



2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys

A revised version of the Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys becomes effective on February 23, 2021. The Standards are broken down into eight requirement sections and 19 optional Table A items. This article will discuss some of the more significant changes from the 2016 Standards that may affect real estate practitioners.

Upon review of the 2016 and 2021 Standards, it is evident that the word “shall” has been replaced by the word “must” in a number of instances. This was not meant to be a substantive change but rather was done to clarify that the requested action is mandatory.

Section 5 - Fieldwork

Subsections 5.E.ii. and iii. have been amended to require the surveyor to now show “utility locate markings” as evidence of easements. The surveyor is also required to show “the source of the markings, with a note if unknown.”

Subsection 5.E.iv. has also been amended to require the surveyor to show “utility locate markings (including the source of the markings, with a note if unknown)” as well as showing all “utility poles on or within ten feet of the surveyed property” as evidence of utilities.

Section 6 - Plat or Map

Subsection 6.C.ii. has been amended to make it clear that the surveyor is to list only the survey-related exceptions from Schedule B of the title commitment. The surveyor is not required to list title exceptions that are not survey related. Time will tell if the parties will still insist on all Schedule B exceptions being listed on the survey even though many are not relevant to the survey.

Subsection 6.C.viii. has been added. It calls for the surveyor to notify the title company if the surveyor discovers a recorded easement that is not shown in Schedule B of the commitment. The surveyor is required to “show or otherwise explain it on the face of the plat or map” unless the title company presents evidence that the easement has been released.

Table A

The note at the beginning of Table A has been modified to make it clear that the exact wording of each item in Table A is negotiable. The intent of the note is unchanged, as the language of Table A items always has been subject to negotiation. Unfortunately, there has been confusion over this in the past.

Items 6(a) and (b) of Table A now read that a surveyor can list and/or show certain zoning information only if the “client or the client’s designated representative” provides a zoning report or letter that is “specific to the surveyed property.” Providing the surveyor a copy of the entire zoning map and ordinance would not be

acceptable.

Item 11 of Table A has been streamlined to provide the client with the following two choices when asking the surveyor to identify evidence of underground utilities on the surveyed property:

- 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

The client may choose either or both of the above options. Previous versions resulted in confusion as to what the surveyor was able to provide to the client.

Former Table A item 18, which concerned wetlands, has been deleted. If information about wetlands is desired, the client would now need to negotiate with the surveyor to add it as an additional Table A item.

Summary

It appears that the emphasis of the changes from the 2016 to the 2021 Standards is on clarity. While this article highlights some of the more significant changes from 2016 to 2021, it would behoove the reader to review the 2021 Standards in their entirety. In doing so, the practitioner will have a better understanding of what to expect when ordering an ALTA survey for a transaction.

This article was written by Jeff York, Esq., dated February 2021.