

Updated minimum standard detail requirements for ALTA NSPS Land Title Surveys become effective on February 23



Dana R. White | Thursday, February 4, 2021

The American Land Title Association and National Society of Professional Surveyors has issued updated Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys.

This [10th edition to the ALTA/NSPS Minimum Standard Detail Requirements](#), which was passed unanimously by the joint ALTA/NSPS committee, will go into effect for all contracts executed from and after February 23, 2021.

While there are no “major” changes to the previous 2016 update, several of these modifications will help to clarify surveyor responsibilities and client selections when it comes to contracting for new ALTA/NSPS surveys.

Here is a quick look at some of the changes worth noting:

- **All references to the word “shall” were replaced with “must.”**

Contrary to what attorneys are taught in law school, the word “shall” does not mean “must.” The 2021 change to the ALTA/NSPS minimum survey standards is a long overdue clarification of the 1995 United States Supreme Court case of [Gutierrez de Martinez v. Lamagno 515 U.S. 417](#), which found that the word “shall” is a false imperative that actually means “may.”

Updated Minimum Standard Detail Requirements for A

- **Section 5.E. - Easements and Servitudes.**
 - **ii. Changes clarify that the surveyor’s obligation under this section is limited to noting observed evidence of easements, servitudes and other uses which are “on or across” the surveyed property (as opposed to those that “appear to affect” the surveyed property). In addition, utility location markings, if any, must include a note of the source of the markings, or a note if unknown.**
 - **iv. Clarifies that depiction of utility poles extends to any utility poles located within 10 feet of the perimeter boundary.**
- **Section 6.C. - Easements, Servitudes, Rights of Way, Access, and Documents.**
 - **ii. Limits the survey summary to rights-of-way, easements and “other survey-related matters.”**
 - **New subsection viii. The surveyor is now obligated to advise the title company if the surveyor becomes aware of a recorded easement not listed in the title evidence provided.**
- **Optional Table A Items.**
 - **The introductory paragraph to Optional Table A Items was amended to clarify that Table A items may be negotiated.**

The change to the Optional Table A Items introductory paragraph now clarifies the drafters’ original intent that the wording of a requested Table A item may actually be negotiated, in addition to whether a Table A item will be included and the fee therefore. This change also clarifies that additional items other than the 19 listed Table A items, may be negotiated. Any modified or new items included in a survey must now be accompanied by a note of explanation.

- **Item 11 was revised to refer to evidence of underground utilities (in addition to observed evidence per Sec. 5.E.iv), as determined by plans and/or reports provided by the client or markings coordinated by the surveyor per a private utility locate request.**
- **Item 10(b) (determination if certain walls are plumb) and Item 18 (field delineation of wetlands) were deleted entirely.**

Table A Item 18 (field delineation of wetlands) was removed entirely due to the parameters for surveyors to include this item has historically been confusing to surveyors and clients alike. If a client desires to include this item in future surveys, it may be negotiated as a new Table A item per the change to the introductory paragraph mentioned above.

This is not an exhaustive list of the changes implemented. The full [2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys](#) and a [red-line version of the 2016 standards](#) showing all changes are available at the NSPS website.

Please email dwhite@mcdonaldhopkins.com or call 248.593.2946 if you have questions regarding the new 2021 ALTA/NSPS Minimum Standard Detail Requirements.



Dana R. White

[Team member bio](#)