



ALTA/ACSM Land Title Survey corner by Gary Kent

Draft 2011 ALTA/ACSM Survey Standards adopted [www.acsm.net]

The final draft of the proposed *2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Survey Standards* was approved by a joint committee of the American Land Title Association (ALTA) and the National Society of Professional Surveyors (NSPS) which met in Chicago on August 11, 2010. The document will go up for a vote by the membership of ALTA in October and the NSPS Board of Governors and Board of Directors in November. Assuming both organizations approve the new document, it will become effective on February 23, 2011.

The proposed 2011 *Standards* represent a major revision—the first significant rewrite of the standards since they were first adopted by ACSM and the American Title Association (now ALTA) in 1962. The revised standards represent the culmination of over two years of concentrated work by a large NSPS committee and a select group of title attorneys with ALTA.

Several hundred suggestions and comments from dozens of interested surveyors and attorneys across the country were reviewed over the course of two years during this effort, and many were incorporated into the new draft.

A number of otherwise good suggestions were rejected by the committee because they lacked sufficient understanding of the purpose of a Land Title Survey or of the need for a collaborative title industry/surveying profession effort.

Some suggestions were from persons who have had limited exposure to, and understanding of, the challenges of writing a national standard. There are, for example, differences across state lines and in state standards or practices with regard to the name of the final product (called a “plat” in most states, but a “map” in some), mandatory monumentation (issues related to Records of Survey in western states), and when a new description should be prepared (a regular practice in some but not in most states).

The 2011 *Standards* have been substantially revised and completely reorganized. The approved draft of the revised

document has been posted at the ACSM website at www.acsm.net.

Gary Kent, PLS, Chair of both the ALTA Liaison Committee and of the NSPS ALTA/ACSM Standards Subcommittee, would like to thank the many persons who contributed to this effort. In particular, special thanks go to those involved in the joint committee meeting:

Craig Amey, PLS (MI); Richard Bales, Esq. (IL); Patrick Beehler, PLS (WA); Daneece Berge, Esq. (TX); Paul Burn, PLS (NV); Paul McNamara, Esq. (MA); Kelly Romeo (ALTA, Washington, D.C.); and Curt Sumner, PLS (VA).

In the following paragraphs are highlights of the primary changes occurring in the 2011 *Standards* compared with their 2005 precursor.

HIGHLIGHTS OF CHANGES

An effort was made to standardize wording with regard to the property being surveyed, which has, in the past, been referred to as the “premises,” the “property,” the “parcel,” and the “tract.” The 2011 *Standards* use the term “the surveyed property,” except where this is not appropriate.

An effort was also made to make more consistent the use of such terms as “visible,” “observed,” “observable,” and “physical” which were used interchangeably in previous versions. The 2011 *Standards* replace them with the term “observed in the process of conducting the survey” wherever possible and as appropriate.

The 2011 *Standards* comprise a number of significant additions, including:

- A sentence that defines what constitutes an ALTA/ACSM Land Title Survey;

- Guidance on Land Title Surveys of non-standard types of properties (such as marinas, trailer parks and campgrounds);
- A recognition of the existence of the normal standard of care, and a section that addresses need for the application of proper boundary law principles in the resolution of boundaries.
- The issue of junior/senior rights has also been addressed. Where there is a water boundary there is now a requirement that the feature located on the survey (e.g. bank, edge of water, low water line, etc.) should bear some relationship to how that boundary is described in the writings.
- For the first time since 1986, the measurement standards are part and parcel of the ACSM / ALTA standards, rather than being presented in an attachment.
- The term *Relative Positional Accuracy* has been changed to *Relative Positional Precision* (RPP) to properly reflect what the term actually represents. The definition of RPP (formerly RPA) has also been clarified and the points involved in the analysis have been limited to the actual corners of the property surveyed. To assist

in the understanding and application of RPP, the committee is working with volunteers to develop a separate document that will serve as a reference for surveyors with respect to the measurement standards.

- Several sub-sections and a new Table A item were added which clarify the surveying and depiction of easements—both on- and off-site. In addition, Table A has two new items, one related to wetlands locations and one which requires surveyor to have professional liability insurance. A new section on deliverables gives a nod to digital copies.
- The section on certification has been modified as well. It now includes wording *requiring* that “*the plat or map shall bear only the following certification, unaltered . . .*” (emphasis added), except as may be required by jurisdictional requirements (some states require additional specific wording).

Comments on the final draft have been very positive, and the committee looks forward to its adoption. Please note that the draft is subject to approval by ALTA and NSPS, so readers are encouraged to “stay tuned.”



Have a question about anything related to land title surveying and the standards governing it? Contact Gary Kent, PLS, at gkent@schneidercorp.com. Phone: 317.826.7134