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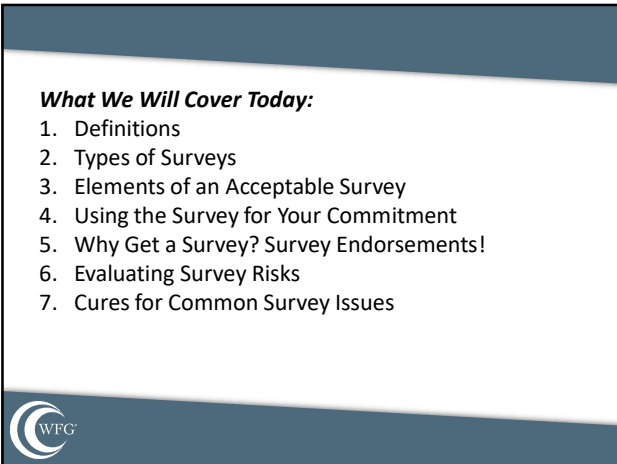
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**Survey** – (verb) Process of measuring land to determine size, location and physical description

**Survey Plat** or **Plat of Survey** – (noun) Drawing or map of specific property made by surveyor showing boundaries, improvements, markers, etc. AKA a “survey”

**Subdivision Plat** or **Plat of Subdivision** – (noun) Map representing land subdivided into lots with streets and matters affecting subdivision




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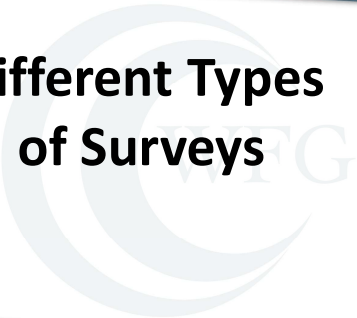

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# Different Types of Surveys


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Different Types of Surveys

**ALTA/NSPS Land Title Survey**

- Most common in commercial transactions
- ALTA and National Society of Professional Surveyors

**Category 1A Land Title Survey**

- Most common for residential transactions
- Texas Society of Profession Land Surveyors

*continued*




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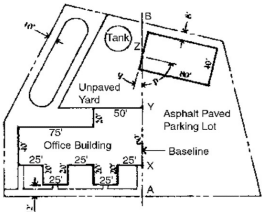
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Different Types of Surveys (cont'd)


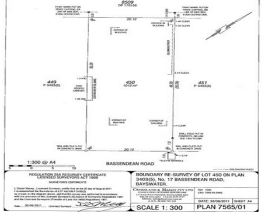
### Location Survey

- Locates improvements in relation to boundaries



### Boundary Survey

- Identifies boundaries of property



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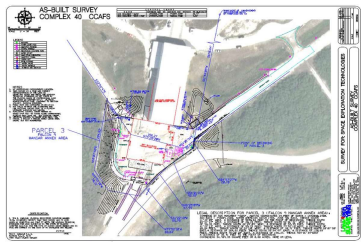
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Different Types of Surveys (cont'd)

### Construction Surveys

- To-be-built survey
- As-built survey
- Foundation survey
- Deformation survey



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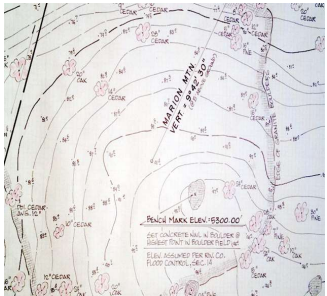
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Different Types of Surveys (cont'd)

### Topographical Survey

- Cross sections
- Contouring
- Drainage
- Topographic features:
  - Elevations
  - Trees
  - Streams
  - Improvements



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# Elements of an Acceptable Survey




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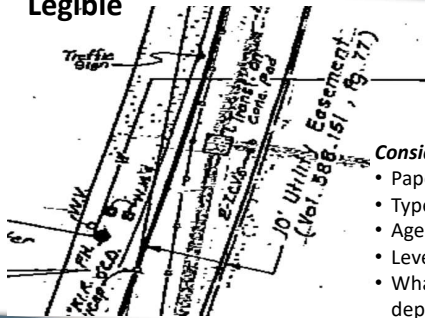
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Elements of an Acceptable Survey

## Legible



**Consider:**

- Paper or PDF
- Typed or Handwritten
- Age
- Level of detail
- What does survey depict




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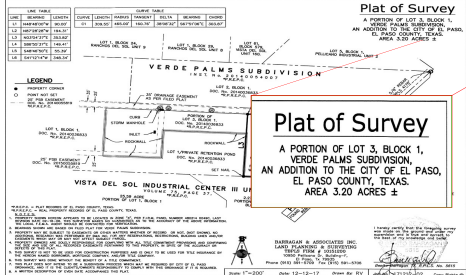
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Elements of an Acceptable Survey (cont'd)

## Legal Description



**Plat of Survey**  
A PORTION OF LOT 3, BLOCK 1,  
VERDE PALMS SUBDIVISION,  
AN ADDITION TO THE CITY OF EL PASO,  
EL PASO COUNTY, TEXAS.  
AREA 3.20 ACRES ±




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### Elements of an Acceptable Survey (cont'd)

## Legend

LEGEND									
⊙ 4-FOUND	☒ TELE. BOX	⊕ WATER VALVE	⚡ LIGHT POLE	⚡ PIPE RAIL FENCE	— BOUNDARY				
⊙ 4-SET	☒ CARLE BOX	⊕ FIRE HYDRANT	⚡ TRAFFIC SIGN	⚡ ASPHALT	— HIGH BANK LINE				
⊙ 12" IR FOUND	☒ ELECTRIC BOX	⊕ BOLLARD POST	⚡ UTILITY POLE	— OVERHEAD UTILITY LINE	— BUILDING LINE				
⊙ 12" IR SET	☒ BRICK COLUMN	⊕ SEPTIC COVER	⚡ WATER METER	— GUY WIRE ANCHOR	— EASEMENT				
⊙ 18" IR FOUND	☒ 1" IR FOUND	⊕ SAN. SEW. MP	⚡ GAS METER	⊕ BARBED WIRE FENCE	— FIRE LANE STRIPE				
⊙ 18" IR FOUND	☒ 1" IR FOUND	⊕ IRRIGATION VALVE	⚡ A.C. PAD	⊕ IRON FENCE	— BRICK RET. WALL				
⊙ 24" NAIL FOUND	☒ POINT FOR CORNER	⊕ STONE COLUMN	⊕ TRANS. BOX	⊕ CHAINLINK FENCE	— STONE RET. WALL				
⊙ PK NAIL SET	☒ CON. MONUMENT	⊕ STORM DRAIN MA	⊕ P.E. POOL EQUIP.	⊕ WOOD FENCE	— CON. RET. WALL				
⊙ 12" IP FOUND	☒ 3/4" IP FOUND	⊕ SAN. SEW. CO.		⊕ COVERED AREA	— STUC. RET. WALL				




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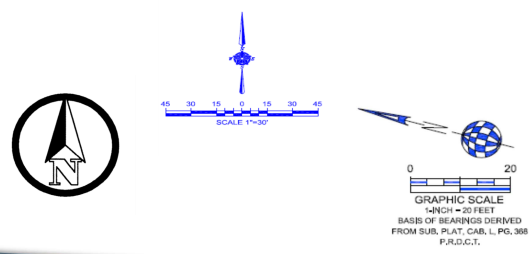

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### Elements of an Acceptable Survey (cont'd)

## North Arrow and Scale


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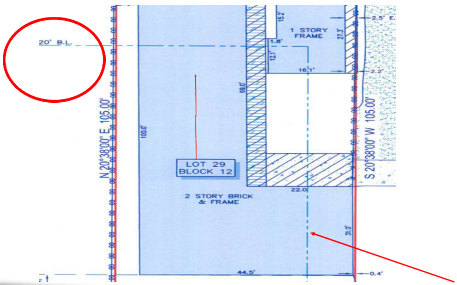

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### Elements of an Acceptable Survey (cont'd)

## Encroachments and Protrusions


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Elements of an Acceptable Survey (cont'd)

### Water Courses and Boundaries

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Elements of an Acceptable Survey (cont'd)

### Surveyor Notes and Disclaimers

**GENERAL NOTES**

- 1) According to the F.I.R.M. No. 48085C0435J, the subject property lies in Zone X, and does not lie within a Flood Prone Hazard Area.
- 2) All bearings, easements and building lines are by recorded plat *unless* otherwise noted.
- 3) Property subject to terms, conditions, and easements contained in instrument recorded in Vol. 3978, Pg. 1779 when taken with all amendments and/or supplements thereto.
- 4) Property subject to easements to Texas Power & Light Co. recorded in Vol. 260, Pg. 146; Vol. 304, Pg. 576 (Blanket in Nature).
- 5) Property subject to existence of an on-site sewage facility requiring maintenance contract, together with the terms and conditions relative to the maintenance of same as evidenced by Affidavit to Public recorded in Vol. 4178, Pg. 2964, Collin County, Texas.

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Elements of an Acceptable Survey (cont'd)

### Required Elements, cont'd

- Boundaries
- Corners
- Calls
- Permanent Monuments

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Elements of an Acceptable Survey (cont'd)

### Required Elements, cont'd

- Improvements
- Fences
- Building Lines
- Roads
- Curbs
- Driveways
- Walkways
- Sidewalks

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Elements of an Acceptable Survey (cont'd)

### Required Elements, cont'd

- Easements
- Visible
- Apparent
- Recording info
- Location
- Width & height
- Utility lines, wires, & cables
- Manholes, power poles, water valves, drains, pipelines, etc.

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Elements of an Acceptable Survey (cont'd)

### Required Elements, cont'd

- Prepared by licensed surveyor
- Must show:
  - Signature
  - Seal
  - Date
  - Job Number

**A&W SURVEYORS, INC.**  
Professional Land Surveyors  
TEXAS REGISTRATION NO. 100174-00  
P.O. BOX 870029, MESQUITE, TX. 75187  
PHONE: (972) 681-4975 FAX: (972) 681-4954  
WWW.AWSURVEY.COM

JOB NO: 184152	DRAWN BY: 906
DATE: 07/26/2018	CERTIFY TO: MARSHALL AND MARLETTA CRAWFORD
TITLE COO NORTH AMERICAN TITLE	CLT. NO. 147818-0392

Use: This survey remains the property of the surveyor. Unauthorised reuse is not permitted without the express written permission of the surveyor. This survey is an original work protected by United States Copyright law and International treaties. All Rights Reserved. Do not make illegal copies. A professional company operating in your best interest.

*John S. Turner*  
JOHN S. TURNER RPLS 5370

WFC

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Elements of an Acceptable Survey (cont'd)

**Surveyor's Certification: Minimum Requirements**

1. Date
2. Statements concerning:
  - ❖ Access
  - ❖ No encroachments, conflicts, protrusions, or visible or apparent easements, except as shown
  - ❖ Survey was prepared from an actual on-the-ground survey of the real property shown on the plat and described in the legal description;
  - ❖ Survey was conducted by the surveyor or under his or her supervision; and
  - ❖ Survey is true and correct




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Elements of an Acceptable Survey (cont'd)

**Surveyor's Certification**

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do certify that the above described property was surveyed on the ground, by me or under my direct supervision; visible conflicts, encroachments, and overlaps are as shown on this plat or map attached hereto; the area & boundary were determined with respect to the recorded references as shown; and the information presented is true & correct to the best of my knowledge. In addition, it is not intended to express or imply warranty, guarantee of ownership, or transfer of title, and this survey is subject to all applicable copyright laws from the date of this survey. The use of this survey is at the sole discretion of the end-user and/or assigns. All injuries, claims, losses, expenses, damages, or claim expenses arising from the use of this survey are the responsibility of the end-user and/or assigns. The surveyor's liability is limited to no greater than the fee charged for the professional services rendered during the course of this survey. To protect all parties involved, this survey is only valid if original seal & signature appear on the face of this survey in blue ink.




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Elements of an Acceptable Survey (cont'd)

**Required Elements, *cont'd***

Complete!

- Must show completed improvements




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# Excepting to the Survey




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Excepting to the Survey

**What Goes on the Commitment?**  
Anything that gives another rights in the land, e.g.,:

- Easements
- Power poles
- Manhole covers
- Encroachments
- Setback lines

**What does not:**  
Items solely at expense and under control of owner, e.g.,:

- Water well
- Satellite Dish


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Excepting to the Survey (cont'd)

**How Do I Draft the Exceptions?**

**P-5. SPECIAL EXCEPTIONS**

With the knowledge of the Insured, it shall be permissible for the Company to insert such special exceptions as shall develop from the examination of the title under consideration.

Such special exceptions shall in all cases **specifically describe the particular items** excepted to, and **shall not be general** in its terms.




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Excepting to the Survey (cont'd)

**General:** 

- "All matters shown on that survey dated January 1, 2021 ..."

**Specific:** 

- Protrusion of driveway on to adjoining property as shown on Survey No. \_\_\_\_\_, prepared by \_\_\_\_\_, dated \_\_\_\_\_.
- Any right, title, or interest claimed by the City of Houston or the public to that portion of the property located between the lot line and south property line as shown on Survey No. \_\_\_\_\_, prepared by \_\_\_\_\_, dated \_\_\_\_\_.




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# Why Get a Survey?





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Why Get a Survey?

**Purpose of a Survey in Title Insurance**

- Title records show recorded history of title
- Surveyor sees the state of the property as it really exists -- on the ground


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Why Get a Survey? (cont'd)

**What Do Real Property Records Not Show?**

- Another party claiming rights in or to the property:
  - Pathways → Unrecorded access easement?
  - Cattle on property → Unrecorded lease?
  - Water courses → Shifting boundaries, accretion/avulsion?
- Property Line Issues:
  - Encroachments, protrusions
  - Fences off property line → Adverse possession by neighbor?
  - Shared improvements (e.g., shared driveway) → Reciprocal easements?




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Why Get a Survey? (cont'd)

**To Prevent Expensive Problems (Claims!)**

- Utility Company requiring removal of improvements to access easement
- HOA demanding removal of improvement over BL
- Neighbor suing for encroachment of fence

**To Get a Good Legal Description**

- Current legal description may be incomplete, unreliable, or inaccurate
- New survey will provide accurate M&B description




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Why Get a Survey? (cont'd)

**Because the Rules Require One!**

**P-2. Amendment of Exception to Area and Boundaries**

- *[A] title insurance company may accept an existing real property survey and not require a new survey when providing area and boundary coverage if the title insurance company is willing to accept evidence of an existing real property survey, and an affidavit verifying the existing survey[.]*
- The survey must be acceptable to the Company.




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Why Get a Survey? (cont'd)

### Standard Survey Exception to Area & Boundaries

**SCHEDULE B  
EXCEPTIONS FROM COVERAGE**

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.




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Why Get a Survey? (cont'd)

### With the *un-amended* Standard Exception, what does the policy **not** insure?

- Discrepancies in the location of the boundary of the land with reference to highways, streets, or any other type of monument
- Gaps or overlaps affecting the land
- Boundary line disputes affecting the land
- Encroachments of the improvements (above or below ground)
  - on the insured land onto any easement on the land or onto adjoining land
  - located on adjoining land onto the insured land




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Why Get a Survey? (cont'd)

### With the *un-amended* Standard Exception, what does the policy insure?

- On the date the deed was filed for record placing title in the name of the insured, and except as stated in the policy:
  - On the effective date of the policy, the **title to the land insured is clear of all encumbrances** to the title except as stated in the policy.
  - The stated **owner is the only owner** of the land described and their title is good against every other claim




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Why Get a Survey? (cont'd)

**Two steps to amending the Standard Survey Exception**  
 Step A: Per P-2, delete all but "shortages in area":

**SCHEDULE B  
 EXCEPTIONS FROM COVERAGE**

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):
2. ~~Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.~~




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Why Get a Survey? (cont'd)

**Two steps to amending the Standard Survey Exception (cont'd)**  
 Step "B": Add exceptions in **Schedule B** to everything noted on the survey.

\* Use **specific** language as discussed previously!




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Why Get a Survey? (cont'd)

**"Evidence of an existing real property survey"**

- [A] title insurance company may accept ...evidence of an existing real property survey, and an affidavit verifying the existing survey[.]
- What constitutes "evidence of a survey"?
  - Underwriting will consider a good subdivision plat if no changes have been made since platting (i.e., unimproved lot)
  - Must have a good T-47
  - Otherwise, contact UW
- Note: Can waive survey for LTP on condo unit




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# Additional Survey Coverages




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**Additional Survey Coverages**

***T-19 and T-19.1 – Restrictions, Encroachments, Minerals Endorsements***

- Violation on Land of an enforceable covenant (includes types of improvements and encroachments over setback lines)
- Enforced removal of improvement located on land at date of policy for violation of setback line shown on recorded plat
- Protrusion of improvement onto adjoining land
- Encroachment of improvement onto insured property
- Encroachment of improvement into easement on property
- Damage to improvement that encroaches onto land subject to easement due to right to maintain easement P-50; R-29




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**Additional Survey Coverages (cont'd)**


***T-19 Without a Survey***

➤ You may issue the complete T-19 endorsement without a survey if the property:

- Is a 1-4 family platted residential lot and is unimproved; or
- Is improved with an existing home and the insured transaction is a HEL, reverse mortgage, or rate and term refinance.

➤ In all other transactions, including if improvements have been added to the property since the last OTP, you must delete the following paragraphs:

- 3.c and 4.a-c if the property is five acres or less; or
- 3.c and 4.a-d if the property is over five acres.




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Additional Survey Coverages (cont'd)

**T-17 – Planned Unit Development**

- “The enforced removal of any existing structure on the land (other than a boundary wall or fence) because it encroaches onto adjoining land or onto any easements.”
- LTP only
- Residential real property only
- Does NOT require PUD rider
- Exclusive coverage
- P-9.b(14); R-11k


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Additional Survey Coverages (cont'd)

**T-17 Without a Survey**

You may issue an intact the T-17 endorsement without a survey if the following conditions are met:

- The property is a platted, 1-4 family, residential lot;
- Is improved with an existing home; and
- The insured transaction is transaction is a HEL, reverse mortgage, or rate and term refinance.
  - If improvements have been added to the property since the last Owner’s Title Policy, you must delete par. 3

• You may not issue the T-17 if the property is unimproved




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Additional Survey Coverages (cont'd)

**T-23 – Access**

- Insures property abuts and has both **legal and physical vehicular and pedestrian** access to named public road
- Available for improved, non-residential property
- Survey must show improvements and curb cuts to at least 1 public road
- May issue multiple access endorsements for various roads for \$100 each\*
- P-54; R-30


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Additional Survey Coverages (cont'd)

**T-25 and T-25.1 – Contiguity**

- Insures that boundaries of 2 or more **insured parcels** are contiguous and there are no gaps, strips, or gores separating them
- Requires current, approved survey
- P-56; R-32


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# Evaluating Survey Risks


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Evaluating Survey Risks

**Consider Type of Policy**

- LP v. OTP
  - Survey coverage less risky on a LP because lender must show it suffered loss
- Amount of Insurance
- Endorsements Requested




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Evaluating Survey Risks (cont'd)

**Restrictive Covenant Violations**

- Extent of Violation
- Types of improvements prohibited by restrictions
  - "Detached garage" v. shed?
  - Commercial building on residential lot
- When did violation occur?
- Likelihood of enforcement




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Evaluating Survey Risks (cont'd)

**Nature of Encroachment**

- Size
- Type
- Age
- What is "encroached"




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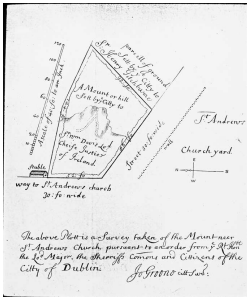
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Evaluating Survey Risks (cont'd)



**Issues with the Survey**

- Age of Survey
  - Does prior survey truly represent property now?
  - What has happened since survey date?
- Who is signing T-47?
- Missing Survey Elements




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# Cures for Common Survey Issues




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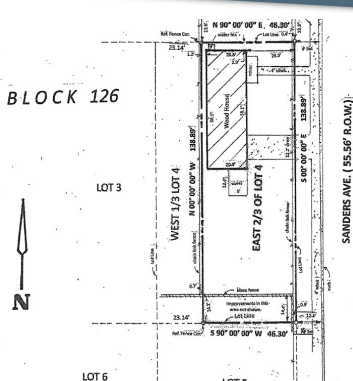

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Cures for Common Survey Issues

## Boundary Line Agreement

- Owner and neighbor agree to location of boundary line between properties
- May involve conveyance of property


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Cures for Common Survey Issues (cont'd)



## Recorded Consent

- Written consent to encroachment or use of property
- Recorded in real property records




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Cures for Common Survey Issues (cont'd)

**Variance**

- Obtain from HOA, city or county
- Excuses violation
- Usually to setback lines



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Cures for Common Survey Issues (cont'd)

**Release of Easement**

- Release by dominant estate holder?
  - Option esp. if easement no longer in use
  - Record in real property records
- Expired?
  - Get UW approval before removing



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Cures for Common Survey Issues (cont'd)

**Issue an Endorsement**

- Usually a T-19
- But if issues, confirm UW approval



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**Will They Need a New Survey? Considerations:**

- Send commitment and existing survey
- Who is asking for survey coverage: Owner, Lender, or both?
- How long have the current owners owned the property?
- What would the T-47 indicate as changes?
- Street address for satellite image



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**Course No. 141751**

*Thank you, and please reach out with any questions!*

[mdoggett@wfgtitle.com](mailto:mdoggett@wfgtitle.com)

[swlegal@wfgtitle.com](mailto:swlegal@wfgtitle.com)

(210)363-3855



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