

SURVEYS

Understanding property surveys



A survey is a description of the boundary lines of a piece of property. It gives the dimensions of the property being purchased or sold and provides written representation of the property. Surveys are ordered to produce the most reliable and current written legal description of the property. Most title companies will request that a survey be done because doubts about the legal description of the property may have arisen during the search and examination of record title. If a survey is not ordered, the buyer is demonstrating a willingness to assume any risk of problems that a current survey might disclose.

REQUIREMENTS FOR USE OF AN EXISTING SURVEY

1. Copy of legible survey prepared by a licensed Texas Surveyor bearing proper certification, and being a survey of the identical property identified in the current transaction.
2. We receive from the Seller a T-47 affidavit attesting to the facts set forth in the attached affidavit form. The affidavit confirms that, since the date of the survey, no changes have occurred on the property that would be shown on a new survey.
3. The person executing the affidavit must have been the purchaser at the time the survey was made or have been the borrower at a time subsequent to purchase (otherwise a "knowledge gap" may occur).
4. The land may be platted, or not, but should not exceed 25 acres (requires approval from regional underwriting).
5. There should be a directional arrow on the survey (North, South, etc.). The legal description on the survey must match the legal description of the property being sold. The address should match as well.
6. All known structures, pools, fences, out-buildings and all other improvements must be adequately depicted and described. All building setback lines, easements and lot lines must be depicted.
7. It must show access to a roadway.
8. The underwriter will be looking for encroachments or protrusions over building setback lines, easements, and property lines. They will then assess the risk that may arise from the same as they pertain to insuring title to the property.

SURVEY TERMINOLOGY

ACCESS: a landowner's legal right to enter and exit his/her property using a public or private road without obstruction or trespassing.

BUILDING AND SETBACK LINES: the minimum distance an improvement must be located from a boundary line, road, water source, etc.

ACCESS EASEMENT: an agreement between property owners which creates a nonpossessory right to enter and/or cross someone else's property.

ENCROACHMENT: The intrusion of an improvement across a boundary line.

IMPROVEMENTS: Usually buildings, but may also include any other permanent structure of enhancement of the property.

Continued 

HOW TO IDENTIFY THE SURVEYS

AS-IS BUILT SURVEY: Done after the new construction has been completed and shows the location of all features related to the new improvements.

BLUE LINE SURVEY: Explains a survey in a written form, which is typically done with a blue-ink depiction of the property and its details, as opposed to a photocopy. Most Lenders' and Buyers' counsel occasionally require the blue lines because it is readily identifiable as the original.

PERIMETER SURVEY: This survey shows the established boundaries of a tract, that is usually unsubdivided, with no interior detail. Usually, this form of survey will not work for an "area and boundaries" amendment on Policy.

SLAB SURVEY: This is usually done after the pouring of the slab, but prior to the framing, in connection with the new construction. Sometimes lenders and buyers will require this survey in order to be assured that the completed improvements will be located within the property's boundaries and without encroaching into or on the easements or across the building setback lines.

THE TITLE POLICY AND YOUR SURVEY

On Schedule B of both the Owner's and the Mortgagee's Title Policies, there are exceptions known as "areas and boundaries" or the "survey exception." If not amended, this "area and boundaries" exception does not include coverage of any problems of boundary definition or determination, improvements on the subject lot, or the location of the improvements on adjoining property. Examples of this include lack of established corners, conflicts of recorded description of the property next door that could cause boundary disputes, and failure of the description to cover all of the land bargained for at the time of purchase.

The "area and boundaries" exception in the policy reads: "Any discrepancies, conflicts of shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements." This exception can be amended to read "shortages and areas" if the title company has been furnished with a complete and current survey with a full description and field notes where necessary. For the Owner's Title Policy, the amendment is available with a 15% additional premium, calculated on the scheduled premium for policy amount.



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