



By Gary Kent, LS

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ALTA/ACSM Land Title Survey Status

The current set of Minimum Standard Detail requirements for ALTA/ACSM Land Title Surveys was adopted by ACSM, NSPS and ALTA in the fall of 1999. Since that time, I have given roughly 50 presentations on the standards in over half of the states, from Massachusetts to California and from Florida to Minnesota.

Among the things I have learned is that definitions for the practice of surveying, the survey standards adopted by the individual states, and the manner in which those statutes, rules and regulations are interpreted, vary widely from state to state. This fact was driven home in one state when attendees informed me that had I filed the survey I was using as an example in their state, I would have been subject to sanctions by their Board of Registration!

At issue was the fact that certain corners on the survey had not been monumented where there were existing monuments in close proximity to the calculated corner locations. In addition, there had not been a new description prepared even though the survey revealed disagreement with the geometry contained in the record description.

In another state, a lengthy discussion with the audience left me with the impression that many persons in that particular audience felt that virtually any monument or possession line, whether there was a documented history or not, was better evidence of a boundary than anything else including the record description.

These particular topics will be among those discussed in future columns, but the point of bringing

them up here is that they highlight the wide variety of thinking and practice in our profession. Being nationally-recognized, the ALTA/ACSM standards must hold up to the pressures of such an environment while simultaneously meeting the needs of the title industry.

Meanwhile, changes in measurement technology, in the title industry itself and in the legal environment are constant reminders that the ALTA/ACSM standards cannot remain static and, in fact, can always be improved upon. To that end, during my travels, suggestions for revisions or additions to the ALTA/ACSM standards are solicited and documented.

The NSPS committee on the ALTA/ACSM Standards, which meets at the ACSM conference every spring and fall, is interested in your thoughts and in any additional suggestions you may have. All serious suggestions will be given consideration.

At this time there is no definitive timetable to develop a new revision. It has been five years since the '99 standards were adopted and this is the minimum time between revisions agreed upon by NSPS, ACSM and ALTA in 1999. With the work to be done by those three parties (and which, in some cases must include input from the U.S. Department of Housing and Urban Development) any new revision is most likely at least 18 months out.

Following is a list of suggested revisions to the ALTA/ACSM standards that I have compiled based on suggestions received over the last few years. The individual items are outlined for consideration by those readers who are interested, and without comment as to the merits of each.

■ Rewrite the "Accuracy Standards for ALTA/ACSM Land Title Surveys" portion of the standards.

■ Paragraph 5—Recognize the use of aerial maps or photos when appropriate, with requisite notes to be placed on the survey explaining the related accuracies and ramifications of such use.

■ Paragraph 5(e)—Require that the boundary must be resolved in accordance with applicable federal and state laws and by applying proper principles of boundary law, based on court precedent, to the field and record evidence of the specific real estate being surveyed.

■ Paragraph 6—Require a written Surveyor's Report on the face of the survey. Such a report should outline the legal principles, methods and evidence used in the boundary resolution.

■ Paragraph 6—Clarify that a new metes and bounds description based on the survey is not necessarily required on every ALTA/ACSM Land Title Survey.

■ Paragraph 6—Clarify that the record legal description of the surveyed tract must be on the face of the survey in addition to any new description that might be prepared.

■ Table A, item 6—Require that zoning setback information be tabulated on the survey, but not necessarily graphically depicted.

■ Table A, item 11—Add a warning regarding the accuracy of utility locations that are based on markings.

For those who do not have a copy of the current 1999 ALTA/ACSM Standards, they can be found at www.ACSM.net. Suggestions and comments may be sent to Gary Kent at gkent@schneidercorp.com. "ALTA/ACSM Standards" should be placed in the subject line. *AK*