

Is an ALTA/ACSM Land Title Survey a “Boundary Survey?”

Over the years, there has been some confusion over whether or not an ALTA/ACSM Land Title Survey qualifies as a “boundary survey” under the various definitions of that term. This has especially been an issue vis-à-vis statutes and administrative rules regulating surveying in the respective states.

The 2005 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Survey, recently adopted and effective on January 1st of this year, have addressed this issue with some revised and new wording added to the very first paragraph...

“It is recognized and understood that local and state standards or standards of care, which surveyors in those respective jurisdictions are bound by, may augment, or even require variations to the standards outlined herein. Where conflicts between the standards outlined herein and any jurisdictional statutes or regulations occur, the more restrictive requirement shall apply.” [emphasis added]

Neither the National Society of Professional Surveyors nor the American Land Title Association license surveyors; the individual states grant licenses. NSPS and ALTA agree that an ALTA/ACSM Land Title Survey is a boundary survey – albeit one that has requirements above and beyond most states’ standards. As such, a surveyor conducting one is subject to his or her states’ regulations in addition to the ALTA/ACSM requirements.

One of the aspects of a Land Title Survey that causes this confusion is Table A, Item 1 which addresses monumentation. Since Table A contains *optional* items that *may* be requested on the survey, some believe that unless Item 1 is definitively selected, monumentation is not required. However many, if not most, states require monumentation on boundary surveys. The sentences from the ALTA/ACSM standards quoted above, clearly point out that in such states the surveyor must monument regardless of what has been selected on Table A Item 1.

Similarly, in some of the colonial states, responsibility for records research, including easements, is considered part of the responsibility of the surveyor – either by administrative rule or by the normal standard of care - notwithstanding the issuance of a title commitment identifying easements. In those states, surveyors relying exclusively on the ALTA/ACSM standards for relief from records research are likely placing themselves in jeopardy of being noncompliant with their state’s requirements.

The lesson is that surveyors must be familiar with the standards of their state and local areas. They cannot rely on the ALTA/ACSM requirements for relief from their jurisdictional standards or from the normal standard of care that applies to their practice.

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