



## ALTA/ACSM Land Title Survey corner

by Gary Kent

**Q** I have been asked to perform a “leasehold survey.” I have never heard of this. Can an ALTA/ACSM Land Title survey be performed on a lease parcel?

**A** Although a bit unusual, it is not unheard of that a request is made for an ALTA/ACSM Land Title Survey of a leasehold estate. When such a request is made, the surveyor should ascertain that the client, lender, and title company do, in fact, actually want the survey.

It is not unlikely that it was ordered as part of the normal routine and no one was thinking about whether it will actually be needed or not. It may be that once they realize it, they will decide it is not needed.

Assuming, however, that the parties do, in fact, want the survey, an ALTA/ACSM Land Title Survey of a lease parcel should be approached exactly the same way as if it were of a fee parcel.

The primary difference will be that there may be no record

title description of the property to be surveyed—particularly if the lease is only of a portion of a tract. Likewise, there may be no adjoining descriptions to review or relate to.

The only description the surveyor may have—in fact, the only description that may exist at all—may be provided by the title company or as contained in the lease contract. Of course, descriptions contained in leases are often well short of definitive, thus the surveyor may have a challenge trying to establish its corners and lines.

The description should be carefully studied, and if it is found lacking—as lease descriptions often are—this information should be conveyed to the parties.

They may insist that the survey be conducted based on that description, in which case the surveyor should explain that the resulting survey may reflect a considerable level of uncertainty in location due to the imperfections and/or ambiguities in the description. If they don’t like that, then they need to provide a better description! Or, for an additional fee, of course, you can prepare one for them!

Send questions and comments related to issues of ALTA/ACSM Land Title Survey to Gary Kent at [gkent@schneidercorp.com](mailto:gkent@schneidercorp.com).