

## Insights

### Changes to the Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys Effective February 23, 2021

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February 10, 2021

The American Land Title Association (ALTA) and the National Society of Professional Surveyors (NSPS) have adopted new Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys effective as of February 23, 2021 (the “Standards”).<sup>1</sup> While many of the changes relate to the verbiage used in the survey, a handful of changes impact the substantive information provided by the surveyor. We’ve compiled a brief summary of the key changes to the Standards that are most important for developers, lenders, and any survey users to note:

- Section 5. E. ii, iii, iv: The Standards now require evidence of easements, servitudes or other uses observed during the fieldwork to be shown if they are “on or across” the surveyed property, versus the previous standard of if they “appear to affect” the surveyed property. During the fieldwork, utility locate markings are now required to be located and shown, including the source of the markings (with a note if unknown), as evidence of easements and utilities. In addition, utility **poles** on or within ten feet of the surveyed property must be shown.
- Section 6. C. ii: The surveyor is only required to provide a summary of rights of way, easements and other survey-related matters identified in the title evidence provided to the surveyor or obtained by the surveyor pursuant to Section 4, and the surveyor must provide a statement indicating whether it lies within or crosses the surveyed property. This change means that the surveyor no longer has to list every exception shown on title, only survey-related matters.
- Section 6. C. viii: This new subsection makes it a requirement for the surveyor to notify the title company of any recorded easement they become aware of that is not listed in the title evidence provided and, unless provided with a release, to show it on the survey with a note that the title company has been advised of the easement.
- Table A Introduction: The changes made to the introductory paragraph make it explicitly clear that the wording and fee for any selected Table A item is negotiable between the surveyor and client.
- Table A, Item 11: The change on marking underground utilities on the survey shifts the responsibility to the client to either (i) provide the surveyor with plans and/or reports for underground utilities, or (ii) elect to have a private utility locate request coordinated by the surveyor. This eliminates the choice relating to 811 requests, as the responsiveness to such requests varies from state to state.
- Table A, Item 18: The option to have delineated wetlands located on the survey has been deleted entirely, although it can be negotiated as an additional Table A item.

If you have any questions regarding the new 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys discussed above or any information in this article, please contact **Julie M. Elliott** or a member of the Krieg DeVault's **Real Estate Practice**.

*Disclaimer. The contents of this article should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult with counsel concerning your situation and specific legal questions you may have.*

[1] The complete 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys can be found **here**.