



SURVEY REQUIREMENTS IN TEXAS

WHAT DO FANNIE AND FREDDIE SAY ABOUT SURVEYS?

FNMA - B7-2-05: Title Exceptions and Impediments (02/06/2019)B7-2-05: TITLE EXCEPTIONS AND IMPEDIMENTS

- Fannie Mae will not purchase or securitize a mortgage secured by property that has an unacceptable title impediment, particularly unpaid real estate taxes and survey exceptions. If surveys are not commonly required in particular jurisdictions, the lender must provide an ALTA 9 Endorsement. If it is not customary in a particular area to supply either the survey or an endorsement, the title policy must not have a survey exception.

WHAT DO FANNIE AND FREDDIE SAY ABOUT SURVEYS?

(cont.)

FHMLC - 4702.2(e): SURVEY REQUIREMENTS

- If the title company insuring the Mortgage or the attorney rendering the opinion of title requires a survey to remove exceptions to survey matters, the Seller must provide a survey of the Mortgaged Premises. The survey provided must conform to:
- The title insurance company's or attorney's standards, and
- Any applicable legal standards relating to surveys

**TEXAS
TITLE
INSURANCE
BASIC
MANUAL**

**SCHEDULE B – EXCEPTIONS FROM
COVERAGE**

- **2. “Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.”**
(General Survey Exception contained in the T-7 Title Commitment and T-2 Loan Policy)
- **“Item 2 of Schedule B is hereby amended to read: “Shortages in area”.**
(Commonly referred to as “survey coverage”)

**PURCHASES -
TREC 1-4
FAMILY
RESIDENTIAL
CONTRACT
(RESALE)**

6. TITLE POLICY AND SURVEY:

- C. SURVEY: The survey must be made by a registered professional land surveyor acceptable to the Title Company and Buyer's lender(s). (Check one box only)
- (1) Within days after the Effective Date of this contract, Seller shall furnish to Buyer and Title Company Seller's existing survey of the Property and a Residential Real Property Affidavit promulgated by the Texas Department of Insurance (T-47 Affidavit). If Seller fails to furnish the existing survey or affidavit within the time prescribed, Buyer shall obtain a new survey at Seller's expense no later than 3 days prior to Closing Date. If the existing survey or affidavit is not acceptable to Title Company or Buyer's lender(s), Buyer shall obtain a new survey at Seller's Buyer's expense no later than 3 days prior to Closing Date.

**PURCHASES -
TREC 1-4
FAMILY
RESIDENTIAL
CONTRACT
(RESALE)**

6. TITLE POLICY AND SURVEY (cont.)

- **(2) Within days after the Effective Date of this contract, Buyer shall obtain a new survey at Buyer's expense. Buyer is deemed to receive the survey on the date of actual receipt or the date specified in this paragraph, whichever is earlier.**
- **(3) Within days after the Effective Date of this contract, Seller, at Seller's expense shall furnish a new survey to Buyer.**

**TEXAS
TITLE
INSURANCE
BASIC
MANUAL**

PROCEDURAL RULES

P-2. AMENDMENT OF EXCEPTION TO AREA AND BOUNDARIES

A. GENERAL INSTRUCTIONS

- In either an Owner or Mortgagee Policy, when the Insured desires to have amended the exception as to area and boundaries, (i.e. Item 2 of Schedule B) to delete all save "shortages in area", 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, notwithstanding the age of the survey or the identity of the person for whom the survey was prepared.

**TEXAS TITLE
INSURANCE
BASIC
MANUAL (CONT.)**

PROCEDURAL RULES (cont.)

**P-2. AMENDMENT OF EXCEPTION TO AREA AND
BOUNDARIES**

A. GENERAL INSTRUCTIONS

- The Company may waive the requirement of a survey in connection with the issuance of its Mortgagee Policy insuring the lien on a **condominium unit.**

**CASES IN
WHICH A
NEW
SURVEY
MAY BE
REQUIRED:**

New Construction

Carve outs

Private roads/ easements providing access

Purchase Transactions

Added Improvements