

ALTA/NSPS Land Title Surveys

2021 Minimum Standard Detail Requirements

Sponsor

DELL
Technologies



Speakers

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Today's Agenda

1. Section 2 – Request for Survey
2. Section 3 – Survey Standards, etc.
3. Section 4 – Records Research
4. Section 5 – Fieldwork
5. Section 6 Plat or Map
6. Table A



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ALTA/ACSM (NSPS) STANDARDS



ALTA/ACSM (NSPS) Standards

- 1962
- 1986
- 1988
- 1992
- 1997
- 1999
- 2005
- 2011
- 2016
- 2021 – February 23, 2021

ALTA/ACSM (NSPS) Standards

- Section 1- Purpose
- Section 2- Request for Survey
- Section 3 – Survey Standards & Standards of Care
- Section 4 – Records Research
- Section 5 - Fieldwork
- Section 6 – Plat or Map
- Section 7 – Certification
- Section 8 – Deliverables
- Table A

SECTION 2 – REQUEST FOR SURVEY



Section 2 – Request for Survey

- Shall and Must

In the 1995 case *Gutierrez de Martinez v. Lamagno* 515 U.S. 417, the U.S. Supreme Court held that the word “shall” is a false imperative that actually means “may.” Because of this, the joint ALTA/NSPS committee reviewed each use of the words “must” and “shall” and used the one that it felt was most appropriate.

- Client shall secure permission for necessary access

Section 2 – Request for Survey

- Written authorization
- Dealing with atypical properties
 - Mobile home parks, campgrounds, marinas
 - Non-fee interests
 - Including mineral interests
- Discuss scope with affected parties
- Shall and Must
- Client shall secure permission for necessary access

SECTION 3 – SURVEY STANDARDS, ETC.



Section 3 – Survey Standards, etc.

D. “Resolution” stricken from heading

“Surveyed property”

or

“Property to be Surveyed”

Section 3 – Survey Standards, etc.

- E. Definition of Relative Positional Precision simplified and clarified

SECTION 4 – RECORDS RESEARCH



Section 4 – Records Research

- Rewritten and re-ordered for clarity, but no substantively new requirements or content

Section 4 – Records Research

The Surveyor must be provided with:

- A. Current record descriptions
- B. Most recent evidence of title
- C. Copies of certain public record documents
 - A. Adjoiners
 - B. Easements benefiting the property
 - C. Easements/servitudes/covenants burdening the property
- D. Copies of unrecorded documents of which the survey is to make reference

SECTION 5 – FIELDWORK



Section 5 – Fieldwork

- Fieldwork must be performed on the ground except pursuant to a negotiation related to Table A item 15
- **Non-boundary features** located to the appropriate degree of precision based on
 - Planned use if reported
 - Existing use, if not reported
- **Boundary precision was addressed in Section 3.E.**

Section 5 – Fieldwork

- A. Monuments
- B. Rights of way and access
- C. Lines of possession and improvements along the boundaries
- D. Buildings
- E. Easements and servitudes
- F. Cemeteries
- G. Water features

Section 5 – Fieldwork

E. Easements and Servitudes

- i. Replaced “appear to affect” with “are on or across”
- ii. Utility poles within 10 feet
 - Identify potential encroachments (utility pole crossmembers or overhangs)
 - Added utility locate markings as evidence of utilities

SECTION 6 – PLAT OR MAP



Section 6 – Plat or Map

- A. Evidence and locations gathered pursuant to the Section 5 Fieldwork
- B. Boundary, Descriptions, Dimensions and Closure
- C. Easements, Servitudes, Rights of Way, Access and Documents
- D. Presentation

Section 6 – Plat or Map

A. New title - “Field Locations”

Section 6 – Plat or Map

B. Boundary, Description, Dimensions, Closures

- i. Reference to record document number of parent tract on an original survey

Section 6 – Plat or Map

B. Boundary, Description, Dimensions, Closures

- iii. Record vs. measured/calculated-“must”
 - Distance reported as horizontal ground

Section 6 – Plat or Map

C. Easements, Servitudes, Rights of Way, Access and Documents

ii. Summary of all rights of way, easements & servitudes

- If they are survey-related
- If they burden or benefit the surveyed property
- Note record information, whether shown, and an appropriate note if not
- “Affects/Does not Affect” the surveyed property

Section 6 – Plat or Map

C. Easements, Servitudes, Rights of Way, Access and Documents

- iii. Physical access to abutting public **or private** streets

Section 6 – Plat or Map

C. Easements, Servitudes, Rights of Way, Access and Documents

- vi. Include **tax parcel number** for non-platted adjoiners
(where available)

Section 6 – Plat or Map

C. Easements, Servitudes, Rights of Way, Access and Documents

- viii. If, in the process of preparing the survey, the surveyor becomes aware of a recorded easement not otherwise listed in the title evidence provided, the surveyor must advise the insurer prior to delivery of the plat or map and, unless the insurer provides evidence of a release of that easement, show or otherwise explain it on the face of the plat or map, with a note that the insurer has been advised.

TABLE A

Table A

- Nineteen (19) items
- Number additional items 20(a), 20(b), etc.
- The wording of Table A items is negotiable

Table A

6. Zoning

- The zoning report or letter must now be specific to the property being surveyed and provided by the client or the client's representative

Table A

10. Party walls

- Eliminated plumbness as option (b)

Table A

11. Utilities

- Location of utilities on or serving the property as determined by observed evidence (required pursuant to Section 5.E.iv.) **plus two other options:**
 - (a) _____ Plans and/or reports provided by the client (reference sources)
 - (b) _____ Markings coordinated by surveyor pursuant to a private utility locate request

Table A

18. Wetlands

- If there has been a field delineation of wetlands conducted by a qualified wetlands specialist hired by the client
- Surveyor will locate observed delineation markers
- Note if no markers observed

Table A

18. Offsite (appurtenant) easements

- If plottable, include as part of the survey pursuant to Sections 5 and 6 and applicable Table A items.
- In other words, include the offsite easement as part of the survey as if it were a fee parcel

QUESTIONS

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UPCOMING EVENTS

- **ALTA Commercial Network Webinars**
 - **1031 Exchanges**
 - **ALTA Policy Forms Changes**
 - **Native American Lands: McGirt Decision**
- **2021 ALTA ONE | Oct. 12-15 | New Orleans**
 - **[MEETINGS.ALTA.ORG/ONE](https://meetings.alta.org/one)**
- **2022 ALTA Commercial Network | TBD**