effect throughout the contract term. Certificate of insurance to be furnished upon request."

### **Miscellaneous Comments**

The drafters of the 2011 Standards attempted to standardize the wording with regard to the property being surveyed. In the past, the land being surveyed has been referred to as the *premises*, the *property*, the *parcel*, and the *tract*. The 2011 Standards use the term, *the surveyed property*, except where the use of this term is not appropriate.

Also, earlier versions of these standards used terms such as *visible*, *observed*, *observable*, and *physical*. The 2011 Standards use the term, *observed in the process of conducting the survey*, when possible and where appropriate.

It has been suggested that this new term, “observed in the process of conducting the survey,” provides an “out” for the surveyor. That is, if a surveyor fails to show a manhole on his plat of survey, he can simply say, “Hey, the standards provide that I have to show all easements observed in the process of conducting the survey, and I did not observe this particular easement.”

Such a conclusion seems misplaced. One might make this argument with any of the other words previously used in the standards. For example:

Paragraph 5(h) of the 2005 Standards: “Observable evidence of easements and/or servitudes of all kinds . . .”

Paragraph 5(E)(ii) of the 2011 Standards: “Evidence of easements or servitudes . . . observed in the process of conducting the survey. . . .”

A manhole under a lilac bush is observable, and it may also be observed in the process of conducting the survey.

But assume for the moment that a surveyor failed to note the manhole cover on his plat of survey and argues that the cover was not “observed in the process of conducting the survey.” The resolution of this issue is not this artificial and possibly unrealistic parsing of the standards. Rather, the answer is found in paragraph 3( C ) of the 2011 Standards--that is, the aforementioned “standards of care defined by the practice of the ‘prudent surveyor.’” That is, under the normal standard of care of surveyors in (e.g., Northern Illinois), *should* the surveyor have observed the manhole cover?

## **Conclusion**

The 2011 ALTA/ACSM land title survey standards are the culmination of two years of work by a committee made up of land surveyors, attorneys who represent lenders, and title company attorneys. The committee’s work was made difficult due to the inherent challenges of writing a national standard. For example, the final product is called a “plat” in most states but a “map” in a few states. This is why the 2011 Standards refer to “a plat or map.” Other issues concerned mandatory monumentation (in some states setting a monument would require the filing of a “Record of Survey” for jurisdictional or administrative review) and when a new legal description should be prepared. The committee feels that it has met these challenges and drafted a new set of survey standards that will successfully serve the differing needs and requirements of surveyors, lenders, and title companies in 2011 and the coming years.

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**MINIMUM STANDARD DETAIL REQUIREMENTS FOR  
ALTA/ACSM LAND TITLE SURVEYS**  
(Effective February 23, 2011)

1. **Purpose** - Members of the American Land Title Association (ALTA) have specific needs, unique to title insurance matters, when asked to insure title to land without exception as to the many matters which might be discoverable from survey and inspection, and which are not evidenced by the public records.

For a survey of real property, and the plat, map or record of such survey, to be acceptable to a title insurance company for the purpose of insuring title to said real property free and clear of survey matters (except those matters disclosed by the survey and indicated on the plat or map), certain specific and pertinent information must be presented for the distinct and clear understanding between the insured, the client (if different from the insured), the title insurance company (insurer), the lender, and the surveyor professionally responsible for the survey.

In order to meet such needs, clients, insurers, insureds, and lenders are entitled to rely on surveyors to conduct surveys and prepare associated plats or maps that are of a professional quality and appropriately uniform, complete and accurate. To that end, and in the interests of the general public, the surveying profession, title insurers and abstracters, the ALTA and the National Society of Professional Surveyors, Inc. (NSPS) jointly promulgate the within details and criteria setting forth a minimum standard of performance for ALTA/ACSM Land Title Surveys. A complete 2011 ALTA/ACSM Land Title Survey includes the on-site fieldwork required under Section 5 herein, the preparation of a plat or map showing the results of the fieldwork and its relationship to record documents as required under Section 6 herein, any information in Table A herein that may have been negotiated with the client, and the certification outlined in Section 7 herein.

2. **Request for Survey** - The client shall request the survey or arrange for the survey to be requested, and shall provide a written authorization to proceed from the person or entity responsible for paying for the survey. Unless specifically authorized in writing by the insurer, the insurer shall not be responsible for any costs associated with the preparation of the survey. The request shall specify that an "ALTA/ACSM LAND TITLE SURVEY" is required and which of the optional items listed in Table A herein, if any, are to be incorporated. Certain properties, including, but not limited to, marinas, campgrounds, trailer parks and leased areas, may present issues outside those normally encountered on an ALTA/ACSM Land Title Survey. The scope of work related to such properties should be discussed with the client, lender and insurer, and agreed upon in writing prior to requesting the survey. The client may need to secure permission for the surveyor to enter upon the property to be surveyed, adjoining properties, or offsite easements.

3. **Surveying Standards and Standards of Care**

A. **Effective Date** - The 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys are effective February 23, 2011. As of that date, all previous versions of the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys are superseded by these standards.



- B. Other Requirements and Standards of Practice** - Some Federal agencies, many states and some local jurisdictions have adopted statutes, administrative rules and/or ordinances that set out standards regulating the practice of surveying within their jurisdictions. In addition to the standards set forth herein, surveyors shall also conduct their surveys in accordance with all applicable jurisdictional requirements and standards of practice. Where conflicts between the standards set forth herein and any such jurisdictional requirements and standards of practice occur, the more stringent shall apply.
- C. The Normal Standard of Care** - Surveyors should recognize that there may be unwritten local, state, and/or regional standards of care defined by the practice of the 'prudent surveyor' in those locales.
- D. Boundary Resolution** - The boundary lines and corners of any property being surveyed as part of an ALTA/ACSM Land Title Survey shall be established and/or retraced in accordance with appropriate boundary law principles governed by the set of facts and evidence found in the course of performing the research and survey.
- E. Measurement Standards** - The following measurement standards address Relative Positional Precision for the monuments or witnesses marking the corners of the surveyed property.
- i. "Relative Positional Precision" means the length of the semi-major axis, expressed in feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements in the location of the monument, or witness, marking any corner of the surveyed property relative to the monument, or witness, marking any other corner of the surveyed property at the 95 percent confidence level (two standard deviations). Relative Positional Precision is estimated by the results of a correctly weighted least squares adjustment of the survey.
  - ii. Any boundary lines and corners established or retraced may have uncertainties in location resulting from (1) the availability, condition, history and integrity of reference or controlling monuments, (2) ambiguities in the record descriptions or plats of the surveyed property or its adjoiners, (3) occupation or possession lines as they may differ from the written title lines, and (4) Relative Positional Precision. Of these four sources of uncertainty, only Relative Positional Precision is controllable, although due to the inherent errors in any measurement, it cannot be eliminated. The magnitude of the first three uncertainties can be projected based on evidence; Relative Positional Precision is estimated using statistical means (see Section 3.E.i. above and Section 3.E.v. below).
  - iii. The first three of these sources of uncertainty must be weighed as part of the evidence in the determination of where, in the surveyor's opinion, the boundary lines and corners of the surveyed property should be located (see Section 3.D. above). Relative Positional Precision is a measure of how precisely the surveyor is able to monument and report those positions; it is not a substitute for the application of proper boundary law principles. A boundary corner or line may have a small Relative Positional Precision because the survey measurements were precise, yet still be in the wrong position (i.e. inaccurate) if it was established or retraced using faulty or improper application of boundary law principles.
  - iv. For any measurement technology or procedure used on an ALTA/ACSM Land Title Survey, the surveyor shall (1) use appropriately trained personnel, (2) compensate for systematic errors, including those associated with instrument calibration, and (3) use appropriate error propagation and measurement design theory (selecting the proper instruments, geometric layouts, and field and computational procedures) to control random errors such that the maximum allowable Relative Positional Precision outlined in Section 3.E.v. below is not exceeded.



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- v. The maximum allowable Relative Positional Precision for an ALTA/ACSM Land Title Survey is 2 cm (0.07 feet) plus 50 parts per million (based on the direct distance between the two corners being tested). It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation or improvements on the surveyed property will result in survey measurements for which the maximum allowable Relative Positional Precision may be exceeded. If the maximum allowable Relative Positional Precision is exceeded, the surveyor shall note the reason as explained in Section 6.B.ix below.

4. **Records Research** - It is recognized that for the performance of an ALTA/ACSM Land Title Survey, the surveyor will be provided with appropriate data which can be relied upon in the preparation of the survey. The request for an ALTA/ACSM Land Title Survey shall set forth the current record description of the property to be surveyed or, in the case of an original survey, the current record description of the parent parcel that contains the property to be surveyed. Complete copies of the most recent title commitment, the current record description of the property to be surveyed (or, in the case of an original survey, the parent parcel), the current record descriptions of adjoining, any record easements benefiting the property, the record easements or servitudes and covenants burdening the property (all hereinafter referred to collectively as "Record Documents"), documents of record referred to in the Record Documents, documents necessary to ascertain, if possible, the junior/senior relationship pursuant to Section 6.B.vii. below, and any other documents containing desired appropriate information affecting the property being surveyed, and to which the ALTA/ACSM Land Title Survey shall make reference, shall be provided to the surveyor for use in conducting the survey. Reference is made to Section 3.B. above.

5. **Field Work** - The Survey shall be performed on the ground (except as otherwise negotiated pursuant to Table A, Item 15 below, if selected by the client), and the field work shall include the following:

**A. Monuments**

- i. The location and description of any monuments or lines that control the boundaries of the surveyed property.
- ii. The location, size and type of any monuments found (or set, if Table A, Item 1 is requested by the client, or if otherwise required – see Section 3.B. above) on the boundary of the surveyed property.

**B. Rights of Way and Access**

- i. The distance from the appropriate corner or corners of the surveyed property to the nearest right of way line, if the surveyed property does not abut a right of way.
- ii. The name of any street, highway or other public or private way abutting the surveyed property, and the width and location of the travelled way relative to the nearest boundary line of the surveyed property.
- iii. Visible evidence of physical access (such as, but not limited to, curb cuts and driveways) to any abutting streets, highways or other public ways.
- iv. The location and character of vehicular, pedestrian or other forms of access by other than the apparent occupants of the surveyed property to or across the surveyed property, including, but not limited to driveways, alleys, private roads, sidewalks and footpaths observed in the process of conducting the survey.
- v. Without expressing a legal opinion as to ownership or nature, the location and extent of any potentially encroaching driveways, alleys, and other ways of access from adjoining properties onto the surveyed property observed in the process of conducting the survey.



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- vi. Where documentation of the width or location of any abutting street, road or highway right of way was not disclosed in Record Documents provided to the surveyor or was not otherwise available from the controlling jurisdiction (see Section 6.C.iv. below), the evidence and location of parcel corners recovered which might indicate the width or location of such right of way lines.
  - vii. Evidence of access to and from waters adjoining the surveyed property, such as paths, boat slips, launches, piers and docks observed in the process of conducting the survey.
- C. Lines of Possession, and Improvements along the Boundaries**
- i. The character and location of evidence of possession or occupation along the perimeter of the surveyed property, both by the occupants of the surveyed property and by adjoining, observed in the process of conducting the survey.
  - ii. The character and location of all walls, buildings, fences, and other improvements within five feet of each side of the boundary lines, observed in the process of conducting the survey.
  - iii. Without expressing a legal opinion as to the ownership or nature of the potential encroachment, the evidence, location and extent of potentially encroaching structural appurtenances and projections observed in the process of conducting the survey, such as fire escapes, bay windows, windows and doors that open out, flue pipes, stoops, eaves, cornices, areaways, steps, trim, etc., by or onto adjoining property, or onto rights of way, easements or setback lines disclosed in Record Documents provided to the surveyor.
- D. Buildings**
- Based on the normal standard of care, the location of all buildings on the surveyed property shown perpendicular to the nearest perimeter boundary line(s) and expressed to the appropriate degree of precision.
- E. Easements and Servitudes**
- i. Evidence of any easements or servitudes burdening the surveyed property, disclosed in the Record Documents provided to the surveyor and observed in the process of conducting the survey.
  - ii. Evidence of easements or servitudes not disclosed in the Record Documents provided to the surveyor, but observed in the process of conducting the survey, such as those created by roads; rights of way; water courses; ditches; drains; telephone, fiber optic lines, or electric lines; water, sewer, oil or gas pipelines on or across the surveyed property and on adjoining properties if they appear to affect the surveyed property.
  - iii. Surface indications of underground easements or servitudes on or across the surveyed property observed in the process of conducting the survey.
  - iv. Evidence of use of the surveyed property by other than the apparent occupants observed in the process of conducting the survey.
- F. Cemeteries**
- As accurately as the evidence permits, the location of cemeteries, gravesites, and burial grounds (i) disclosed in the Record Documents provided to the surveyor, or (ii) observed in the process of conducting the survey.
- G. Water Features**
- i. The location of springs, together with the location of ponds, lakes, streams, and rivers bordering on or running through the surveyed property, observed during the process of conducting the survey. See Table A, Item 19 for wetlands locations.



- ii. The location of any water boundary on the surveyed property. The attribute(s) of the water feature located (e.g. top of bank, edge of water, high water mark, etc.) should be congruent with the boundary as described in the record description or, in the case of an original survey, in the new description. (See Section 6.B.vi. below).

**6. Plat or Map** - A plat or map of an ALTA/ACSM Land Title Survey shall show the following information. Where dimensioning is appropriate, dimensions shall be in accordance with the appropriate standard of care.

**A. The evidence and locations gathered during the field work as outlined in Section 5 above.**

**B. Boundary, Descriptions, Dimensions and Closures**

- i. The current record description of the surveyed property, and any new description of the surveyed property that was prepared in conjunction with the survey, including a statement explaining why the new description was prepared. Preparation of a new description should be avoided unless deemed necessary or appropriate by the surveyor and insurer. Preparation of a new description should also generally be avoided when the record description is a lot or block in a platted, recorded subdivision.
- ii. The location and description of any monuments, lines or other evidence that control the boundaries of the surveyed property or that were otherwise relied upon in establishing or retracing the boundaries of the surveyed property, and the relationship of that evidence to the surveyed boundary. In some cases, this will require notes on the plat or map.
- iii. All distances and directions identified in the record description of the surveyed property (and in the new description, if one was prepared). Where a measured or calculated dimension differs from the record by an amount deemed significant by the surveyor, such dimension shall be shown in addition to, and differentiated from, the corresponding record dimension.
- iv. The directional, distance and curve data necessary to compute a mathematical closure of the surveyed boundary. A note if the record description does not mathematically close. The basis of bearings and, when it differs from the record basis, the difference.
- v. The remainder of any recorded lot or existing parcel, when the surveyed property is composed of only a portion of such lot or parcel, shall be graphically depicted. Such remainder does not need to be included as part of the actual survey, except to the extent necessary to locate the lines and corners of the surveyed property, and it need not be fully dimensioned or drawn at the same scale as the surveyed property.
- vi. When the surveyed property includes a water boundary, a note on the face of the plat or map noting the date the boundary was measured, which attribute(s) of the water feature was/were located, and the caveat that the boundary is subject to change due to natural causes and that it may or may not represent the actual location of the limit of title. When the surveyor is aware of natural or artificial realignments or changes in such boundaries, the extent of those changes and facts shall be shown or explained.
- vii. The relationship of the boundaries of the surveyed property (i.e. contiguity, gaps, or overlaps) with its adjoiners, where ascertainable from Record Documents and/or from field evidence gathered during the process of conducting the survey of the property being surveyed. If the surveyed property is composed of multiple parcels, the extent of any gaps or overlaps between those parcels shall be identified. Where gaps or overlaps are identified, the surveyor shall, prior to preparation of the final plat or map, disclose this to the insurer and client for determination of a course of action concerning junior/senior rights.



- viii. When, in the opinion of the surveyor, the results of the survey differ significantly from the record, or if a fundamental decision related to the boundary resolution is not clearly reflected on the plat or map, the surveyor shall explain this information with notes on the face of the plat or map.
  - ix. A note on the face of the plat or map explaining the site conditions that resulted in a Relative Positional Precision that exceeds the maximum allowed under Section 3.E.v. of these standards.
  - x. A note on the face of the plat or map identifying the title commitment/policy number, effective date and name of the insurer for any title work provided to the surveyor.
- C. Easements, Servitudes, Rights of Way, Access and Record Documents**
- i. The width and recording information of all plottable rights of way, easements and servitudes burdening and benefitting the property surveyed, as evidenced by Record Documents which have been provided to the surveyor.
  - ii. A note regarding any right of way, easement or servitude evidenced by a Record Document which has been provided to the surveyor (a) the location of which cannot be determined from the record document, or (b) of which there was no observed evidence at the time of the survey, or (c) that is a blanket easement, or (d) that is not on, or does not touch, the surveyed property, or (e) that limits access to an otherwise abutting right of way, or (f) in cases where the surveyed property is composed of multiple parcels, which of such parcels the various rights of way, easements, and servitudes cross.
  - iii. A note if no physical access to a public way was observed in the process of conducting the survey.
  - iv. The width of abutting rights of way and the source of such information (a) where available from the controlling jurisdiction or (b) where disclosed in Record Documents provided to the surveyor.
  - v. The identifying titles of all recorded plats, filed maps, right of way maps, or similar documents which the survey represents, wholly or in part, with their recording or filing data.
  - vi. For non-platted adjoining land, names and recording data identifying adjoining owners according to current public records. For platted adjoining land, the recording data of the subdivision plat.
  - vii. Platted setback or building restriction lines which appear on recorded subdivision plats or which were disclosed in Record Documents provided to the surveyor.
- D. Presentation**
- i. The plat or map shall be drawn on a sheet of not less than 8 ½ by 11 inches in size at a legible, standard engineering scale, with that scale clearly indicated in words or numbers and with a graphic scale. When recordation or filing of a plat or map is required by law, such plat or map shall be produced in recordable form. The boundary of the surveyed property drawn in a manner that distinguishes it from other lines on the plat or map. A north arrow (with north to the top of the drawing when practicable), a legend of symbols and abbreviations, and a vicinity map showing the property in reference to nearby highway(s) or major street intersection(s).
  - ii. Supplementary or detail diagrams when necessary.
  - iii. If there are no visible buildings on the surveyed property, a note stating "*No buildings existing on the surveyed property*" shall appear on the face on the survey.



- iv. The surveyor's project number (if any), and the name, registration or license number, signature, seal, street address, telephone number, and email address of the surveyor who performed the survey. The date(s) of any revisions made by said surveyor.
- v. Sheet numbers where the plat or map is composed of more than one sheet.
- vi. The caption "ALTA/ACSM Land Title Survey."

7. **Certification** - The plat or map of an ALTA/ACSM Land Title Survey shall bear only the following certification, unaltered, except as may be required pursuant to Section 3.B. above:

*To (name of insured, if known), (name of lender, if known), (name of insurer, if known), (names of others as negotiated with the client):*

*This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items \_\_\_\_\_ of Table A thereof. The field work was completed on \_\_\_\_\_.*

Date of Plat or Map: \_\_\_\_\_ (Surveyor's signature, printed name and seal with Registration/License Number)

8. **Deliverables** - The surveyor shall furnish copies of the plat or map of survey to the insurer and client, and as otherwise negotiated with the client. Hard copies shall be on durable and dimensionally stable material of a quality standard acceptable to the insurer. Digital copies of the plat or map may be provided in addition to, or in lieu of, hard copies in accordance with the terms of the contract. When required by law or requested by the client, the plat or map shall be produced in recordable form and recorded or filed in the appropriate office or with the appropriate agency.



**TABLE A**

**OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS**

*NOTE: The items of Table A must be negotiated between the surveyor and client. It may be necessary for the surveyor to qualify or expand upon the description of these items (e.g., in reference to Item 6(b), there may be a need for an interpretation of a restriction). The surveyor cannot make a certification on the basis of an interpretation or opinion of another party. Notwithstanding Table A Items 5 and 11(b), if an engineering design survey is desired as part of an ALTA/ACSM Land Title Survey, such services should be negotiated under Table A, item 22.*

**If checked, the following optional items are to be included in the ALTA/ACSM LAND TITLE SURVEY, except as otherwise qualified (see note above):**

1. \_\_\_\_\_ *Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by existing monuments or witnesses.*
2. \_\_\_\_\_ *Address(es) if disclosed in Record Documents, or observed while conducting the survey.*
3. \_\_\_\_\_ *Flood zone classification (with proper annotation based on federal Flood Insurance Rate Maps or the state or local equivalent) depicted by scaled map location and graphic plotting only.*
4. \_\_\_\_\_ *Gross land area (and other areas if specified by the client).*
5. \_\_\_\_\_ *Vertical relief with the source of information (e.g. ground survey or aerial map), contour interval, datum, and originating benchmark identified.*
6. \_\_\_\_\_ *(a) Current zoning classification, as provided by the insurer.*  
\_\_\_\_\_ *(b) Current zoning classification and building setback requirements, height and floor space area restrictions as set forth in that classification, as provided by the insurer. If none, so state.*
7. \_\_\_\_\_ *(a) Exterior dimensions of all buildings at ground level.*  
\_\_\_\_\_ *(b) Square footage of:*  
\_\_\_\_\_ *(1) exterior footprint of all buildings at ground level.*  
\_\_\_\_\_ *(2) other areas as specified by the client.*  
\_\_\_\_\_ *(c) Measured height of all buildings above grade at a location specified by the client. If no location is specified, the point of measurement shall be identified.*



8. \_\_\_\_\_ *Substantial features observed in the process of conducting the survey (in addition to the improvements and features required under Section 5 above) such as parking lots, billboards, signs, swimming pools, landscaped areas, etc.*
9. \_\_\_\_\_ *Striping, number and type (e.g. handicapped, motorcycle, regular, etc.) of parking spaces in parking areas, lots and structures.*
10. \_\_\_\_\_ *(a) Determination of the relationship and location of certain division or party walls designated by the client with respect to adjoining properties (client to obtain necessary permissions).*
- \_\_\_\_\_ *(b) Determination of whether certain walls designated by the client are plumb (client to obtain necessary permissions).*
11. \_\_\_\_\_ *Location of utilities (representative examples of which are listed below) existing on or serving the surveyed property as determined by:*
- \_\_\_\_\_ *(a) Observed evidence.*
- \_\_\_\_\_ *(b) Observed evidence together with evidence from plans obtained from utility companies or provided by client, and markings by utility companies and other appropriate sources (with reference as to the source of information).*
- *Railroad tracks, spurs and sidings;*
  - *Manholes, catch basins, valve vaults and other surface indications of subterranean uses;*
  - *Wires and cables (including their function, if readily identifiable) crossing the surveyed property, and all poles on or within ten feet of the surveyed property. Without expressing a legal opinion as to the ownership or nature of the potential encroachment, the dimensions of all encroaching utility pole crossmembers or overhangs; and*
  - *utility company installations on the surveyed property.*
- Note - With regard to Table A, item 11(b), source information from plans and markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary.*
12. \_\_\_\_\_ *Governmental Agency survey-related requirements as specified by the client, such as for HUD surveys, and surveys for leases on Bureau of Land Management managed lands.*
13. \_\_\_\_\_ *Names of adjoining owners of platted lands according to current public records.*
14. \_\_\_\_\_ *Distance to the nearest intersecting street as specified by the client.*
15. \_\_\_\_\_ *Rectified orthophotography, photogrammetric mapping, laser scanning and other similar products, tools or the basis for the showing the location of*
- airborne/mobile technologies as*



*certain features (excluding boundaries) where ground measurements are not otherwise necessary to locate those features to an appropriate and acceptable accuracy relative to a nearby boundary. The surveyor shall (a) discuss the ramifications of such methodologies (e.g. the potential precision and completeness of the data gathered thereby) with the insurer, lender and client prior to the performance of the survey and, (b) place a note on the face of the survey explaining the source, date, precision and other relevant qualifications of any such data.*

- 16. \_\_\_\_\_ *Observed evidence of current earth moving work, building construction or building additions.*
- 17. \_\_\_\_\_ *Proposed changes in street right of way lines, if information is available from the controlling jurisdiction. Observed evidence of recent street or sidewalk construction or repairs.*
- 18. \_\_\_\_\_ *Observed evidence of site use as a solid waste dump, sump or sanitary landfill.*
- 19. \_\_\_\_\_ *Location of wetland areas as delineated by appropriate authorities.*
- 20. \_\_\_\_\_ *(a) Locate improvements within any offsite easements or servitudes benefitting the surveyed property that are disclosed in the Record Documents provided to the surveyor and that are observed in the process of conducting the survey (client to obtain necessary permissions).*  
\_\_\_\_\_ *(b) Monuments placed (or a reference monument or witness to the corner) at all major corners of any offsite easements or servitudes benefitting the surveyed property and disclosed in Record Documents provided to the surveyor (client to obtain necessary permissions).*
- 21. \_\_\_\_\_ *Professional Liability Insurance policy obtained by the surveyor in the minimum amount of \$ \_\_\_\_\_ to be in effect throughout the contract term. Certificate of Insurance to be furnished upon request.*
- 22. \_\_\_\_\_ \_\_\_\_\_

*Adopted by the Board of Governors, American Land Title Association, on October 13, 2010.  
American Land Title Association, 1828 L St., N.W., Suite 705, Washington, D.C. 20036.*

*Adopted by the Board of Directors, National Society of Professional Surveyors, on November 15, 2010.  
National Society of Professional Surveyors, Inc., a member organization of the American Congress on Surveying and Mapping, 6 Montgomery Village Avenue, Suite 403, Gaithersburg, MD 20879*

