

THE “ALTA” SURVEY

By Ralph H. Whisler III, PLS



Frequently a prospective client will call and ask “How much will it cost to survey my land?” I suppose they expect an answer based on the location or size of their particular parcel. More often than not, I’m met with a long pause after I reply “What type of survey do you need?” One type of survey that is becoming more common is the ALTA/ACSM Land Title Survey, or “ALTA” survey.

In the fall of 1992, the governing boards of the American Land Title Association (ALTA) and the American Congress on Surveying and Mapping (ACSM) adopted a set of “Minimum Standard Detail Requirements” that have become accepted as the first set of national standards with regard to the scope and content of a survey and the resultant map. This represents a substantial change from past practice.

Many years ago when a survey was ordered, the surveyor would make his measurements on the ground and hand the client a map of the survey and the bill. Some of these surveys were remarkably accurate while others were not so well done. Surveyors were governed only by their moral conscience and a community standard that could only become higher through competition. Unfortunately, the lone local surveyor was left to set his own standards. Later in time, after realizing the disparity between surveys from county to county, most states decided to adopt their own set of “Minimum Technical Standards” for surveying. Each surveyor licensed by his or her state was then bound by a set of guidelines, providing a direct benefit to the public at large and the profession as a whole. On the surface this would seem like a good plan – except when a client in Ohio happened to order a survey from a surveyor in Texas. I would bet the client got something very different than he expected. For better or worse, each state has its own set of standards. Many states (including Alabama and Mississippi) have standards that are very similar to Florida’s, however, no two are the same and they can vary greatly even between bordering states.

Interestingly, it was the court case *Bell v. Jones (District of Columbia Court of Appeals, 1987, 523A.2d 982)* that seemed to establish a national standard of care. In this case, Robert A. Bell (an architect) filed suit against Raymond M. Jones (an engineer and land surveyor). Bell relied on Jones’ survey to create architectural plans for eight townhouses, and contended that Jones’ survey erroneously represented the location of property lines and corner angles. Jones, however, argued that he interpreted Bell’s request to be for a survey only to be used for a real estate closing. Jones continued that, had he known of Bell’s intention to use his survey for site design, Jones would have quoted a much higher price and Bell should have realized this when he received the quote. Jones further argued that Bell, being an architect, should have known to order a topographic survey and should have informed Jones of his intentions. After a non-jury trial, the court found that Jones was negligent, but also found that Bell was contributorily negligent and, hence, could not recover damages. Both parties appealed the decision, but a portion of the Judge’s final ruling stated that “the public at large can hold doctors and architects to a standard of performance which requires them to employ a degree of skill and care ordinarily used by their colleagues” and that he “saw no reason to treat surveyors differently from architects and physicians.” Accordingly, he further held that “the standard of care by which the professional acts of surveyors are measured is a national standard, not a local or regional one.” Although the court never handed down a set of standards or guidelines, the “ALTA” survey has come to be accepted by the courts as a national standard. Generally the ALTA survey is for the benefit of the title insurance companies that use the survey to add or delete exceptions to coverage, and it provides the basis for coverage that may be requested by the buyer or lender.

When ordering an ALTA survey, the onus is placed on the client to provide the surveyor with (among other things) all record documents pertaining to the legal description of the subject parcel or parent tract, easements, covenants and encumbrances. Also, the client must provide the surveyor with a copy of “Table A,” which is a list of optional survey requirements ranging from contours to parking stripes to evidence of site use as a solid waste dump, sump or sanitary landfill. The surveyor will review the documents provided by the client and arrive at a fee based on these requirements. After the surveyor and client negotiate an agreement based on the specifications, the survey is prepared and delivered (with the bill of course!). As you will notice, this arrangement is beneficial to both the client and surveyor because, regardless of the proximity of the two, each knows what is expected from the other, and the possibility of miscommunication is greatly reduced, thereby avoiding the potential for costly legal proceedings.

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