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Changes in ALTA/ACSM Land Title Survey Standards for 2011

Surveyors now have an opportunity to take a big step toward resolving issues about certifications thanks to the new 2011 ALTA/ACSM Land Title

Survey standards. Effective February 23, 2011 all ALTA/ACSM Land Title Surveys must conform to the new Standards. While there have been many upgrades and changes, one word in particular is profoundly important: *unaltered*. It is contained in the following statement from paragraph 7 on page 7:

“7 - Certification - The plat or map of an ALTA/ACSM Land Title Survey shall bear only the following certification, unaltered, except as may be required pursuant to Section 3.B.”

For many years, land surveyors have gone to battle with title insurers, banks, and their respective attorneys about the certifications that they require on the face of ALTA/ACSM surveys. Many times surveyors succumb to the demands of these entities and place certifications on the face of their surveys that are entirely inappropriate. This change to the standards came specifically from this problem, and is an attempt to arm land surveyors with the ammunition they need to just say “No” when asked to add certifications to the face of their surveys that are not appropriate. It will provide land surveyors with the opportunity to educate their clients about the ALTA/ACSM survey standards and assist them understanding the ALTA/ACSM Land Title Survey certification. As you begin to produce your ALTA/ACSM surveys with the new certification, you will undoubtedly get phone calls and emails from the title

attorneys, lenders, etc. demanding that you add their certifications to the survey as well.

How Will You Respond?

Discussing these standards with your clients is extremely important. Remind them that these standards were created through a joint effort between The American Land Title Association (ALTA) and The American Congress on Surveying and Mapping (ACSM). The American Land Title Association represents the interests of title insurers. This Association agreed, on behalf of title insurers interests, that these standards are appropriate and sufficient for title insurance purposes. No changes to the certification should be required or necessary to issue title insurance. Remember, the attorney is simply trying to obtain title insurance coverage to protect the client and the lender.

Many certifications from lenders and title insurers contain redundant language in them. They simply restate items that are already contained in the standards. The very items they are asking you to certify to in the certificate are already contained in the ALTA/ACSM standards. Inform the attorney that, according to paragraph 7 of the Standards, you can only place the surveyor’s certification from this paragraph, unaltered, on your survey. Then, simply point out that you are certifying to many of the very items he or she wants in the certificate because you are certifying that this is an ALTA/ACSM Land Title Survey. The standards contain the items he or she wants you to certify to.

This discussion with your client or your client’s attorney will also provide

a wonderful opportunity to remove the items from certifications that are not appropriate. For example, as a land surveyor are you really qualified to certify that a site conforms to all zoning ordinances? Are you really qualified to certify that a site has adequate water and sewer capacities? Explain to your client that some of the items they are asking you to certify to are not contained in the ALTA/ACSM Land Title Survey Standards and simply are not within the appropriate duties or responsibilities of a land surveyor.

You may be asked to provide a separate certification, on your company letterhead, certifying to all of the items that they think they need. They will want you to cross-reference your survey, of course. This cross-reference will simply make this document part of your survey. Just remember, if you do this you are extending your liabilities beyond the ALTA/ACSM Standards. That piece of paper, with your letterhead and stamp on it, will carry every bit as much weight as your survey carries if you make an error on it.

I advise surveyors to use this change to the Standards to your advantage and communicate appropriately with your clients. Help them understand the changes and understand that the certification contained in the Standards is appropriate and covers the majority of their certification needs.

The ACSM website at www.acsm.net offers PDF copies of the Standards, along with a “red-lined” version that depicts the changes made for 2011.

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