



# TITLE COMPANY of the rockies

## Primer on Standard Requirements for ALTA/NSPA Land Surveys (Effective February 23, 2016)

### FAQs for the New 2016 ALTA/NSPS Land Title Survey Standards:

- **Why the change in names from ALTA/ACSM to ALTA/NSPS?**

ACSM (the American Congress on Surveying and Mapping) was merged into the National Society of Professional Surveyors (NSPS) several years ago. The successor organization is NSPS. The committees felt that it was appropriate that the name of the new Standards reflect the organizations that developed, adopted, and are responsible for them.

- **The effective date of the new 2016 ALTA/NSPS Standards is Feb. 23. What about the transition period?**

Because the new standards are not effective until Feb. 23, it is suggested that any land title survey being conducted pursuant to a contract that was executed before Feb. 23 be performed to the 2011 Standards. Any contract executed on Feb. 23 or after would have to be performed pursuant to the 2016 Standards. On the other hand, if the contract was executed on a date prior to Feb. 23, but it is obvious to the surveyor that the survey will not be delivered until Feb. 23 or after, it would be logical, although not required, to perform the survey pursuant to the 2016 Standards.

- **How do I deal with an “update” to a 2011 ALTA/ACSM Land Title Survey?**

If the contract to conduct the “update” is executed after Feb. 23, it would have to be performed pursuant to the 2016 Standards. However, if the “update” is simply a follow-up on a survey related to a conveyance that had been anticipated to close before Feb. 23, but was perhaps unexpectedly delayed for a fairly short time until after Feb. 23, the surveyor could probably logically conduct the update pursuant to the 2011 Standards. This logic should not extend to “updates” unrelated to the initial conveyance or updates that take place substantially after Feb. 23.

As an aside, notwithstanding the innocuous-sounding word “update,” an update is actually a new survey. The only difference is that the surveyor happens to have surveyed the property previously, so the client may see a reduced fee or timeframe depending on a number of factors (e.g., how long has it been since the initial survey? And how many changes have affected the property since?).

- **I see that in Section 4 of the 2016 Standards, there is essentially an acknowledgement that the documents to be provided to the surveyor may not be forthcoming. If they are not, the surveyor need only conduct that research otherwise required by “the statutory or administrative requirements of the jurisdiction where the property being surveyed is located” (or pursuant to the contract). I am from a state that does not have any mandatory standards adopted by its**



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**regulatory Board or in its statutes. What responsibility do I have for the research if is not forthcoming?**

Where there are no mandated standards, the practice of surveying would typically be defined by the standard of care exercised by competent surveyors working in the same area under similar circumstances and on similar projects. So, a surveyor should be familiar with how other surveyors in his or her area deal with research on land title and boundary surveys and do the same.

- **Why is observed evidence of utilities now mandatory on a Land Title Survey pursuant to Section 5.E.iv. rather than optional as it was in Table A tem 11(a) of the 2011 Standards?**

This change was made to address a conundrum. Pursuant to the 2011 Standards, if a client did not request Table A item 11(a) or 11(b), the surveyor had no responsibility to locate and show evidence of utilities. But if that utility evidence could be considered evidence of an easement, the surveyor did need to locate and show it pursuant to Sections 5.E.i. through iv. The committees felt that most evidence of utilities could also be considered evidence of easements, so to eliminate future problems and questions in that regard, locating and showing observed evidence of utilities was made mandatory for 2016.

- **The 2016 Standards say the surveyor needs to be provided with the most recent title commitment “or other title evidence satisfactory to the title insurer.” Why not simply require a title commitment?**

Title companies have other products that are sometimes requested by clients that fall short of commitments and policies, but that are acceptable to the client. In addition, in some cases, and in at least one state, abstracts are still used on a regular basis. Since the Standards were developed expressly to address title company needs, the standards—starting in 2011—required that title evidence be provided to the surveyor. But sometimes, the title company may accept or produce something less than a title commitment, so the standards need to reflect that fact.

- **The date of fieldwork is obvious, but what is the date of the plat or map?**

That is the date that the survey will be identified by. Many surveyors date the plat or map as of the date they signed it. Others backdate it to the date of the fieldwork. The committees feel this decision is best left to the surveyor.

- **Former Table A item 18 (Observed evidence of site use as a solid waste dump, sump or sanitary landfill) has been removed. Why?**

This item was initially developed as a Table A item prior to the ubiquitous use of Phase One Environmental Assessments in commercial transactions. This is the type of thing that a Phase One ESA was developed to identify. The committees felt that, in light of the near universal use the Phase One ESA, there was no need for the surveyor to look for this sort of evidence. Of course, whether a surveyor not trained in environmental matters would recognize such uses was questionable anyway and clients might have been placing unwarranted faith in this item. In the 2016 Standards, Table A item 8 now asks that the surveyor locate and show observed “substantial areas of refuse.”