




**105: ALTA/NSPS Land Title
Surveys and the Complementary
Nature of Title Reports**

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Introduction – Don Groesser

- Vice President and Corporate Survey / Geospatial Practice Lead for Civil & Environmental Consultants, Inc. (CEC), since 2014.
- Provides corporate support and guidance for Surveying and Geospatial Services in 22 of CEC's 29 offices, including 186 Survey / Geospatial staff members with 40 Professional Land Surveyors licensed in 31 states.
- Surveying for 39 years, Licensed in seven states (PA, IL, WI, KY, NY, AZ, FL)
- Past President of the IPLSA, Vice President of the PSLs and Chair of the SOP Committee 2020-2022. Chair of Geospatial Committee and Education Committee.
- 2022 PSLs Surveyor of the Year!
- Very happily married for 36 years, and have 12 kids and 1 granddaughter ...

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Introduction – Alan Sable


- Partner in the Real Estate & Lending practice group of Meyer, Unkovic & Scott, LLP.
- Licensed title insurance agent who operated a commercial title insurance agency affiliated with his prior law firm
- Previously, a founding member of Sable and Sable, LLC, and a partner in the Pittsburgh office of Reed Smith LLP
- Over 31 years of experience offering legal advice in all areas of commercial real estate law
- Education: J.D., Penn State Dickinson Law, 1992 - B.A., Colgate University, 1989
- Served as an expert witness on real estate title issues in federal and state court litigation matters
- Resides in Pine Township with his wife, their miniature dachshund, and his father-in-law, and sometimes their 2 children

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What is the name of this national monument?



“The Three Surveyors and the Other Guy”

“Only 1 Attorney”

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ALTA / NSPS LAND TITLE SURVEYS

- What is ALTA / NSPS?
- Purpose of ALTA/NSPS Land Title Surveys
- ALTA/NSPS Land Title Survey Standards
- Content of the Standards (abridged)
- Table A Items




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What is ALTA / NSPS?

- American Land Title Association (ALTA), founded in 1907, represents the title insurance industry.
- American Congress on Surveying and Mapping (ACSM), founded in 1941, represented the interests of those engaged in measuring and communicating geospatial data.
- National Society of Professional Surveyors, originally a subgroup of ACSM, founded in 1981, represents the surveying profession. In 2012, ACSM legally merged into the NSPS.
- In 2016, the ALTA / ACSM Land Title Survey Standards were changed to the ALTA / NSPS Land Title Survey Standards



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What is ALTA / NSPS?

- The collaboration of ALTA and ACSM (now NSPS) led to the creation of standards for surveys conducted for real estate transactions.
- ALTA/NSPS Land Title Surveys are essential in providing a comprehensive and standardized assessment of a property's status.

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Purpose of ALTA/NSPS Land Title Surveys

- Ensuring Clear Land Title
 - Assures stakeholders that the property is free from unexpected title issues that could jeopardize their interests
- Protecting Investments
 - Key term “Extended Title Coverage”
- Legal Compliance
 - ALTA/NSPS surveys ensure compliance with legal requirements related to property transactions by requiring adherence to a national standard, professional standards and local regulations

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ALTA/NSPS Land Title Survey Standards

- “MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS”
- Originally adopted 1962. Revised '86, '88, '92, '97, '05, '11, '16, '21
- Effective February 23, 2021
(Festival of the Roman God Terminus)






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Content of the Standards (abridged)

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.



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Content of the Standards (abridged)

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 must specify that an **"ALTA/NSPS LAND TITLE SURVEY"** is required and which of the optional items listed in Table A, if any, are to be incorporated.

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From NSPS Frequently Asked Questions

Providing professional guidance to the client

When deemed appropriate, surveyors might want to consider suggesting to their clients that the advice of a wetlands, flood plain, environmental, archeological or other appropriate expert might be beneficial.

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Content of the Standards (abridged)

Certain properties or interests in real properties may present issues outside those normally encountered on an ALTA/NSPS Land Title Survey (e.g., marinas, campgrounds, mobile home parks, easements, leases, mineral interests, other non-fee simple interests). The scope of work related to surveys of such properties or interests in real properties should be discussed with the client, lender, and insurer, and agreed upon in writing prior to commencing work on the survey. When required, the client shall secure permission for the surveyor to enter upon the property to be surveyed, adjoining properties, or offsite easements.

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Content of the Standards (abridged)


3. Surveying Standards and Standards of Care

A. Effective Date

B. Other Requirements and Standards of Practice - 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 must also conduct their surveys in accordance with applicable jurisdictional survey 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 must apply.

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Content of the Standards (abridged)

- A. 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.
- B. Boundary** - The boundary lines and corners of any property or interest in real property being surveyed (hereafter, the “surveyed property” or “property to be surveyed”) as part of an ALTA/NSPS Land Title Survey must 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 fieldwork.
- C. Measurement Standards.**

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Content of the Standards (abridged)

- 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 meters or feet, of the error ellipse representing the uncertainty in the position of the monument or witness marking any boundary corner of the surveyed property relative to the position of the monument or witness marking an immediately adjacent boundary corner of the surveyed property resulting from random errors in the measurements made in determining those positions at the 95 percent confidence level. Relative Positional Precision can be estimated by the results of a correctly weighted least squares adjustment of the survey. Alternatively, Relative Positional Precision can be estimated by the standard deviation of the distance between the monument or witness marking any boundary corner of the surveyed property and the monument or witness marking an immediately adjacent boundary corner of the surveyed property (called local accuracy) that can be computed using the full covariance matrix of the coordinate inverse between any given pair of points, understanding that Relative Positional Precision is based on the 95 percent confidence level, or approximately 2 standard deviations.

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NSPS NOTES

- Section 3.E.i.** – The definition of Relative Positional Precision has been modified such that it now applies only to *“the monument or witness marking any boundary corner of the surveyed property relative to the position of the monument or witness marking an immediately adjacent boundary corner of the surveyed property”* Previously, it included the relationship 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.”*[highlights added]

In addition, in order to create a more defensible definition of RPP, the Committee added a sentence clarifying that the definition refers to *“local accuracy”* and that, in addition to how it can be estimated with a correctly weighted least square adjustment of the survey, it can also be computed using *“the full covariance matrix of the coordinate inverse between any given pair of points.”* The latter change will probably have no practical effect on the typical surveyor and survey, but it is an important addition to 3.E.i. to clarify the definition of RPP.

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Content of the Standards (abridged)

4. Records Research - It is recognized that for the performance of an ALTA/NSPS Land Title Survey, **the surveyor will be provided** with appropriate and, when possible, legible data that can be relied upon in the preparation of the survey. In order to complete an ALTA/NSPS Land Title Survey, the surveyor must be provided with the following:

A. The current record description of the real property to be surveyed or, in the case of an original survey prepared for purposes of locating and describing real property that has not been previously separately described in documents conveying an interest in the real property, the current record description of the parent parcel that contains the property to be surveyed;

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Content of the Standards (abridged)

B. Complete copies of the most recent title commitment or, if a title commitment is not available, other title evidence satisfactory to the title insurer;

C. The following documents from records established under state statutes for the purpose of imparting constructive notice of matters relating to real property (public records):


- i. The current **record descriptions of any adjoiners** to the property to be surveyed, except where such adjoiners are lots in platted, recorded subdivisions;
- ii. Any recorded easements benefitting the property to be surveyed; and
- iii. Any recorded easements, servitudes, or covenants burdening the property to be surveyed; and

D. If desired by the client, any unrecorded documents affecting the property to be surveyed and containing information to which the survey shall make reference.

Except, however, if the documents outlined in this section are not provided to the surveyor or if non-public or quasi-public documents are otherwise required to complete the survey, the surveyor must conduct that research which is required pursuant to the statutory or administrative requirements of the jurisdiction where the surveyed property is located and that research (if any) which is negotiated and outlined in the terms of the contract between the surveyor and the client.

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2021 ALTA/NSPS FAQ's

Section 4 - What if the required research information is not provided to the surveyor?

Surveyors may encounter situations whereby the title company is unable or unwilling to provide the research otherwise required pursuant to Section 4. In that case, surveyors must perform their research pursuant to their state's requirements, and if their state has no standards in that regard, it is advised that they be familiar with the normal standard of care in their area regarding research. Notwithstanding that, some form of title work is required to perform a Land Title Survey.


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Content of the Standards (abridged)

5. Fieldwork - The survey must be performed on the ground (except as may be otherwise negotiated pursuant to Table A, Item 15 below). Except as related to the precision of the boundary, which is addressed in Section 3.E. above, features located during the fieldwork shall be located to what is, in the surveyor's professional opinion, the appropriate degree of precision based on (a) the planned use of the surveyed property, if reported in writing to the surveyor by the client, lender, or insurer, or (b) the existing use, if the planned use is not so reported. The fieldwork shall include the following:

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Content of the Standards (abridged)

A. Monuments (locating existing property corner monuments always required ... Table A Item 1, setting missing monuments is a requirement in many states, and now a requirement in the new PSL Standards of Practice, although not a statutory requirement)

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Content of the Standards (abridged)

B. Rights of Way and Access
C. Lines of Possession and Improvements along the Boundaries



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Content of the Standards (abridged)

D. Buildings



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Content of the Standards (abridged)

E. Easements and Servitudes


- i. as disclosed in the documents provided to or obtained by the surveyor and observed in the process of conducting the fieldwork.
- ii. observed in the process of conducting the fieldwork
- iii. Surface indications of underground easements or
- iv. Evidence on or above the which evidence may indicate

F. Cemeteries

G. Water Features

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NSPS NOTES

Comment on the following section:

- **Sections 5.E.ii., iii. and iv.** – The Committee decided that utility locate markings should be located and shown as evidence of easements and utilities, including a note as to the source of the markings (with a note if unknown).

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NSPS FREQUENTLY ASKED QUESTIONS

Section 5.E. - utility locate markings

For those surveyors concerned about locating and showing what may or may not be actual utility locate markings because they do not have any information regarding the locate request or source of the markings, they might consider developing an appropriate note such as *“Paint markings found on the ground and shown hereon as evidence of possible (or probable) underground utilities are consistent with typical utility markings. However, no utility report was provided to authenticate these markings - their source is unknown. The user of this plat/map should rely upon such markings at their own risk.”*

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Content of the Standards (abridged)

6. Plat or Map - A plat or map of an ALTA/NSPS Land Title Survey shall show the following information. Where dimensioning is appropriate, dimensions shall be annotated to what is, in the surveyor's professional opinion, the appropriate degree of precision based on (a) the planned use of the surveyed property, if reported in writing to the surveyor by the client, lender, or insurer, or (b) existing use, if the planned use is not so reported.

- A. Field Locations.**
- B. Boundary, Descriptions, Dimensions, and Closures**
- C. Easements, Servitudes, Rights of Way, Access, and Documents**
- D. Presentation** (specifies format and components of the drawing)

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2021 ALTA/NSPS FAQ's

Section 6.B.i.a. - What if the record description does not match the Schedule A description?


This section requires that on a survey of an existing parcel, the record description of the parcel being surveyed shall appear on the face of the plat/map.

The description of the real property being insured (contained in Schedule A of the title commitment) is typically (and ideally) identical to the record description. In cases where the two descriptions differ, the surveyor may wish to inquire of the title company as to the origin of the Schedule A description. **In cases where the title company insists that it will be insuring the description in Schedule A even though it does not match the record, the surveyor may need to show both descriptions on the face of the plat/map.**

It is certain that the parties will require that the description being insured appear on the face of the plat/map, and 6.B.i.(a) requires that the record description be shown. The surveyor might consider providing a note explaining how the two descriptions differ.

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NSPS FREQUENTLY ASKED QUESTIONS


vi. When the surveyed property includes a title line defined by 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.

Section 6.B.vi. - water boundaries and caveat

This section calls for a caveat to be noted regarding the nature of water boundaries. Surveyors might consider developing their own such note, but it could be formulated on the order of, *"Where the property being surveyed includes a water boundary, the parties relying on the survey should be aware that, (1) laws regarding the delineation between the ownership of the bed of navigable waters and the upland owner differ from state to state, (2) water boundaries are typically subject to change due to natural causes, and (3) as a result, the boundary shown hereon may or may not represent the actual location of the limit of title. The [e.g., bank, edge of water, high-water mark, ordinary high-water mark, low-water mark, ordinary low-water mark, center of stream] shown hereon [was/were] located on [Date]."*

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NSPS FREQUENTLY ASKED QUESTIONS


vii. The relationship of the boundaries of the surveyed property to its adjoiners (e.g., contiguity, gaps, overlaps) where ascertainable from documents provided to or obtained by the surveyor pursuant to Section 4 and/or from field evidence gathered during the process of conducting the fieldwork. If the surveyed property is composed of multiple parcels, the extent of any gaps or overlaps between those parcels must be identified. Where gaps or overlaps are identified, the surveyor must, prior to or upon delivery of the final plat or map, disclose this to the insurer and client.

Section 6.B.vii. - contiguity, gaps and overlaps

This section requires that the surveyor disclose any gaps or overlaps with adjoiners or between interior parcels where the property being surveyed is comprised of multiple parcels. This can be done not only with notes on the graphic portion of the plat/map, but also with textual notes drawing attention to the condition(s). Such information is critically important to the title company so that such issues can be disclosed to the parties and appropriate exceptions to coverage can be written. Where no gaps or overlaps exist, surveyors might consider assuring that the parties understand this fact by providing an affirmative statement to that effect. Section 6.C.i.

- easements

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NSPS FREQUENTLY ASKED QUESTIONS

vii. The relationship of the boundaries of the surveyed property to its adjoiners (e.g., contiguity, gaps, overlaps) where ascertainable from documents provided to or obtained by the surveyor pursuant to Section 4 and/or from field evidence gathered during the process of conducting the fieldwork. If the surveyed property is composed of multiple parcels, the extent of any gaps or overlaps between those parcels must be identified. Where gaps or overlaps are identified, the surveyor must, prior to or upon delivery of the final plat or map, disclose this to the insurer and client.

Offsite easements that benefit the surveyed property (i.e., appurtenant easements) are typically identified as insured parcels in Schedule A of the title commitment. Easements that burden the surveyed property are identified as exceptions to title insurance coverage in Schedule B2 of the title commitment. It is also possible that an easement could both benefit and burden a property. Sometimes a title company may inadvertently list a beneficial easement in Schedule B2 as an *exception* to coverage, rather than identifying it in Schedule A as one that *benefits* the surveyed property - or vice versa. Surveyors should communicate with the title company when they believe there is a discrepancy between their opinion as to the effect of an easement and how the title commitment reports it.

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Content of the Standards (abridged)

6. Plat or Map - A plat or map of an ALTA/NSPS Land Title Survey shall show the following information. Where dimensioning is appropriate, dimensions shall be annotated to what is, in the surveyor's professional opinion, the appropriate degree of precision based on (a) the planned use of the surveyed property, if reported in writing to the surveyor by the client, lender, or insurer, or (b) existing use, if the planned use is not so reported.

- A. Field Locations.
- B. Boundary, Descriptions, Dimensions, and Closures
- C. **Easements, Servitudes, Rights of Way, Access, and Documents**
- D. Presentation (specifies format and components of the drawing)

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NSPS NOTES

- **Section 6.C.ii.** – This item now calls for limiting the summary to rights of way, easements and other survey-related matters. This is a Land Title Survey and it does not concern itself with matters that are not survey-related.
- **Section 6.C.ii.(e)** – Clarifies that surveyors may provide objective information on rights of way, easements, or survey-related matters (i.e., whether they are on or touch the surveyed property), or, if they are so inclined, they can also opine on the “effect” of such matters, but that such opinions will be based on the description contained in the document. This prevents surveyors from being put in the position of opining on the *legal effect* of an easement.

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NSPS FREQUENTLY ASKED QUESTIONS

Section 6.C.ii. - title commitment

Often in the course of the surveyor preparing the survey and often even after the plat/map has been completed and delivered, there will be revisions made to the title commitment that the surveyor will need to address. Surveyors should assure that they are appropriately compensated for any work that they believe represents additional services. This could be accomplished by carefully spelling out in the contract how many lender/client/title company comment letters will be addressed, how many client/lender/title company-driven revisions will be made to the survey, and over what period of time.

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NSPS NOTES

- **Section 6.C.iii.** – A minor change that eliminates what amounted to an unintentional requirement that surveyors determine if an abutting street or road is public.
- **Section 6.C.vi.** – Include the tax parcel number for adjoining properties, except where the adjoiner is a platted land.
- **Section 6.C.viii.** – This new item addresses a problem that many surveyors have encountered. If the surveyor becomes aware of a recorded easement not identified in the title evidence provided (typically a title commitment), the surveyor must now advise the title company of the easement and if no evidence of a release is provided, that easement must be shown or its existence otherwise explained on the face of the plat or map.

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Content of the Standards (abridged)

E. Easements and Servitudes


- i. as disclosed in the documents provided to or obtained by the surveyor and observed in the process of conducting the fieldwork.
- ii. observed in the process of conducting the fieldwork
- iii. Surface indications of underground easements or
- iv. Evidence on or above the which evidence may indicate

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Content of the Standards (abridged)

F. Cemeteries




G. Water Features



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Content of the Standards (abridged)

7. Certification - The plat or map of an ALTA/NSPS Land Title Survey must bear only the following **unaltered** certification 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 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items _____ of Table A thereof. The fieldwork was completed on _____ [date].

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

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2021 ALTA/NSPS FAQ's


Section 7 - Certified parties?

Surveyors are often told they need to certify to multiple parties above and beyond the client, lender and insurer as identified in Section 7 and they need to recognize that more certified parties may equate to more liability. They may wish to consider specifically listing in the contract those parties that they will certify to and that *"additional parties may be certified to for an additional fee."* If the specific parties are not yet known, they could specify that they will certify to the lender, client and insurer.

Often a request is made or direction given to certify to "ATIMA" and/or "ISAOA." These are acronyms that mean *"as their interests may appear"* and *"its successors and/or assigns."* The loan policy defines "insured" in a way that should remove the need for such wording, but if the lender demands that the title company put those in the policy, the title company will likely want to surveyor to certify to the same. Surveyors should seek guidance from their attorneys on the desirability of certifying in this matter; however, **in any event, they may want to avoid certifying to successors and assigns of the client/buyer.**

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TABLE A ITEMS

- Optional Survey Responsibilities and Specifications
- Additional to the standard requirements
- Negotiated between client and surveyor
 - Can revise the text of Table A!
- Lender requirements should be considered
- Often attached to a Request for Proposal
- Included in proposal text from surveyor
- Listed in the survey certificate



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NSPS FREQUENTLY ASKED QUESTIONS

Table A - introductory paragraph and in general

The introductory paragraph to Table A has been modified to make it clear - as was always intended - that not only is the very selection of a Table A item negotiable, but the exact wording of the item is also negotiable, as is - of course - the fee. It is permissible for the surveyor and client/lender to negotiate a modification to the wording of any item. Any such modification, however, must be explained in a note placed on the face of the plat/map pursuant to Section 6.D.ii.g. Of course, surveyors need to decide for themselves what fee to attach to any given Table A item.

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TABLE A

OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS

NOTE: Whether any of the nineteen (19) items of Table A are to be selected, and the exact wording of and fee for any selected item, may be negotiated between the surveyor and client. Any additional items negotiated between the surveyor and client must be identified as 20(a), 20(b), etc. Any additional items negotiated between the surveyor and client, and any negotiated changes to the wording of a Table A item, must be explained pursuant to Section 6.D.ii.(g). Notwithstanding Table A Items 5 and 11, if an engineering design survey is desired as part of an ALTA/NSPS Land Title Survey, such services should be negotiated under Table A, Item 20.

If checked, the following optional items are to be included in the ALTA/NSPS 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 surveyed property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner.
2. _____ Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork.
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, aerial map), contour interval, datum, with originating benchmark, when appropriate.

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TABLE A ITEMS

6. _____ (a) If the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements specific to the surveyed property are set forth in a zoning report or letter provided to the surveyor by the client or the client's designated representative, list the above items on the plat or map and identify the date and source of the report or letter.
 _____ (b) If the zoning setback requirements specific to the surveyed property are set forth in a zoning report or letter provided to the surveyor by the client or the client's designated representative, and if those requirements do not require an interpretation by the surveyor, graphically depict those requirements on the plat or map and identify the date and source of the report or letter.
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 fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse).

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NSPS NOTES

- **Table A items 6(a) and (b)** – These items have been modified in order to clarify that zoning information specific to the surveyed property must be provided to the surveyor. Of course, there is nothing to prevent surveyors from negotiating to conduct zoning research themselves if they are qualified and so inclined.



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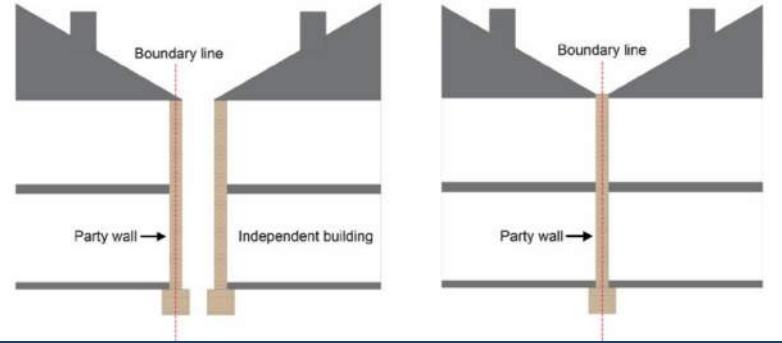
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- **Table A item 10(b)** – This item, which addressed whether certain walls are plumb, has been eliminated, leaving what had been item 10(a) as simply item 10

9. _____ *Number and type (e.g., disabled, motorcycle, regular and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots and in parking structures. Striping of clearly identifiable parking spaces on surface parking areas and lots.*
10. _____ *As designated by the client, a determination of the relationship and location of certain division or party walls with respect to adjoining properties.*




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NSPS NOTES



Comment on the following section:

- **Table A item 11** – This item has been significantly simplified with the aim of trying to better manage clients’ expectations relating to the ability of a surveyor to show underground utilities. There are now two choices that a client can select from. Note that a choice relating to 811 locate requests has been eliminated. With few exceptions, such requests are unhelpful and the Committee does not expect that trend to be reversed. Of course, surveyors are encouraged to negotiate their own wording, especially if it is their experience that there are processes for locating underground utilities in their areas that are, in fact, productive.

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TABLE A ITEMS

11. Evidence of underground utilities existing on or serving the surveyed property (in addition to the observed evidence of utilities required pursuant to Section 5.E.iv.) as determined by:


- _____ (a) plans and/or reports provided by client (with reference as to the sources of information)
- _____ (b) markings coordinated by the surveyor pursuant to a private utility locate request

Note to the client, insurer, and lender - With regard to Table A, item 11, information from the sources checked above will be combined with observed evidence of utilities pursuant to Section 5.E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor’s assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation may be necessary.

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12. _____ As specified by the client, Governmental Agency survey-related requirements (e.g., HUD surveys, surveys for leases on Bureau of Land Management managed lands). The relevant survey requirements are to be provided by the client or client's designated representative.
13. _____ Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by "et al."
14. _____ As specified by the client, distance to the nearest intersecting street.
15. _____ Rectified orthophotography, photogrammetric mapping, remote sensing, airborne/mobile laser scanning and other similar products, tools or technologies as the basis for showing the location of 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 must (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.



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TABLE A ITEMS

16. _____ Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
17. _____ Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction. Evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
18. _____ Pursuant to Sections 5 and 6 (and applicable selected Table A items, excluding Table A item 1), include as part of the survey any plottable offsite (i.e., appurtenant) easements disclosed in documents provided to or obtained by the surveyor.
19. _____ 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, but this item shall not be addressed on the face of the plat or map.
20. _____



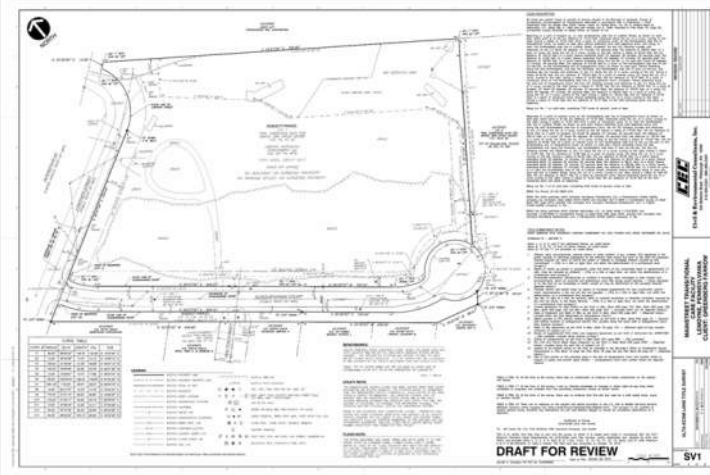
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ALTA/NSPS Land Title Surveys and Title Insurance



American Land Title Association® (ALTA®) Minimum Standard Detail Requirements
National Society of Professional Surveyors (NSPS) For ALTA/NSPS Land Title Surveys

**MINIMUM STANDARD DETAIL REQUIREMENTS FOR
ALTA/NSPS LAND TITLE SURVEYS**
(Effective February 23, 2021)


- 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 abstractors, the ALTA and the NSPS jointly promulgate the written details and criteria setting forth a minimum standard of performance for ALTA/NSPS Land Title Surveys. A complete 2021 ALTA/NSPS Land Title Survey includes:

 - (i) the on-site fieldwork required pursuant to Section 5,
 - (ii) the preparation of a plat or map pursuant to Section 6 showing the results of the fieldwork and its relationship to documents provided to or obtained by the surveyor pursuant to Section 4,
 - (iii) any information from Table A items requested by the client, and
 - (iv) the certification outlined in Section 7.
- 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. This request must specify that an "ALTA/NSPS LAND TITLE SURVEY" is required and which of the optional items listed in Table A, if any, are to be incorporated. Certain properties or interests in real properties may present issues outside those normally encountered on an ALTA/NSPS Land Title Survey (e.g., marinas, campgrounds, mobile home parks, easements, leases, mineral interests, other non-fee simple interests). The scope of work related to surveys of such properties or interests in real properties should be discussed with the client, lender, and insurer, and agreed upon in writing prior to commencing work on the survey. When required, the client shall secure permission for the surveyor to enter upon the property to be surveyed, adjoining properties, or offsite easements.

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ALTA/NSPS Land Title Surveys and Title Insurance

- Addressing title exceptions and encumbrances

A.L.T.A. COMMITMENT
FIRST AMERICAN TITLE INSURANCE COMPANY
EXCEPTIONS – SCHEDULE B – SECTION II

The following items are exceptions outlined in Schedule B – Section II, A.L.T.A. Commitment for Title Insurance, First American Title Insurance Company, Commitment No. 76009, effective date April 19, 2022.

Items 1–11 are not matters of survey and have been intentionally excluded.

- Right of Way Easement dated December 15, 1986 by and between Appalachian Power Company and Mason County Public Service District, of record in Mason County Deed Book 287, at page 292.

This item is located on the subject property and is plotted.
- Agreement dated July 31, 1984 by and between Appalachian Power Company and Union Drilling, Inc., of record in Mason County Deed Book 276, at page 525, as amended by Assignment, Conveyance and Bill of Sale dated August 27, 2008 by and between Base Petroleum, Inc. and RAM Energy Resources (WV), Inc., of record in Mason County Oil and Gas Lease Book 69, at page 815, as amended by Amendment to Assignment, Bill of Sale and Conveyance dated February 25, 2014 by and between HRC Energy Resources (WV), Inc. and Coleta LLC, of record in Mason County Oil and Gas Lease Book 71, at page 927.

This item is located on the subject property and is plotted.
- Agreement dated July 10, 1984 by and between Appalachian Power Company and Union Drilling, Inc. of record in Mason County Deed Book 276, at page 394, as amended by Assignment, Conveyance and Bill of Sale dated August 27, 2008 by and between Base Petroleum, Inc. and RAM Energy Resources (WV), Inc., of record in Mason County Oil and Gas Lease Book 69, at page 815.

This item is located on the subject property and is plotted.

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ALTA/NSPS Land Title Surveys and Title Insurance

- Title revision and final ALTA Survey

14. *Covenants and Conditions as set forth in the deed dated January 25, 1979 and recorded January 29, 1979 in Deed Book Volume 6062, Page 508 between Urban Redevelopment Authority of Pittsburgh and Port Authority of Allegheny County, a public body corporate organized under the laws of the Commonwealth of Pennsylvania.*

This item is located on the subject property but is not plotted because it is blanket in nature.

~~15. *Resolution No. 427 being a resolution of the City of Pittsburgh in vacating portion of Shakespeare Street and Houston Street dated June 20, 2013 and recorded July 16, 2013 in Deed Book Volume 15304, Page 234 at Instrument Number 2013-19225.*~~ OMITTED

~~*This item appears to be no longer applicable due to Consolidation Plan Recorded July 23, 2014 in Deed Book 280 Page 146. The vacated areas have been assimilated into the subject property.*~~

~~g. *Right of way from McGraw-Edison Company to Columbia Gas of Pennsylvania, by instrument dated July 24, 1979 and recorded in Deed Book Volume 1960, page 235.*~~ OMITTED


~~*This item is not located on the subject property and is not plotted.*~~

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“As-built” ALTA Surveys

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TITLE INSURANCE

A. What is it?

- a policy of indemnity that insures against risk of loss arising from events that occurred in the past
- a contract between an insured (owner, lessee, lender, or other holder of an estate or interest in real estate) and an insurer (title insurance company) where the insurer, in exchange for the payment of a fee (a premium), agrees to pay the insured a sum of money if a certain event or events occurs that is covered by the policy.

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TITLE INSURANCE

B. Why do you need it?

- Protects owner's investment in the real estate
 - Commitment will identify existing title defects that seller should resolve prior to purchase
 - Includes coverages for (a) forgery, fraud, incompetency and incapacity, (b) lack of authority of a person or entity to authorize a transfer or conveyance, including the granting of a security interest, or (c) improper, or lack of notarization, witnessing or execution of a document.
- Most lenders require it

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TITLE INSURANCE

C. What does it show and how does it show it?

1. Jacket: Covered Risk, Terms and Conditions, Exclusions from coverage
2. Schedule A: Named Insured, Estate Insured, Title Vesting, Land Insured
3. (Commitment) Schedule B-I: Requirements for Issuance
4. (Commitment) Schedule B-II: Standard and Specific Exceptions

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TITLE INSURANCE

D. What do you get with title insurance?

1. Comfort that your seller has good title to the property
2. Information regarding covenants, conditions, restrictions, and easements affecting the property
3. A check for liens, mortgages and other encumbrances affecting the property to be purchased

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TITLE ISSUES AND DEFECTS

A. What are title issues?

- A potential threat to a current owner's full right or claim to sell a property, such as a recorded lien, mortgage or judgment that gives another party a claim to the property.
- Common title issues include:
 - Errors in public records
 - Unknown liens
 - Unknown easements
 - Missing heirs
 - Boundary/survey disputes
 - Delinquent taxes

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TITLE ISSUES AND DEFECTS

B. Where do title issues show up?

1. Schedule B-II of the Title Commitment
 - i. CC&Rs
 - ii. Easements
 - iii. Leases
 - iv. Liens
2. ALTA/NSPS Land Title Survey
 - i. Contiguity, gaps and overlaps
 - ii. Water boundaries
 - iii. Easements under structures
 - iv. Encroachments
 - v. Access

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TITLE DEFECTS – CURING & INSURING

A. Title Policy Endorsements

- ALTA 9 Series – Restrictions, Encroachments & Minerals/ Covenants, Conditions & Restrictions/Private Rights (“Comprehensive”)
- ALTA 17 Series – Access Endorsements
- ALTA 19 Series – Contiguity Endorsements
- ALTA 25 Series – Same As Survey Endorsements
- ALTA 28 Series – Easements & Encroachments Endorsements
- ALTA 35 Series – Minerals & Other Subsurface Substances Endorsements

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TITLE DEFECTS – CURING & INSURING

B. Curative Actions

- Quiet Title Actions
- Releases/Terminations
- Quitclaim Deeds
- Affidavits

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PRACTICAL TIPS

- READ
 - The Title Commitment
 - The ALTA/NSPS Survey
 - The Proforma Title Policy
- ASK QUESTIONS
 - Your Counsel
 - Your Title Company
 - Your Surveyor

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PRACTICAL TIPS

- IDENTIFY & DISCLOSE
 - Discrepancies/Inaccuracies
 - Problems
 - Inconsistencies in title and survey documents

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CONTACT INFORMATION



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QUESTIONS?



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SESSION EVALUATION

105: ALTA/NSPS Land Title Surveys and the Complementary Nature of Title Reports



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