



News & Types: Client Advisories

2021 ALTA/NSPS Land Survey Standards Update

6/23/2021

Practices: Real Estate

The National Society of Professional Surveyors ("NSPS") has updated the ALTA/NSPS standards for an ALTA ("American Land Title Association") Survey, effective February 23, 2021. Revisions and clarifications were made to both the Minimum Standard Detail Requirements ("Standards") and Table A Optional Requirements ("Table A").

Of particular note, pursuant to the NSPS website, the U.S. Supreme Court in the 1995 case of *Gutierrez de Martinez v. Lamagno*, 515 U.S. 417, through its interpretation of a portion of the Federal Rules of Civil Procedure, found that the word "shall" is used frequently as a synonym for the word "may", neither of which is indicative of the word "must". A Joint Committee, comprised of members from both the NSPS and ALTA, reviewed each use of the words "must" and "shall" and used the one that was most appropriate in each case, with "must" indicating an imperative. Throughout the Standards, the term "property" is now referred to as the "property to be surveyed" or the "surveyed property".

In addition to many minor revisions to the Standards, the Joint Committee added a provision to require that evidence of utility poles on or within ten feet of the surveyed property be marked on a plat or map without expressing a legal opinion as to ownership or nature of any potential encroachment of the utility pole or its crossmembers or overhangs. Utility locate markings are also to now be included on a plat or map, including the source of the markings with a note if unknown. In addition to all easements identified in title evidence provided, if a surveyor finds a recorded easement that is not otherwise included, the surveyor must advise the insurer, show or otherwise explain it on the face of the plat or map and make a note that the insurer has been advised.

Fewer revisions were made to Table A; however, there are three that are substantive. First, item 6(a), which relates to zoning of the surveyed property, adds to the first sentence, "(a) If the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements specific to the surveyed property are...". These items are to be added to the plat or map. Second and third, item 10(b) which relates to party walls being plumb was deleted, as well as item 18 pertaining to wetlands.

Further information may be found at www.nsps.us.com.