

# NEW ALTA/ACSM LAND TITLE SURVEY STANDARDS

February 17, 2011

**Practices & Industries**

Real Estate Development

The minimum standard detail requirements for ALTA/ACSM Land Title Surveys were recently revised, and the new standards will become effective February 23, 2011. They were last revised in 2005. These standards are nationally recognized and widely accepted by surveyors, title companies, lenders, and attorneys as the “gold standard” for surveys. Surveys using these standards are commonly referred to as “ALTA surveys” and are frequently used when title insurance is involved and especially in commercial real estate transactions.

The revisions to these standards are not drastic because many of the changes have to do with new organization of the old standards. Nonetheless, individuals and companies ordering an ALTA survey should be aware of the more notable changes. The new standards do the following:

- Recognize the normal standard of care defined by the practice of a “prudent surveyor” in the particular locale based on unwritten local, state, or regional standards of care (Section 3(C));
- Expand on the “Relative Positional Precision” for the monuments marking the corners of the property (Section 3(E));
- Expand on the documents that are required to be provided to the surveyor, including: the most recent title commitment, the current record description of the property, the current record descriptions of adjoining parcels, any record easements benefitting the property, the record easements or servitudes and covenants burdening the property, documents of record referred to in such recorded documents, and any other documents containing property-affecting information that must be referenced in the survey (Section 4);
- Require the inclusion of the location and character of access by entrants other than the apparent occupants of the property (Section 5(B)(iv));
- Require more measurements when the property includes a water boundary (Sections 5(G)(ii) and 6(B)(vi));
- Suggest avoiding writing new legal descriptions unless deemed necessary or appropriate by the surveyor and title insurer; otherwise, the current record description of the property should be used (Section 6(B)(i));
- Clarify as to how the remainder of an existing parcel should be shown when the surveyed property is only a portion of such parcel (Section 6(B)(v));

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- Require that identifying information for the title commitment provided to the surveyor be specified on the survey, including: the title commitment/policy number, effective date, and name of the title insurance company (Section 6(B)(x));
- Require additional information on easements, such as the width and recording information of all plottable rights of way, easements and servitudes, and a note if the location cannot be determined from the record document (Section 6(C));
- Require a vicinity map, which used to be an optional Table A item (Section 6(D)(i));
- Require that the certification include the date of field work completion and the date of the plat or map (Section 7); and
- Expand Table A to include a number of new optional items that may be requested by the client, including that the surveyor obtain professional liability insurance and provide proof if requested (Table A, Item 21).

