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# New ALTA/NSPS Land Title Survey Standards Effective February 23, 2021

Posted on March 15, 2021

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The “Minimum Standard Detail Requirements for ALTA/NSPS Land Surveys” are jointly issued by the National Society of Professional Surveyors (“*NSPS*”) and the American Land Title Association (“*ALTA*”) and set forth the minimum standards for surveys which are to be used by title insurance companies for purposes of deleting the standard survey exception from ALTA title policies. The Minimum Standards are currently updated every five (5) years.

On February 23, 2021 (the “*Effective Date*”), the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys (the “*2021 Standards*”) replaced the 2016 Minimum Standard Detail Requirements (the “*2016 Standards*”). Any ALTA survey prepared pursuant to an agreement dated on or after the Effective Date must adhere to the 2021 Standards. The most significant changes from the 2016 Standards and the 2021 Standards are discussed below.

## **Relative Positional Precision**

Section 3.E.i revises the definition of Relative Positional Precision to now apply only to “the monument or witness marking any boundary corner of the surveyed property relative to the position of the monument or witness marking an *immediately adjacent boundary corner of the surveyed property*.” In the 2016 Standards, the definition included the relationship 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.” The 2021 Standards also clarify that the definition refers to “local accuracy.”

## **Utilities**

Parts of Section 5.E of the 2021 Standards have been revised to require that utility locate markings be shown on the survey, including the source of the markings, or a note if unknown. Additionally, surveyors are now required to locate utility poles that are on or within ten (10) feet of the property to be surveyed, and to identify all possible encroaching utility pole cross-members or overhangs.

## **Scope of Summary—“Survey-Related Matters”**

Section 6.C.ii of the 2021 Standards limits the scope of the required summary on the survey to “rights of way, easements, and other survey-related matters burdening the surveyed property.” This revision allows surveyors to omit other matters of record that are not actually related to the survey, and is meant to preclude lenders from requiring that the survey include all items shown on Schedule B-II of the title commitment, including, without limitation the standard exceptions often included on title commitments which are not survey-related. Additionally, the 2021 Standards add a requirement that the surveyor indicate in the summary whether the location of a right of way, easement, or other survey-related matter is depicted on the survey. Section 6.C.viii of the 2021 Standards is a new provision that requires the surveyor to inform the title insurance company in the event that the surveyor finds an easement of record that is not included in Schedule B-II of the title commitment. If there is no evidence of a release of such an easement, then the surveyor must show the easement on the survey, or else explain its existence on the summary.

## **Table A Items**

Table A, which enumerates a list of optional surveyors responsibilities and specifications that may be requested by a client. The wetlands item (formerly Item 18 in the 2016 Standards) has been removed from the 2021 Standards. The wetlands item was removed due to confusion over whether surveyors were required to actually delineate wetlands, or simply locate pre-existing delineation markets that were set by a wetlands expert. Another item, which required a determination of whether certain walls where plumb (formerly Item 10(b) in the 2016 Standards) was also deleted, because it was not related to a title-related issue. Finally, the underground utilities item (Item 11), was revised to include two options for sources of evidence for underground utilities and shift the responsibility away from the surveyor. The revised Item 11 provides that evidence of underground utilities may be demonstrated by: (a) plans and/or reports provided by client (with reference as to the source of information); and (b) markings coordinated by the surveyor pursuant to a private utility locate request.

All surveyors, buyers, lenders, title insurance companies, and other parties in the real estate industry should carefully review the 2021 standards before negotiating or accepting an ALTA/NSPS Land Survey on or after the Effective Date.

If you have questions about the new ALTA survey standards, please contact Jeff Dunham at [jdunham@tuggleduggins.com](mailto:jdunham@tuggleduggins.com) or (336) 271-5218, Bill Burgin at [bburgin@tuggleduggins.com](mailto:bburgin@tuggleduggins.com) or (336) 271-5241, Scott Gayle at [atsgayle@tuggleduggins.com](mailto:atsgayle@tuggleduggins.com) or (336) 271-5232, Mike Fox at [mfox@tuggleduggins.com](mailto:mfox@tuggleduggins.com) or (336) 271-5244, or Laura Krantz at [alkrantz@tuggleduggins.com](mailto:alkrantz@tuggleduggins.com) or (336) 271-5249.

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