

ALTA/NSPS Land Title Survey Standard Training Series

Session 1: Why it Exists and Relates to Title Insurance

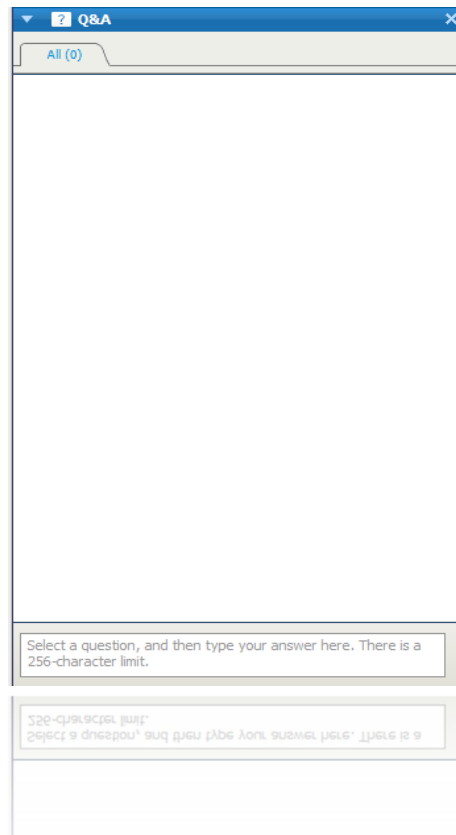
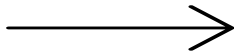
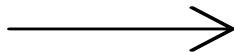
A Presentation by the American Land Title Association and the National Society of Professional Surveyors

Hosted by the U.S. Department of Housing and Urban
Development



Webinar Logistics

- Participants on mute
- Ask questions via the WebEx Q&A box
- If technical issues related to WebEx, insert them in the Chat Box



Speakers

Todd D'Amico, PS

- VP of Commercial Surveys and Mapping | First American Commercial Due Diligence Services Co
- Chair ALTA/NSPS Land Survey Work Group

Gary Kent , PS

- Owner | Meridian Land Consulting, LLC.
- Immediate Past Chair ALTA/NSPS Land Survey Work Group



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Today's Agenda

1. ALTA/NSPS Standards - Brief background and history
2. The Structure of the ALTA/NSPS Standards
3. Why the need for Title Insurance?
4. What is Title Insurance and what does it provide?
5. Purpose of the ALTA/NSPS Standards and Surveyor's Role
6. The Land Survey Exception(s) to ALTA Policies
7. Title Insurance Commitments, Policies and Endorsements
8. Comments on Sections 3, 4 and 5 of the 2021 Standards



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ALTA/ACSM (NSPS) Standards – Background & History

- 1962 American Title Association (ATA) & American Congress on Surveying and Mapping (ACSM)
- 1986 American Land Title Association (ALTA) & ACSM
- 1988 ALTA & ACSM (added what is now Table A)
- 1992 ALTA & ACSM
- 1997 ALTA & ACSM (HUD input into Table A)
- 1999 ALTA & ACSM (eliminated classes of surveys)
- 2005 ALTA & ACSM
- 2011 ALTA & ACSM (major restructuring)
- 2016 ALTA & National Society of Professional Surveyors (NSPS)
- 2021 ALTA & NSPS

Structure of ALTA/ACSM (NSPS) Standards

Section 1 — Purpose

Section 2 — Request for Survey

Section 3 — Survey Standards & Standards of Care

Section 4 — Records Research

Section 5 — Fieldwork

Section 6 — Plat or Map

Section 7 — Certification

Section 8 — Deliverables

Table A

Why the Need for Title Insurance?

U.S. land tenure system provides for no inherent guarantee of title – So how do we achieve continuity, confidence and integrity of ownership?

- Historically relied on attorney's opinions based on abstracts of title
- Late-1800's: Title insurance introduced
- Title insurance now used *almost* exclusively
 - Iowa
 - Title registration (6-7 states)

What is Title Insurance - What It Provides

Title Insurance provides for...

1. A duty to *defend* title, and
2. A duty to *indemnify* for losses incurred if the condition of title differs from how it is represented in the policy

Why the ALTA/NSPS Standards Exist

- Why the ALTA/NSPS Standards exist
- Where they apply – and where they don't apply
- How they differ from non-NSPS Survey Standards

Surveyor Responsibilities

- Perform the survey pursuant to the ALTA/NSPS Standards
- Perform the survey pursuant to the normal standards of care (exercising the same skill, care and diligence that a surveyor performing a similar survey under similar conditions would exercise)
- The surveyor does not have a responsibility to *interpret* the results of the survey (i.e., whether something is an encroachment is a legal determination, not a matter of survey)

ALTA Policy – Land Survey Exception

- Typical “Schedule B” Exception to title insurance coverage provides for survey related carve outs from Covered Risks:
 - Example: *“Rights or claims of parties in possession, boundary line disputes, overlaps, encroachments, and any matters not shown by the public records which would be disclosed by an accurate survey and inspection of the land described in Schedule A.”*

ALTA Policy – Land Survey Exception

... and written as multiple survey exceptions:

1. *Rights or claims of parties in possession not shown by the public records.*
2. *Easements, or claims of easements, not shown by the public records.*
3. *Encroachments, overlaps, boundary line disputes or other matters which would be disclosed by an accurate survey and inspection of the premises.*

ALTA Policy – Land Survey Exception

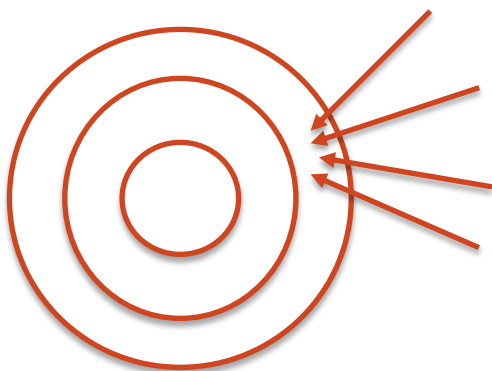
- Definition: “*accurate survey and inspection*” means a Land Title Survey
- The Land Title Survey is provided to the Underwriter
- Result:
 - The Land Survey Exception is deleted
 - Title company writes special exceptions based on a review of the survey for potential title problems

Discussion: Endorsements, Commitments, and Policies

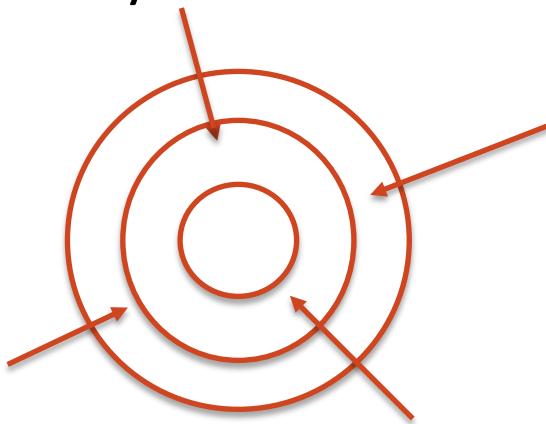
- The interplay in the context of Land Survey:
 - Commitments
 - Policies
 - Endorsements

Section 3 of 2021 Standard: Surveying Standards & Standards of Care

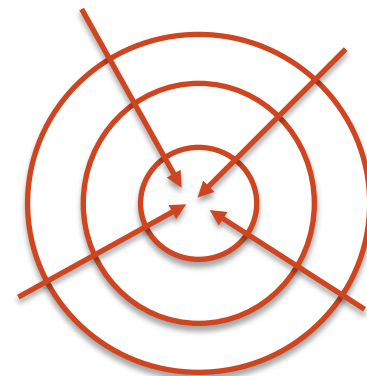
- Section 3.E. - Measurement standards
- Precision vs. Accuracy



Precise but not accurate



Neither precise nor accurate



Precise and accurate

In other words, a boundary can be precisely measured ... but in the wrong place

Boundaries are not about measurement, they
are about evidence and boundary law

Section 4 of 2021 Standard: Records Research

- The surveyor is to be provided a wide variety of record information
- If not provided, the surveyor must conduct the research required by his/her state standards
- If the state has no mandatory standards (e.g., CA, MN, PA, NY), the results of the survey may not be as expected

Section 5 of 2021 Standard: Fieldwork requirements

- 5.A. - Boundary-related (3 sub-items)
- 5.B. - Rights of way and access (7 sub-items)
- 5.C. - Lines of possession and improvements along boundaries (3 sub-items)
- 5.D. - Buildings
- 5.E. - Easements and servitudes (4 sub-items)
- 5.F. - Cemeteries
- 5.G. - Water features (2 sub-items)

Resources

- 2021 Minimum Standard Detail Requirements
 - Available at: <https://alta.org/policy-forms>
 - In the “Related Documents” section, with date 02-23-2021
- 2021 ALTA/NSPS
 - Standards available at:
<https://www.nspis.us.com/page/2021ALTA#>
 - FAQs available at:
<https://www.nspis.us.com/page/2021FAQs>
 - Archives available at:
<https://www.nspis.us.com/page/Archives>

QUESTIONS

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THANK YOU



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