



# STEWART GEOMATICS



*Everything you need to know about*

# ALTA/NSPS

## 2021 LAND TITLE SURVEY UPDATES



STEWART

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**Stewart can help you navigate the new standards!**

**SUPPLY A  
CURRENT REAL  
PROPERTY  
DESCRIPTION**

**PROACTIVELY  
LIST PREFERRED  
TABLE A LINE  
ITEMS**

**CLEARLY INDICATE  
DESIRED  
ADDITIONAL  
CERTIFICATIONS**



**ALTA/NSPS  
Survey  
Standards will  
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## INTRODUCTION

The American Land Title Association (ALTA) worked with the National Society of Professional Surveyors (NSPS) to continue to adapt and redefine requirements associated with highly-detailed surveys required for development and associated property transactions.

Though initially designed for users in the title insurance industry, the ALTA/NSPS Surveys have grown to become a thorough representation of an existing property and is now utilized by nearly all involved parties of a commercial transaction.

As many of you already know, ALTA/NSPS Survey standards will be updated this month. The following outlines the highlights of the new ALTA/NSPS Survey standards and how Stewart can help you successfully navigate the process.

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### What is an ALTA/NSPS Land Title Survey?

As a professional within the real estate development community, you may encounter and/or find that your project requires an American Land Title Association (ALTA)/National Society of Professional Surveyors (NSPS) survey. The goal of ALTA/NSPS Survey is to provide consistency and uniformity to the title industry. Entities use these surveys to gather information required to issue property titles or mortgage insurance. ALTA/NSPS Surveys are typically used for commercial and/or development properties and can take weeks to complete, costing several thousand dollars. ALTA/NSPS Surveys are deeply detailed, including important property information such as property lines, boundaries, real property, easements, encroachments, liens, and land ownership data (CourthouseDirect.com, 2017).

In 1962, ALTA and the former American Congress on Surveying and Mapping (ACSM) collaboratively developed a survey product that would meet a title insurer's need to delete the standard survey exceptions from their title policy, which resulted in the ALTA/ACSM Land Title Survey. The "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" outlines the land surveyor's responsibilities. The most current requirements that took effect on February 23, 2016, are now retitled the ALTA/NSPS Land Title Survey (NV5/Bock and Clark, 2021).

The ALTA/NSPS Survey can answer relevant questions, such as:

- **the surveyor's findings of property boundaries**
- **any observed easements and exceptions to coverage in the title commitment**
- **improvements, utilities, public access, and significant observations on the property**

Additionally, the survey provides the option to select specific Table A items which can reveal facts about the property relating to zoning, flood hazards, topography, parking and more, when negotiated with the land surveyor (NV5/Bock and Clark, 2021).



## Who Uses ALTA/NSPS Land Title Surveys?

ALTA worked with NSPS and designed the survey to cater to lenders and title companies for commercial property developments. Most mortgage insurance lenders require title searches before financing the purchase of a commercial real property. ALTA/NSPS and boundary surveys are the most common types of title searches lenders will require before agreeing to a loan (CourthouseDirect.com, 2017).

A person or company may need an ALTA/NSPS Survey before buying or financing real property when there is a need for certain information, such as the location of buried sewer lines, locations of fences, and whether a building on a piece of land affects an easement. While a physical inspection or title search can give much vital information about a property, sometimes an ALTA/NSPS Survey is the only document that provides the highly detailed information a company or individual needs to complete a property purchase or begin work (CourthouseDirect.com, 2017).

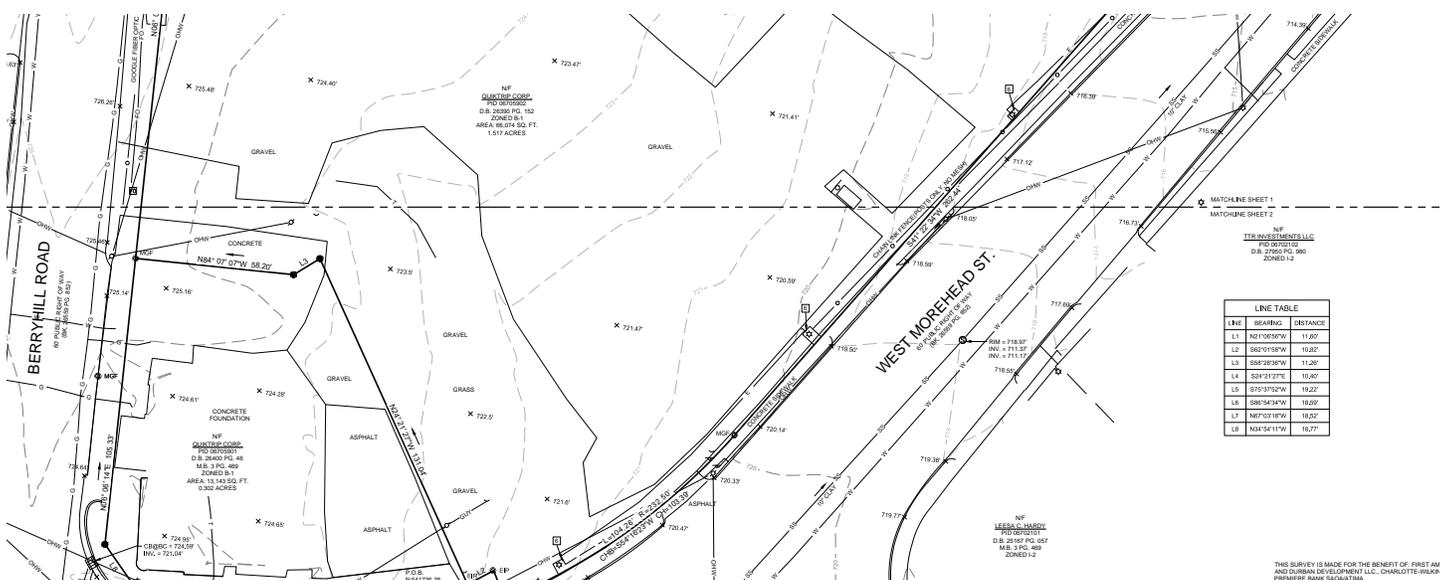
Members of ALTA have specific needs unique to title insurance matters. They are often asked to insure title to land without exception regarding many issues that might be discoverable from survey and inspection; the public records often lack conclusive records. To meet the needs of clients, insurers, insureds, and lenders, we are entitled to rely on surveyors to conduct surveys and prepare associated plats or maps that are high quality,

## What does an ALTA/NSPS Survey Involve?

An ALTA/NSPS Survey is the gold standard for all land surveys. ALTA/NSPS Surveys ensure land and title professionals adhere to national standards as dictated by the ALTA and NSPS. To draw a property map according to ALTA/NSPS standards, it must include data, such as:

- boundary lines
- location of the main building
- locations of auxiliary buildings
- unrecorded improvements
- identification of easements

These surveys also show encroachments of buildings compromising property boundary lines or easements. Encroachments could interfere with a property owner’s ability to use a property’s improvements, such as single-story commercial buildings; there might be a need to remove the encroachment. Encroachments might also signal the potential for litigation concerning the boundaries of a property (CourthouseDirect.com, 2017).





## What are the ALTA/NSPS Survey Requirements?

The ALTA/NSPS Survey Requirements give specific instruction on items such as the Surveying Standards, Field Work, Plats, Surveyor Certification, and Deliverables. The requirements are reviewed frequently and updated by a committee to reflect the industry's demands. Each new version supersedes the prior edition, and land surveyors must adopt the new requirements to prepare the survey. These requirements include a set of 21 optional Table A items with which one can negotiate with the surveyor at the request time. The last ALTA/NSPS Survey Standards took effect on February 23, 2016 (NV5/Bock and Clark, 2021).

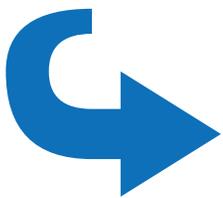
## How does One Create an ALTA Survey?

A surveyor measures the exact boundaries of the property with a digital or laser-measuring tool. The surveyor then uses these measurements to describe the land tract boundaries, comparing the measurements to the property's existing legal description (provided by the title company). If there are any discrepancies between the two reports, the surveyor indicates them. A surveyor's detailed notes on ALTA/NSPS Surveys dictate the legal description of a property. The surveyor then prepares a survey that correlates with ALTA's, the lender's, and the title insurer's needs.

ALTA/NSPS Surveys leave virtually no property issues unaddressed. They are complete, thorough, and detailed, giving title insurance companies and surveyors all the information they need for job completion. Surveyors use online public records search tools to obtain detailed information about a property during ALTA/NSPS Surveys. Online public records searches enable title insurance companies, lenders, and other entities to gather the data they need to fill out accurate and in-depth ALTA/NSPS Surveys. A land purchaser will have the documentation s/he needs to obtain funding for a commercial property with a comprehensive ALTA/NSPS Survey (CourthouseDirect.com, 2017).

## How Often are Standards Changed?

Historically, the standards are revised every five years. The most recent standards revisions were in 2021, 2016, 2011, and 2006.



### When are the New 2021 Standards Effective?

The 2021 standards are effective February 23, 2021.

## What Happens to Surveys that are Undergoing Completion During the Transition Period Between Editions?

During the transition period, surveyors may encounter situations whereby they have contracted to perform an ALTA/NSPS Survey before the 2021 Standards effective date, while the survey's expected completion date is after February 23, 2021. In such cases, the surveyor can discuss the project with the client, title company, and the lender and include an appropriate contract clause. (National Society of Professional Surveyors, 2020).

## Do Surveys Performed to an Older Set of Standards Require Updates to the New Standards?

Yes, the new standards are effective **February 23, 2021**. Any surveys, including older ALTA/NSPS Survey updates, must be performed to the new Standard Detail Requirements.



## What are the Significant Changes Between the 2021 and the 2016 Standard Detail Requirements?

### SIDEWALKS AND TRAILS ALONG STREETS AND ROADS

Streets and roads with sidewalks or trails running adjacent to or with a grass strip between the two are not unusual. Sometimes, walking/biking trails are adjacent to the street/road—even as part of the paved way. Section 5.B.ii. recommends surveyors should locate and show the “location and character of vehicular, pedestrian, or other forms of access by other than the apparent occupants of the surveyed property to or across the surveyed property observed in the process of conducting the fieldwork (e.g., driveways, alleys, private roads, railroads, railroad sidings and spurs, sidewalks, footpaths).” (National Society of Professional Surveyors, 2020).

### UTILITY LOCATE MARKINGS

Section 5.C.ii. was modified to reference Section 5.E.iv. and indicate which utility poles should be located. The committee also decided that utility locate markings should be located and shown as evidence of easements and utilities, including a markings source notation (or a notation if unknown) in Sections 5.E.ii., iii., and iv. (National Society of Professional Surveyors, 2020).

For surveyors concerned about locating and showing potential or existing utility locate markings, they can develop an appropriate note: “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” (National Society of Professional Surveyors, 2020).

In a substantial change, Subsections 5.E.ii. and iii. now include utility locate markings as evidence of easements. Related to that, Subsection 5.E.iv. also includes them as evidence of utilities. The requirement also recommends identifying the markings’ source and including a note if the course is unknown (Kent, 2020).

Section 5.C.ii. has always called for the locations of features within five feet of the perimeter boundary to be located. Table A, item 11, has called for utility poles within 10 feet of the perimeter boundary to be located and shown. But when locating and showing utility features on the property became mandatory with the 2016 standards, the 10-foot requirement on utility poles was excluded in Section 5.E.iv. The 2021 standards corrects this item (Kent, 2020).

The 2021 standards require utility features on the surveyed property, be located and shown, except for utility poles on or within 10 feet of the perimeter boundary from the surveyed property (Kent, 2020).

### PLATS AND MAPS

Section 6.C.ii. addresses significant changes of two problematic issues.

First, some surveyors have encountered lenders who insist they list all items shown in Schedule BII of the title commitment on the face of their surveys, whether those items are survey-related or not. Section 6.C.ii. now calls for a “summary of all rights of way, easements, and other survey-related matters...” to manage such requests (Kent, 2020).

Second, the ALTA/NSPS standards continually strive to assure that the professional surveyor’s requirements, while undertaking an ALTA/NSPS Land Title Survey, are rooted in factual, objective observations. That accounts for the standard’s avoidance of the word “affects” when discussing an easement’s impact on a surveyed property (Kent, 2020).

Section 6.C.ii. now suggests that surveyors note whether an easement “affects” the surveyed property based on the description contained in the recorded document. In this way, the word “affects” qualifies as being based only on an objective assessment of the easement plots according to the granting instrument (Kent, 2020).

In addition to several other revisions, a new Subsection viii. was added to Section 6.C. to outline the surveyor’s responsibility when s/he discovers Schedule BII doesn’t list an easement in the title commitment. The surveyor must notify the title company of the discovery, and unless the insurer can provide evidence that the easement was terminated, the surveyor must show or explain its existence on the face of the plat or map with a note that the title company was notified (Kent, 2020).



## RESEARCH AND TITLE COMMITMENTS

Surveyors may encounter situations whereby the title company is unable or unwilling to provide the documents otherwise required under Section 4. Surveyors must perform their research under their state's requirements. If their state has no standards in that regard, the 2021 Standards advise that they be familiar with the usual standard of care regarding research (National Society of Professional Surveyors, 2020).

Often when the surveyor prepares the survey, and even after the plat/map has been completed and delivered, the surveyor will need to address any revisions made to the title commitment. Surveyors should ensure that they receive appropriate compensation for any work that they believe represents additional services. Surveyors receive proper compensation by carefully delineating how many client comment letters will be addressed, how many company-driven revisions are created, and how much time was spent providing additional services (National Society of Professional Surveyors, 2020).

## CERTIFICATION

Surveyors are often told they need to certify to multiple parties above and beyond the client, lender, and insurer as identified in Section 7. They need to recognize that more certified parties may equate to more liability. They may wish to consider 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 unknown, they could specify that they will certify to the lender, client, and insurer (National Society of Professional Surveyors, 2020).

Often requests are made, or directions are given, to certify to "as their interests may appear" (ATIMA) or "its successors and/or assigns" (ISAOA). The loan policy defines "insured" in a way that removes the need for such wording. Still, if the lender demands that the title company put those in the policy, the title company will likely want the surveyor to certify the same. Surveyors should seek guidance from their attorneys on the desirability of certifying in this matter. Generally, they probably want to avoid certifying to successors and assigns of the client/buyer (National Society of Professional Surveyors, 2020).

## TABLE A

Before outlining the specific and significant revisions to Table A, note these two critical changes:

1. Two Table A items have been deleted, so there are now only 19 items.
2. The introductory paragraph to Table A now clarifies that the exact wording of each Table A item may be negotiated.

Table A, item 10.b. (determining whether certain walls are plumb) is eliminated. Additionally, clients and lenders often request this item without considering the walls about which they are concerned. With the 2021 standards, you can now negotiate plumbness concerns as an additional Table A item (Kent, 2020).

Table A, item 18—the wetlands item—is eliminated. If the surveyor's firm has a wetlands biologist or otherwise wants to offer a wetlands-related service, that issue can be negotiated as a Table A item 20 (Kent, 2020).

Item 5's call to provide the originating benchmark was modified to say "when appropriate." The item will address when a topographic survey was not performed or when elevations were established purely on GPS observations (Kent, 2020).

Table A items 6(a) and 6(b) were modified to specify that the zoning report or letter provided to the surveyor must be specific to the surveyed property. This item concerns clients who want to cast responsibility of the entire zoning ordinance onto the surveyor, leaving it to her/him to resolve how the regulation applies to the surveyed property (Kent, 2020).

One of the most significant changes in the 2021 Standards is to Table A item 11. This awkward 1988 utility-related item makes it difficult to manage clients' expectations for underground utilities, resulting in the item's alteration over several years (Kent, 2020).



## TABLE A (CONT'D)

The 2021 Standards introduced two choices. These choices are to show evidence of underground utilities existing on or serving the surveyed property as determined by:

1. plans and reports provided by the client
2. markings coordinated by the surveyor under a private utility locate request

Surveyors will note two essential points. First, the plans are now to be provided by the client. Second, in most states, 811 locate surveyors' requests are often ignored or given a low priority. The 2021 Standards eliminated the mention of 811 locate requests from the choices (Kent, 2020).

To help control clients' expectations regarding what is achievable when it comes to underground utilities, surveyors might want to consider including the qualifying paragraph following Table A item 11 in their scope of work or on the face of their plat/map (Kent, 2020).

Surveyors concerned about locating and showing what may or may not be utility locate markings can consider developing detailed notations (National Society of Professional Surveyors, 2020).

## How Stewart Helps You Navigate the New Standards

Delivering a schedule to a property transaction set is imperative, whether during a due diligence phase or at the closing table. Though achieving this goal is ultimately the surveyor's responsibility, stakeholders, including attorneys, lenders, developers, and owners, can help streamline the process for all involved. With approximately 100 ALTA/NSPS Surveys performed over the last three years alone, Stewart suggests three specific ways that stakeholders can help surveyors meet, and even exceed, delivery schedules and guidelines.

### SUPPLY A CURRENT REAL PROPERTY DESCRIPTION

As stated in Section 4 of the ALTA/NSPS Minimum Standard Detail Requirements, the surveyor must be supplied with a current record description of the real property surveyed. The surveyor also needs the property's current title commitment copies and other documents that discuss matters of real property. In our experience, early documentation, even during the proposal phase, fosters the most cost-effective and timely delivered projects. If these items arrive later in the survey delivery phase, there is a greater chance of schedule slippage and budget issues.

### PROACTIVELY LIST PREFERRED TABLE A LINE ITEMS

Table A often causes confusion during real property surveys. To clarify, one can consider the ALTA/NSPS Minimum Standard Detail Requirements as simply "Requirements." However, Table A, along with each line item contained therein, should be considered required only if specifically mentioned or requested. Some lenders, attorneys, title insurers, and other stakeholders require all items contained in Table A. Some may only require individual items based on past or future use of the property. Some savvy stakeholders will order items that might not be necessary for the property transaction but will be used immediately after that. That saves time and money from the overall project budget long term. Those who order an ALTA/NSPS Survey should plan to offer a list of the required Table A items to the surveyor at the initial proposal discussion. Proactive action allows the surveyor to respond quickly, systematically, and accurately.

### CLEARLY INDICATE DESIRED ADDITIONAL CERTIFICATIONS

Section 7 of the ALTA/NSPS Minimum Standard Detail Requirements dictates the actual certification that the surveyor of record affixes to the completed survey. Please note that the requirements state this is the only certification that can be required, and the certification shown must be "unaltered." Although this doesn't happen as often, stakeholders occasionally request additional or alternate certifications. Surveyors under ALTA/NSPS Surveys Requirements are not allowed to certify to any other items in this regard. However, this is not to say that additional non-ALTA/NSPS deliverables and associated certifications may be negotiated between stakeholders and the surveyor. Any of these alternative items should be discussed, negotiated, and agreed upon as early in the process as possible.

The items mentioned above are three simple ways to ensure that your surveyor and their associated deliverables are a timely and financial success. Clear communication helps get all phases of a project to the closing table successfully.

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