THE MYSTERIOUS CASE OF ___________________

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Basically, in addition to the dollar amount of coverage, a title insurance policy identifies three things: (1) who owns the real estate; (2) the legal description of what is owned, including access; and (3) others who have a limited right to access or use the real estate. When underwriting a title insurance commitment a number of miscellaneous matters also must be considered in order to determine the three things above. The title underwriter becomes a detective making sure these items are properly identified. This outline shares some of the daily issue investigated by title underwriters.

1. The Mysterious Case of Who is Dr. Loo?

FACTS: Marian G. died in 1999. Her will directed her executor to sell her Arlington residence with specific street address given. The deed named the Executor as Grantor and her son Steven as Grantee. In the granting clause, the Grantor granted Steven a one-half undivided interest and Dr. Loo a one-half undivided interest as joint tenants with right of survivorship. … Fast forward to 2013. Steven passes away intestate survived by his two sisters, and Dr. Loo. In 2015 the sisters are ready to sell the real estate and discover Dr. Loo’s interest. … Steven’s family doesn’t know who Dr. Loo is. Investigation locates Dr. Loo who doesn’t know Steven or any of his family. It is determined this is a drafting error by the attorney who prepared the deed.

2. The Mysterious Case of How Many Children Do I Have?

FACTS: Warlisha Goode left a will listing her four children by name: Melvin, Kenneth, Alphonso and Clarissa. She states “If I do not leave any property to any of my children, my failure to do so is intentional.” In the distribution clause she gives, devises and bequeaths her residuary estate to “my three children, if they survive me. If either of my children do not survive me my estate should be divided amongst those who do.”
3. The Mysterious Case of It’s Not Me, It’s My Brother.

FACTS: A holographic document with the following three separate statements and signatures was recorded in a southwestern county.

“I James Frank J---, acknowledge that I bought the property on 1312 Norway Street and put it in my brother’s name, Thomas R. J----, using his SSN.

/s/ JFJ_______________

“I, Thomas R. J --- acknowledge that I have no claim to the property on 1312 Norway Street and will make no such claim.

/s/ TRJ_______________

“I acknowledge that I bought the property under my brother’s name. I Thomas R. J--- acknowledge I am the brother of James Frank J--- and unknown to me my brother put the Norway St. property in my name and under my SSN.

/s/ JFJ_______________

4. The Mysterious Case of the Evaporating Gift

FACTS: Helen conveyed Eastern Shore real estate to herself and Daniel in 2007 by deed containing the following clause:

“… Reserving unto herself, the said Helen ---, her life estate for the period of her natural life, in and to the hereinafter described and granted property and also subject to reserving unto herself, the said Helen ---, the right to sell, grant, convey, assign and mortgage all of the following real estate: ...”

In 2008 she gifted the same property with the same reservations to Amy and John. Later in 2008 she passed away testate a resident of Maryland, with her residuary clause leaving her real estate to Paul and Maria. The Personal Representative qualifies in Maryland.
5. The Mysterious Case of the Abandoned Church

FACTS: In 1975 Mom and Dad donated real estate to their local church with a reverter clause, stating that if the church ever disbanded the land with all improvements would revert to Mom and Dad, their successors and assigns. Mom and Dad passed away in the 1980s. In 1990 the church members ceased using the church property and the church disbanded. Since 1990 the heirs of Mom and Dad have maintained the real estate, and on occasion allowed other church groups to use the improvements, but no real estate taxes have been paid. Tax records still show the property as exempt due to status of church ownership. Heirs want to sell the property. No one can locate the former pastor, nor church deacons/trustees. A developer wants to buy the acreage and subdivide the property.

6. The Mysterious Case of The Missing Deed

FACTS: Email from the agent: “There was a tax sale in 1933 (!!!); no one did anything at all after the tax sale, including forgetting to get a deed. The property then stays in the family until 1969. In 1969, there is a gift deed from mom (after dad passes) to son; that deed recites the tax sale, that mom and dad held the property by adverse possession (love it since no court order). Since 1969, the property has changed hands a number of times. Interestingly, if the 1969 deed did not recite all of this.” Last warranty deed went back to 1880.

7. The Mysterious Case of the Deceased Spouse

FACTS: Husband and Wife are in the process of a divorce when the Husband dies. They own real estate as tenants by the entirety. Wife dies intestate.

8. The Mysterious Case of the Defective Will

FACTS: Owner of real estate dies testate, but the will has no powers for the Executor, and does not devise real estate to anyone, nor has a residuary clause. Heirs are in disagreement as to who inherits as one heir was 20 years old when she was adopted.
9. The Mysterious Case of 201-203 Fayette Street

FACTS: Owner owned multiple lots on Fayette Street, and defaulted on a loan. At foreclosure the real estate was sold to Investor #1. Investor #1 sold 201-203 to two different purchasers by quit claim deeds. The legal descriptions of the two lots were switched in the deeds. Both individual purchasers defaulted on their individual loans, and were foreclosed. The foreclosure trustee of Lot 203 recognized the error, and obtained a judicial correction of the legal description. The foreclosure trustee on Lot 201 did not recognize the error and foreclosed on a legal description describing 203.

Lot 2: “Beginning at the SW corner of the intersection of Fayette Street and Washington Street; then continuing west along the south side of Fayette street 50 feet to a point; then continuing west along the south side of Fayette street 50 feet to a point; thence south 120 feet to a point; thence east 50’; thence north to the point of beginning. “

Lot 1: “Beginning at the SW corner of the intersection of Fayette Street and Washington Street; then continuing west along the south side of Fayette street 50 feet to a point; thence south 120 feet to a point; thence east to a point; thence north 75’ to the point of beginning. “
10. The Mysterious Case of the Mistaken Location (or Why you Never Rely on Tax Map Records)

FACTS: Email from an agent: We recently had a closing for land only in rural ______ County where for many, many years the land had been passed by will, in the same family back to the 1800’s. This parcel actually had a source deed from 1930 that had a metes and bounds description. What we found on title matched county records, the acreage matched, the road description matched.

Post closing the buyers contacted a surveyor because their intent is to log the property. The surveyor begins researching and it turns out the property is actually down the road a few miles, it sits within another 60+/- tract the same seller owns. It appears the county made an error all those years ago and it has been recognized by everyone that this person owned the property sold.

The surveyor spent about 4 hours trying to figure all of it out (who owns what) and we have spent several hours as well. Everyone is under the agreement now that the parcel sold is not where the seller, realtor, buyer and county thinks it is. It is still a mystery who actually owns the land that was sold.

11. The Mysterious Case of Can You Find It?

(1) All that certain parcel of land containing 1.49 acres, more or less, located at 8905 South Easide Highway, ________, Virginia about 1.5 miles south of Rocky Bar in ____ County, Virginia.
(2) All of that tract or parcel of real estate fronting on or near St. Rt. 42 near Hisey Avenue, within the limits of the Town of __________, Stonewall Magisterial District, ________ County, Virginia, and more particularly described as all that certain real estate located in the Town of __________.
(3) That certain one acre of land located at the intersection of St. Rt. 605 and County Road 7013.

12. The Mysterious Case of The Moveable Boundary Line

FACTS: In the Lot 82 chain, the 1992 deed with “Plat of Lot Line Adjustment” (1019/623, corrected 1231/230) shows that portion of Lot 82 (Parcel “A”) was conveyed out, and Lots 81 & 82 were combined into one “Lot 81R”. In 2005, Lot 81 and Lot 82 were conveyed by separate deeds to Sullivan. In April 2014, Sullivan conveyed by one deed Lot 81 and Lot 82 to current owner, L & S Auto Brokers. We had a survey done, which shows one Lot 81R. ________ County shows Lot 81 and Lot 82 with different tax map numbers.
13. The Case of The Missing Subcontractor

FACTS: Subcontractor gives notice to a properly appointed MLA. Subcontractor subsequently goes out of business. MLA questions how they obtain a lien waiver from a sub who is out of business.

14. The Case of the Fraudulent Deed of Trust

FACTS: Fraudster placed a fraudulent deed of trust on the owner’s real estate. Owner never made the loan. Owner goes to court to have the fraudulent lien released, but fails to record the court order.

15. The Case of Who Is Mom’s Agent Under the POA?

FACTS: Mom executes two identical powers of attorney on the same day in 2000. The only difference is one names Daughter # 1 and the other names Daughter # 2. Mom is now incompetent. Each Daughter believes she holds a valid POA. The document contains the standard language revoking all previous POA granted. No one can tell the order in which they were signed.

16. The Case of the Revoked Release of a Deed of Trust

FACTS: Title examiner finds a deed of trust recorded with a subsequent certificate of satisfaction recorded. In completing their search they find a document purporting to rescind the release document.

17. The Case of Restrictive Covenants from 1950

FACTS: The title search reveals restrictive covenants from 1950 which require Architectural Review Committee to approve new residential construction, naming 3 individuals as the committee members. One member is still living, but is in his late 80s and refuses to do anything.

18. The Case of It’s Just Encroaching a Little Bit

FACTS: When a foundation survey is done it shows an encroachment of 4 feet into side setback lines required by restrictive covenants for the subdivision. The framing is already up. The title agent wants affirmative coverage for the lender.

19. The Case of the Trustee Giving a POA to Another

FACTS: (a) Trustee recorded a POA granting someone power to act for him. A deed was signed by the agent on behalf of the trustee.

20. The Case of the Proper Statute of Limitations

Appendix A

ALTA/NSPS MINIMUM STANDARD DETAIL REQUIREMENTS FOR

ALTA/NSPS LAND TITLE SURVEYS

(Effective February 23, 2016)

NOTE - Attention is directed to the fact that the National Society of Professional Surveyors, Inc. (NSPS) is the legal successor organization to the American Congress on Surveying and Mapping (ACSM) and that these 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys are the next version of the former Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys.

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.

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 abstracters, the ALTA and the NSPS jointly promulgate the within details and criteria setting forth a minimum standard of performance for ALTA/NSPS Land Title Surveys. A complete 2016 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.
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 shall 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, trailer parks; easements, leases, 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. The client may need to secure permission for the surveyor to enter upon the property to be surveyed, adjoining properties, or offsite easements.

3. **Surveying Standards and Standards of Care**
   
   A. **Effective Date** - The 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys are effective February 23, 2016. As of that date, all previous versions of the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys are superseded by these standards.
   
   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 shall 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 shall apply.
   
   C. **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.
   
   D. **Boundary Resolution** - The boundary lines and corners of any property being surveyed as part of an ALTA/NSPS Land Title Survey shall 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.
   
   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 feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements in the location 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 at the 95 percent confidence level. Relative Positional Precision is estimated by the results of a correctly weighted least squares adjustment of the survey.
      
      ii. Any boundary lines and corners established or retraced may have uncertainties in
location resulting from (1) the availability, condition, history and integrity of reference or controlling monuments, (2) ambiguities in the record descriptions or plats of the surveyed property or its adjoiners, (3) occupation or possession lines as they may differ from the written title lines, or (4) Relative Positional Precision. Of these four sources of uncertainty, only Relative Positional Precision is controllable, although, due to the inherent errors in any measurement, it cannot be eliminated. The magnitude of the first three uncertainties can be projected based on evidence; Relative Positional Precision is estimated using statistical means (see Section 3.E.i. above and Section 3.E.v. below).

iii. The first three of these sources of uncertainty must be weighed as part of the evidence in the determination of where, in the surveyor’s opinion, the boundary lines and corners of the surveyed property should be located (see Section 3.D. above). Relative Positional Precision is a measure of how precisely the surveyor is able to monument and report those positions; it is not a substitute for the application of proper boundary law principles. A boundary corner or line may have a small Relative Positional Precision because the survey measurements were precise, yet still be in the wrong position (i.e., inaccurate) if it was established or retraced using faulty or improper application of boundary law principles.

iv. For any measurement technology or procedure used on an ALTA/NSPS Land Title Survey, the surveyor shall (1) use appropriately trained personnel, (2) compensate for systematic errors, including those associated with instrument calibration, and (3) use appropriate error propagation and measurement design theory (selecting the proper instruments, geometric layouts, and field and computational procedures) to control random errors such that the maximum allowable Relative Positional Precision outlined in Section 3.E.v. below is not exceeded.

v. The maximum allowable Relative Positional Precision for an ALTA/NSPS Land Title Survey is 2 cm (0.07 feet) plus 50 parts per million (based on the direct distance between the two corners being tested). It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation, or improvements on the surveyed property, will result in survey measurements for which the maximum allowable Relative Positional Precision may be exceeded. If the maximum allowable Relative Positional Precision is exceeded, the surveyor shall note the reason as explained in Section 6.B.x. below.

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 which can be relied upon in the preparation of the survey. The request for an ALTA/NSPS Land Title Survey shall set forth the current record description of the 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.

In order to complete an ALTA/NSPS Land Title Survey, the surveyor must be provided with complete copies of the most recent title commitment or, if a title commitment is not available,
other title evidence satisfactory to the title insurer. In addition, the surveyor must be provided with the following:

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

(a) The current record descriptions of any adjoiners to the property to be surveyed, except where such adjoiners are lots in platted, recorded subdivisions;

(b) Any recorded easements benefitting the property;

(c) Any recorded easements, servitudes, or covenants burdening the property;

(ii) Any unrecorded documents affecting the property being surveyed and containing information to which the survey shall make reference, if desired by the client.

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

5. **Fieldwork** - The survey shall be performed on the ground (except as otherwise negotiated pursuant to Table A, Item 15 below, if selected by the client). The fieldwork shall include the following, located to what is, in the surveyor’s professional opinion, the appropriate degree of precision based on (a) the planned use of the 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:

**A. Monuments**

i. The location, size, character, and type of any monuments found during the fieldwork.

ii. The location, size, character, and type of any monuments set during the fieldwork, if item 1 of Table A was selected or if otherwise required by applicable jurisdictional requirements and/or standards of practice.

iii. The location, description, and character of any lines that control the boundaries of the surveyed property.

**B. Rights of Way and Access**

i. The distance from the appropriate corner or corners of the surveyed property to the nearest right of way line, if the surveyed property does not abut a right of way.

ii. The name of any street, highway, or other public or private way abutting the surveyed property, together with the width of the travelled way and the location of each edge of the travelled way including on divided streets and highways. If the documents provided to or obtained by the surveyor pursuant to Section 4 indicate no access from the surveyed property to the abutting street or highway, the width and location of the
travelled way need not be located.

iii. Visible evidence of physical access (e.g., curb cuts, driveways) to any abutting streets, highways, or other public or private ways.

iv. 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).

v. Without expressing a legal opinion as to ownership or nature, the location and extent of any potentially encroaching driveways, alleys, and other ways of access from adjoining properties onto the surveyed property observed in the process of conducting the fieldwork.

vi. Where documentation of the location of any street, road, or highway right of way abutting, on, or crossing the surveyed property was not disclosed in documents provided to or obtained by the surveyor, or was not otherwise available from the controlling jurisdiction (see Section 6.C.iv. below), the evidence and location of parcel corners on the same side of the street as the surveyed property recovered in the process of conducting the fieldwork which may indicate the location of such right of way lines (e.g., lines of occupation, survey monuments).

vii. Evidence of access to and from waters adjoining the surveyed property observed in the process of conducting the fieldwork (e.g., paths, boat slips, launches, piers, docks).

C. Lines of Possession and Improvements along the Boundaries
   i. The character and location of evidence of possession or occupation along the perimeter of the surveyed property, both by the occupants of the surveyed property and by adjoiners, observed in the process of conducting the fieldwork.

   ii. Unless physical access is restricted, the character and location of all walls, buildings, fences, and other improvements within five feet of each side of the boundary lines, observed in the process of conducting the fieldwork. Trees, bushes, shrubs, and other natural vegetation need not be located other than as specified in the contract, unless they are deemed by the surveyor to be evidence of possession pursuant to Section 5.C.i.

   iii. Without expressing a legal opinion as to the ownership or nature of the potential encroachment, the evidence, location and extent of potentially encroaching structural appurtenances and projections observed in the process of conducting the fieldwork (e.g., fire escapes, bay windows, windows and doors that open out, flue pipes, stoops, eaves, cornices, areaways, steps, trim) by or onto adjoining property, or onto rights of way, easements, or setback lines disclosed in documents provided to or obtained by the surveyor.

D. Buildings
   The location of buildings on the surveyed property observed in the process of conducting the fieldwork.

E. Easements and Servitudes
   i. Evidence of any easements or servitudes burdening the surveyed property as disclosed in the documents provided to or obtained by the surveyor pursuant to Section 4 and observed in the process of conducting the fieldwork.
ii. Evidence of easements, servitudes, or other uses by other than the apparent occupants of the surveyed property not disclosed in the documents provided to or obtained by the surveyor pursuant to Section 4, but observed in the process of conducting the fieldwork if they appear to affect the surveyed property (e.g., roads; drives, sidewalks, paths and other ways of access; utility service lines; water courses; ditches; drains; telephone, fiber optic lines, or electric lines; or water, sewer, oil or gas pipelines on or across the surveyed property and on adjoining properties).

iii. Surface indications of underground easements or servitudes on or across the surveyed property observed in the process of conducting the fieldwork (e.g., utility cuts, vent pipes, fill pipes).

iv. Evidence on or above the surface of the surveyed property observed in the process of conducting the fieldwork, which evidence may indicate utilities located on, over or beneath the surveyed property. Examples of such evidence include pipeline markers, manholes, valves, meters, transformers, pedestals, clean-outs, utility poles, overhead lines and guy wires.

F. Cemeteries
As accurately as the evidence permits, the perimeter of cemeteries and burial grounds, and the location of isolated gravesites not within a cemetery or burial ground, (i) disclosed in the documents provided to or obtained by the surveyor, or (ii) observed in the process of conducting the fieldwork.

G. Water Features
i. The location of springs, ponds, lakes, streams, rivers, canals, ditches, marshes, and swamps on, running through, or outside, but within five feet of the perimeter boundary of, the surveyed property, observed during the process of conducting the fieldwork.

ii. The location of any water feature forming a boundary of the surveyed property. The attribute(s) of the water feature located (e.g., top of bank, edge of water, high water mark) should be congruent with the boundary as described in the record description or, in the case of an original survey, in the new description (see Section 6.B.vi. below).

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 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. The evidence and locations gathered, and the monuments and lines located during the fieldwork pursuant to Section 5 above, with accompanying notes if deemed necessary by the surveyor or as otherwise required as specified below.

B. **Boundary, Descriptions, Dimensions, and Closures**
   i. (a) The current record description of the surveyed property, or
(b) In the case of an original survey, the current record description of the parent tract that contains the surveyed property.

ii. Any new description of the surveyed property that was prepared in conjunction with the survey, including a statement explaining why the new description was prepared. Except in the case of an original survey, preparation of a new description should be avoided unless deemed necessary or appropriate by the surveyor and insurer. Preparation of a new description should also generally be avoided when the record description is a lot or block in a platted, recorded subdivision. Except in the case of an original survey, if a new description is prepared, a note shall be provided stating (a) that the new description describes the same real estate as the record description or, if it does not, (b) how the new description differs from the record description.

iii. The point of beginning, the remote point of beginning or point of commencement (if applicable) and all distances and directions identified in the record description of the surveyed property (and in the new description, if one was prepared). Where a measured or calculated dimension differs from the record by an amount deemed significant by the surveyor, such dimension shall be shown in addition to, and differentiated from, the corresponding record dimension. All dimensions shown on the survey and contained in any new description shall be ground dimensions unless otherwise noted.

iv. The directional, distance and curve data necessary to compute a mathematical closure of the surveyed boundary. A note if the record description does not mathematically close. The basis of bearings and, where it differs from the record basis, the difference.

v. The remainder of any recorded lot or existing parcel, when the surveyed property is composed of only a portion of such lot or parcel, shall be graphically depicted. Such remainder need not be included as part of the actual survey, except to the extent necessary to locate the lines and corners of the surveyed property, and it need not be fully dimensioned or drawn at the same scale as the surveyed property.

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.

vii. The relationship of the boundaries of the surveyed property with 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 shall be identified. Where gaps or overlaps are identified, the surveyor shall, prior to or upon delivery of the final plat or map, disclose this to the insurer and client.

viii. When, in the opinion of the surveyor, the results of the survey differ significantly from the record, or if a fundamental decision related to the boundary resolution is not clearly reflected on the plat or map, the surveyor shall explain this information with notes on the face of the plat or map.
ix. The location of all buildings on the surveyed property, located pursuant to Section 5.D., dimensioned perpendicular to those perimeter boundary lines that the surveyor deems appropriate (i.e., where potentially impacted by a setback line) and/or as requested by the client, lender or insurer.

x. A note on the face of the plat or map explaining the site conditions that resulted in a Relative Positional Precision that exceeds the maximum allowed pursuant to Section 3.E.v.

xi. A note on the face of the plat or map identifying areas, if any, on the boundaries of the surveyed property, to which physical access within five feet was restricted (see Section 5.C.ii.).

xii. A note on the face of the plat or map identifying the source of the title commitment or other title evidence provided pursuant to Section 4, and the effective date and the name of the insurer of same.

C. Easements, Servitudes, Rights of Way, Access, and Documents

i. The location, width, and recording information of all plottable rights of way, easements, and servitudes burdening and benefitting the property surveyed, as evidenced by documents provided to or obtained by the surveyor pursuant to Section 4.

ii. A summary of all rights of way, easements and servitudes burdening the property surveyed and identified in the title evidence provided to or obtained by the surveyor pursuant to Section 4. Such summary shall include the record information of each such right of way, easement or servitude, a statement indicating whether or not it is shown on the plat or map, and a related note if:

(a) the location cannot be determined from the record document;

(b) there was no observed evidence at the time of the fieldwork;

(c) it is a blanket easement;

(d) it is not on, or does not touch, the surveyed property;

(e) it limits access to an otherwise abutting right of way;

(f) the documents are illegible; or

(g) the surveyor has information indicating that it may have been released or otherwise terminated.

In cases where the surveyed property is composed of multiple parcels, indicate which of such parcels the various rights of way, easements, and servitudes cross or touch.

iii. A note if no physical access to a public way was observed in the process of conducting the fieldwork.

iv. The locations and widths of rights of way abutting or crossing the surveyed property, and the source of such information, (a) where available from the controlling jurisdiction, or (b) where disclosed in documents provided to or obtained by the
surveyor pursuant to Section 4.

v. The identifying titles of all recorded plats, filed maps, right of way maps, or similar documents which the survey represents, wholly or in part, with their recording or filing data.

vi. For non-platted adjoining land, recording data identifying adjoining tracts according to current public records. For platted adjoining land, the recording data of the subdivision plat.

vii. Platted setback or building restriction lines which appear on recorded subdivision plats or which were disclosed in documents provided or obtained by the surveyor.

D. Presentation

i. The plat or map shall be drawn on a sheet of not less than 8 ½ by 11 inches in size at a legible, standard engineering scale, with that scale clearly indicated in words or numbers and with a graphic scale.

ii. The plat or map shall include:
   (a) The boundary of the surveyed property drawn in a manner that distinguishes it from other lines on the plat or map.
   (b) If no buildings were observed on the surveyed property in the process of conducting the fieldwork, a note stating “No buildings observed.”
   (c) A north arrow (with north to the top of the drawing when practicable).
   (d) A legend of symbols and abbreviations.
   (e) A vicinity map showing the property in reference to nearby highway(s) or major street intersection(s).
   (f) Supplementary or detail diagrams when necessary.
   (g) Notes explaining any modifications to Table A items and the nature of any additional Table A items (e.g., 21(a), 21(b), 21(c)) that were negotiated between the surveyor and client.
   (h) The surveyor’s project number (if any), and the name, registration or license number, signature, seal, street address, telephone number, company website, and email address (if any) of the surveyor who performed the survey.
   (i) The date(s) of any revisions made by the surveyor who performed the survey.
   (j) Sheet numbers where the plat or map is composed of more than one sheet.
   (k) The caption “ALTA/NSPS Land Title Survey.”

iii. When recordation or filing of a plat or map is required by law, such plat or map shall be produced in recordable form.

iv. 7. Certification - The plat or map of an ALTA/NSPS Land Title Survey shall bear only the following certification, unaltered, 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 2016 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)*

8. **Deliverables** - The surveyor shall furnish copies of the plat or map of survey to the insurer and client and as otherwise negotiated with the client. Hard copies shall be on durable and dimensionally stable material of a quality standard acceptable to the insurer. A digital image of the plat or map may be provided in addition to, or in lieu of, hard copies pursuant to the terms of the contract. When required by law or requested by the client, the plat or map shall be produced in recordable form and recorded or filed in the appropriate office or with the appropriate agency.
TABLE A

OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS

NOTE: The twenty (20) items of Table A may be negotiated between the surveyor and client. Any additional items negotiated between the surveyor and client shall be identified as 21(a), 21(b), etc. and 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 21.

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 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, and originating benchmark identified.

6. _____ (a) If set forth in a zoning report or letter provided to the surveyor by the client, list the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements. Identify the date and source of the report or letter.

_____ (b) If the zoning setback requirements are set forth in a zoning report or letter provided to the surveyor by the client, and if those requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements. 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).
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. _____ (a) As designated by the client, a determination of the relationship and location of certain division or party walls with respect to adjoining properties (client to obtain necessary permissions).
    _____ (b) As designated by the client, a determination of whether certain walls are plumb (client to obtain necessary permissions).

11. _____ Location of utilities existing on or serving the surveyed property as determined by:
    - observed evidence collected pursuant to Section 5.E.iv.
    - evidence from plans requested by the surveyor and obtained from utility companies, or provided by client (with reference as to the sources of information), and
    - markings requested by the surveyor pursuant to an 811 utility locate or similar request

Representative examples of such utilities include, but are not limited to:

- Manholes, catch basins, valve vaults and other surface indications of subterranean uses;
- Wires and cables (including their function, if readily identifiable) crossing the surveyed property, and all poles on or within ten feet of the surveyed property. Without expressing a legal opinion as to the ownership or nature of the potential encroachment, the dimensions of all encroaching utility pole crossmembers or overhangs; and
- Utility company installations on the surveyed property.

Note to the client, insurer, and lender - With regard to Table A, item 11, source information from plans and markings 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 and/or a private utility locate request may be necessary.
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).

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 the 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 shall (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.

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. _____ If there has been a field delineation of wetlands conducted by a qualified specialist hired by the client, the surveyor shall locate any delineation markers observed in the process of conducting the fieldwork and show them on the face of the plat or map. If no markers were observed, the surveyor shall so state.

19. _____ Include any plottable offsite (i.e., appurtenant) easements or servitudes disclosed in documents provided to or obtained by the surveyor as a part of the survey pursuant to Sections 5 and 6 (and applicable selected Table A items) (client to obtain necessary permissions).

20. _____ 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.

21. _____

________________________________________________________________________