

# **New Jersey N2K Hour:**

## **Understanding Surveys for Coverage on Owner's and Loan Policies**

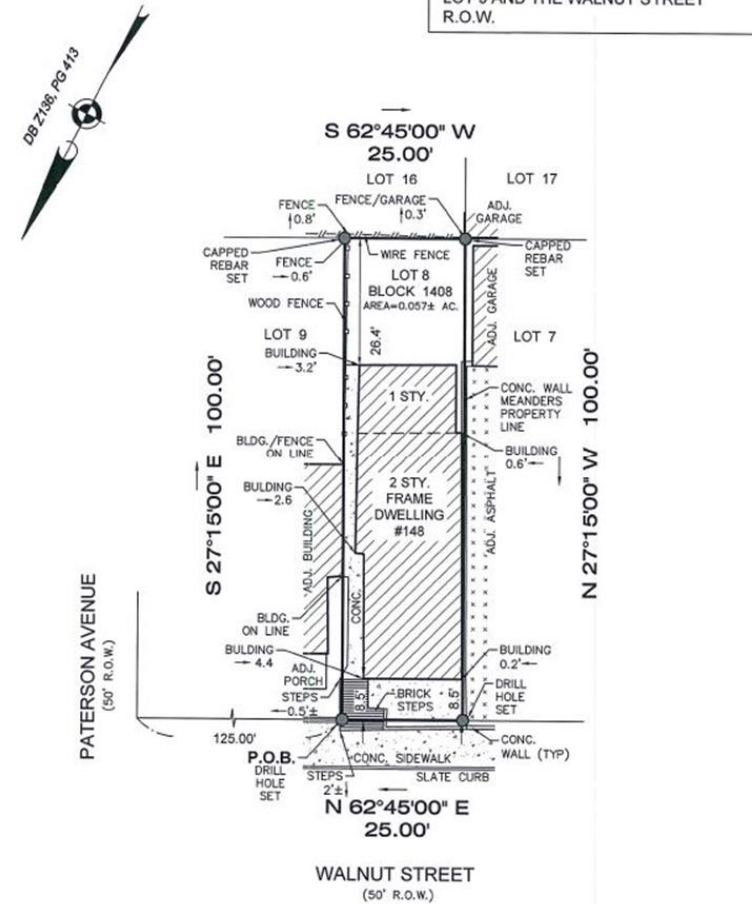
Webex Presentation,  
March 14, 2023

**stewart title<sup>®</sup>**

*Real partners. Real possibilities.™*

# What is a survey?

- A survey refers to the process of locating and measuring a property's boundary lines to determine the exact amount of land that a homeowner owns.
- A survey can also locate any easements and encroachments on a property, which are usually noted on the homeowner's chain of title.



## Why do we need surveys?

- The legal description for a given property may have changed over the years.
  - e.g. Deed of Consolidation, filed subdivision, portion of the property was sold off.
- Legal description from Vesting Deed may be an outdated description.
- Descriptions from filed plats or tax maps may no longer be applicable to the property.
- Typically, a metes and bounds legal description would be more preferable to insure, since it provides a more precise measurement of the property's boundary lines.

## How do we review surveys?

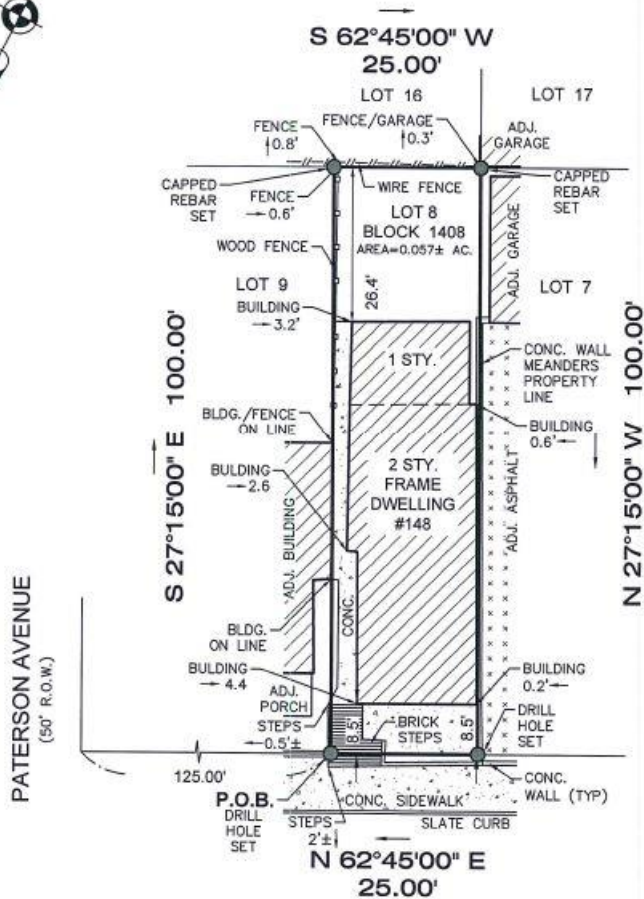
- When reviewing a survey, you should note the following steps:
  - Locate the north arrow. This arrow can usually be found at the top or bottom of the survey.
  - Compare the record legal description with the metes and bounds of the property on the survey.
  - Locate any easements or encroachments, all of which should be raised in your survey reading.
  - Locate the direct or indirect access to the property.
  - Always confirm that the survey is certified to a title company.

## Can we rely on an existing survey?

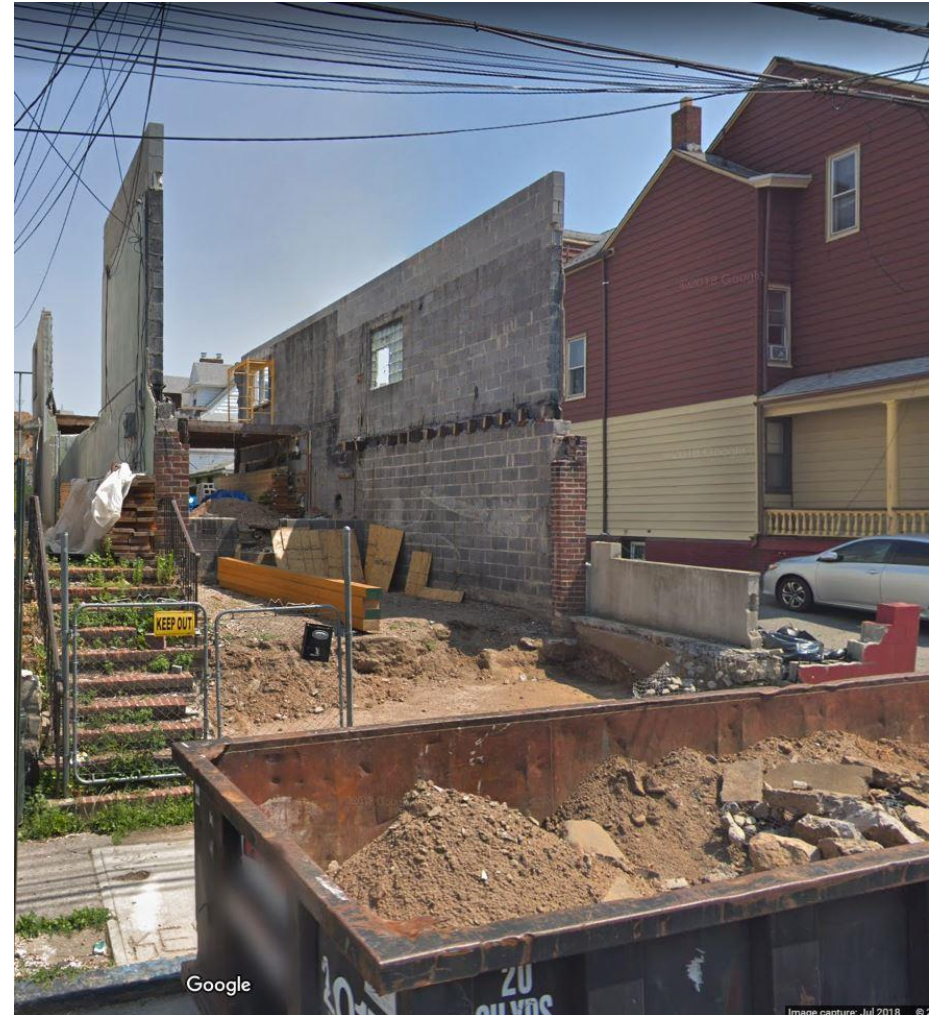
- To save on costs for a new or updated survey, we may rely on an existing survey so long as the legal description for a property has not changed since the date of the last survey.
  - Affidavit of No Change to Survey from current owner.
  - Existing survey should be signed and sealed by the surveyor.
  - Existing survey must be certified to a title company or title agent in order for us to provide coverage based on the survey.
  - Contact your Underwriter for approval.

# 2015

THE STEPS FROM THE SUBJECT PROPERTY ENCROACH ON ADJACENT LOT 9 AND THE WALNUT STREET R.O.W.



# 2023



## Types of Surveys – Boundary Survey

- Boundary survey
  - Often times will only include a legal description, the metes and bounds of the property, and a list of encroachments.
  - Surveyor has discretion as to what he/she wants to plot on the survey.
  - There are no requirements that the surveyor has to follow when issuing a boundary survey.



## Types of Surveys - ALTA Survey

- Detailed survey performed by a registered licensed surveyor, prepared in accordance with the standards specified by (ALTA) and the American Congress of Surveying and Mapping (ACSM).
- Surveyor must follow the ALTA/ACSM requirements when issuing an ALTA survey.
- These requirements include plotting the boundaries of the property, the location of improvements on the subject property, including any and all structures, fences, utility lines, roads, etc., along with the location of any/all easements.

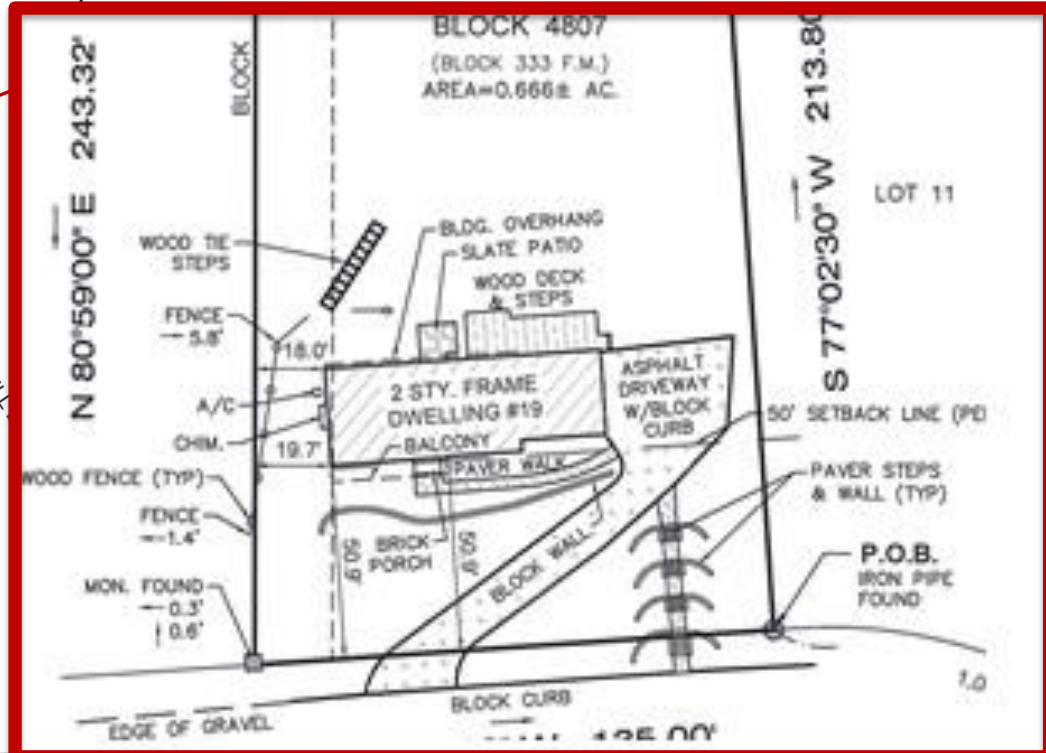
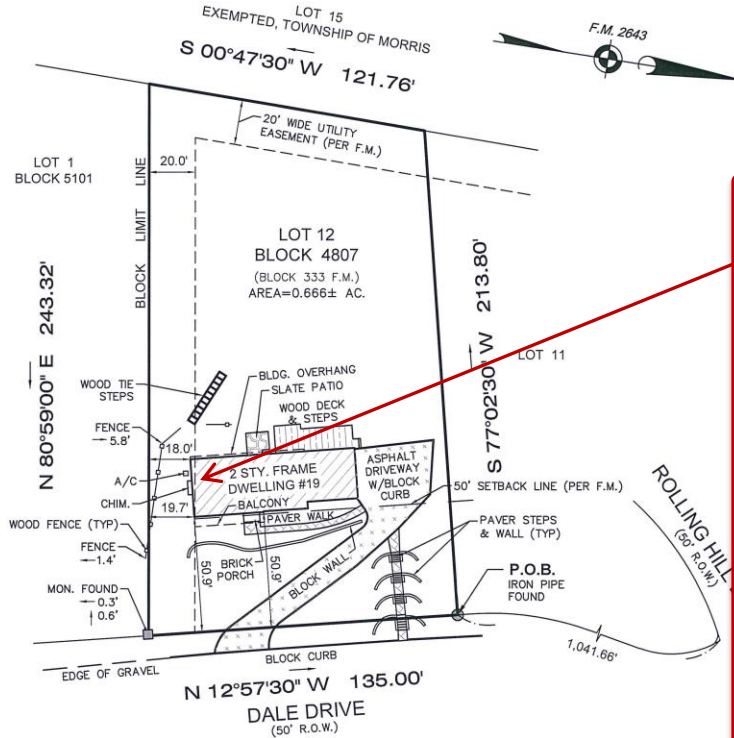


THE PROPERTY WAS SNOW COVERED AT THE TIME THE FIELD MEASUREMENTS WERE CONDUCTED. SITE PHYSICAL FEATURES MAY HAVE BEEN OMITTED.

DISCUSSION TOPIC:  
SUBJECT DWELLING, STEPS, FENCE, AND WALL CROSS INTO UTILITY EASEMENT (PER F.M.)

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PREPARED FOR: [REDACTED]  
TITLE INSURER: [REDACTED]  
MORTGAGE HOLDER: [REDACTED]  
BUYER'S ATTORNEY: [REDACTED]

Filed Map Reference:	Filed Map Block:	Filed Map Lot:	Filing Date:	Filed Map:
FINAL MAP SECTION No. 4, JOCKEY HOLLOW TOP, TOWNSHIP OF MORRIS, MORRIS COUNTY, NJ	333	12	JAN. 19, 1966	2643

IMPORTANT NOTES, PLEASE REVIEW:

- I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS MAP OR PLAN MADE ON 2/21/19 BY ME OR UNDER MY DIRECT SUPERVISION IS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY BELOW GROUND ENCROACHMENTS, UTILITIES, SERVICES LINES OR STRUCTURES, WETLANDS, OR RIPARIAN RIGHTS. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TOXICLANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY.
- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.
- THIS SURVEY IS SUBJECT TO CONDITIONS WHICH AN ACCURATE TITLE SEARCH MUST DISCLOSE, SUBJECT TO RESTRICTIONS AND EASEMENTS RECORDED AND/OR UNRECORDED.
- BUILDING SETBACK LINES SHOWN HEREON ARE FROM RECORDED DEEDS AND MAY NOT REFLECT CURRENT ZONING REQUIREMENTS.
- PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT. (N.J.A.C. 13:40-5.1(D))

DB 21815, PG 600

CERTIFICATE OF AUTHORIZATION: 240A28220800

**MORGAN**  
engineering & surveying

P.O. BOX 5232  
TOMS RIVER, N.J. 08754  
TEL: 732-270-9690  
FAX: 732-270-9691

www.morganengineeringllc.com

**DAVID J. VON STEENBURG**  
PROFESSIONAL LAND SURVEYOR  
N.J. LIC. No. 34500

**SURVEY OF PROPERTY**

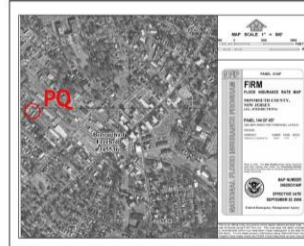
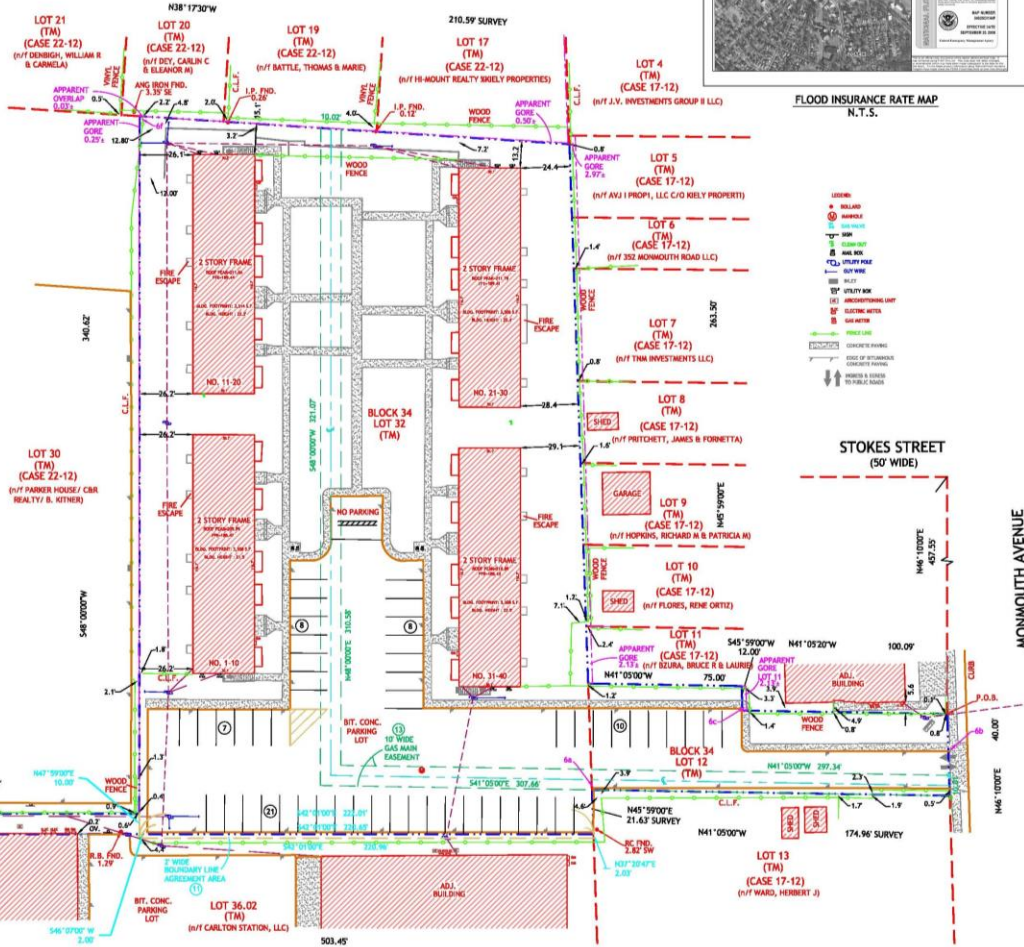
LOT 12 BLOCK 4807  
TOWNSHIP OF MORRISTOWN  
COUNTY OF MORRIS NEW JERSEY

Scale: 1"=40' VS

Sheet No.	Block/Sheet	To	From	Notes
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97	10	NA	10	UNPLATTED
98	10	NA	10	UNPLATTED
99	10	NA	10	UNPLATTED
100	10	NA	10	UNPLATTED

## ALTA NOTES:

- THE SURVEY CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS WITHIN THE PREMISES.
- GAS & ELECTRIC UTILITIES SERVING THE PREMISES ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD & THAT EXCEPT AS SHOWN THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF WAY ACROSS THE SAID PREMISES.
- THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN A COMMITMENT FROM MADISON TITLE AGENCY, LLC AS AGENT FOR STEWART TITLE GUARANTY COMPANY COMMITMENT NO. ATANU-114281, DATED AUGUST 24, 2016, AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT, OR EASEMENTS WHICH THE UNDERSIGNED HAS BEEN ADVISED OR HAS KNOWLEDGE, HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.
- THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE SUBJECT PROPERTY; THERE ARE NO VISIBLE ENCROACHMENTS ON THE SUBJECT PROPERTY (EXCEPT FOR MISLOCATION OF FENCING & CURBING & NO ENCROACHMENTS ONTO ADJOINING PROPERTIES (EXCEPT FOR MISLOCATION OF WALKWAYS, CURBING & FENCING AS DESCRIBED IN SCHEDULE B SECTION II ITEM 4 OF SAID TITLE POLICY SURNAMERED BELOW)
  - CURBING AND PARKING AREA EXTENDING BEYOND NORTHWESTERLY AND NORTHEASTERLY PROPERTY LINES
  - DRIVEWAY, WALKWAY AND CURBING EXTEND BEYOND NORTHWESTERLY PROPERTY LINE
  - WALKWAYS EXTEND BEYOND SOUTHWESTERLY AND NORTHWESTERLY PROPERTY LINES
  - CURBING ON OR ALONG NORTHWESTERLY PROPERTY LINE
  - RIGHTS OF OTHERS BOTH PUBLIC AND PRIVATE AND TO OVERHEAD WIRES, GUY WIRES, MANHOLES, UTILITY POLES, UTILITY BOXES, SIGNS AND UTILITY VALVES ON OR CROSSING PROPERTY AND/OR PROPERTY LINES
  - MISLOCATION OF FENCES
- APPROPRIATE OVERLAYS AND CORRES ALONG VARIOUS PROPERTY LINES
- SAID PROPERTY IS LOCATED BY GRAPHIC PLOTTING ONLY WITHIN AN AREA HAVING A ZONE DESIGNATION "ZONE X" (AREAS OUTSIDE THE 100 YEAR FLOODPLAIN) ON FLOOD INSURANCE RATE MAP NO. 34025C0144F WITH A DATE OF IDENTIFICATION OF SEPTEMBER 25, 2009, FOR THE TOWNSHIP OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.
- THE PROPERTY HAS FRONTAGE AND ACCESS TO MONMOUTH AVENUE WHICH IS A DULY DEDICATED PUBLIC ROW (ACCESS MAY BE LIMITED BY STATE, COUNTY & MUNICIPAL REGULATIONS).
- THERE ARE 34 REGULAR STRIPPER PARKING SPACES AND NO INDICATION OF HANDICAPPED PARKING SPACES OUTDOORS ON THE SAID LOT SHOWN HEREON.
- ALTA TABLE A ITEM 6A CLEARPORT SERVICES IS NOT IN RECEIPT OF A ZONING REPORT.
- THERE IS NO OBSERVED EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- THERE IS NO OBSERVED EVIDENCE ANY CHANGES IN STREET RIGHT OF WAY LINES, SITE USE AS A SOLID WASTE DUMP, PUMP OR SANITARY LANDFILL AND CEMETERIES & BURIAL GROUNDS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY, IF ANY, ENCROACHMENTS, WETLANDS, UTILITIES, SERVICE LINES OR STRUCTURES BELOW GROUND.
- PROPERTY SUBJECT TO DOCUMENTS OF RECORD; NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF N.J. AS TIDLANDS.
- NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE LAND SURVEYOR TO ANY OTHER PERSON NOT LISTED IN THE CERTIFICATION, WHETHER DIRECTLY OR INDIRECTLY, OR FOR ANY MATTER SET FORTH IN A SURVEY AFFIDAVIT.
- ONLY COPIES FROM THE ORIGINAL SURVEY MARKED WITH AN ORIGINAL PROFESSIONAL LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED VALID COPIES.
- SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE N.J. STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS ILLEGAL AND PUNISHABLE BY LAW.
- OFFSETS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION OF PERMANENT STRUCTURES I.E. BUILDINGS, SHEDS, FENCES, ETC.,



FLOOD INSURANCE RATE MAP  
N.T.S.



VICINITY MAP  
N.T.S.

DESCRIPTION:  
BEING KNOWN AS LOTS 13 & 32 IN BLOCK 34 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- ALONG THE SAID LINE OF MONMOUTH AVENUE, NORTH 46°10'00" EAST, 40.00', TO THE WESTERLY CORNER OF LOT 13, THENCE;
- ALONG THE WESTERLY LINE OF THE SAID LOT, SOUTH 41°05'00" EAST, 174.96', TO A POINT, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF LOT 13, NORTH 45°59'00" EAST, 21.67', TO THE WESTERLY CORNER OF LOT 36, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF THE SAID LOT, SOUTH 42°01'00" EAST, 503.45', TO THE NORTHERLY CORNER OF LOT 36, THENCE;
- ALONG THE NORTHWESTERLY LINE OF THE SAID LOT, NORTH 42°01'00" WEST, 10.00', TO THE EASTERLY CORNER OF LOT 36, THENCE;
- ALONG THE NORTHWESTERLY LINE OF LOT 30, NORTH 42°01'00" WEST, 281.71', TO THE NORTHERLY CORNER OF LOT 30, THENCE;
- ALONG THE NORTHWESTERLY LINE OF THE SAID LOT, SOUTH 48°00'00" WEST, 340.42', TO THE NORTHEASTERLY LINE OF LOT 30, THENCE;
- ALONG THE NORTHWESTERLY LINE OF LOTS 30, 19 & 17, NORTH 38°17'30" WEST, 210.59', TO A POINT, THENCE;
- NORTH 45°59'00" EAST, 281.50', THENCE;
- NORTH 45°59'00" EAST, 75.00', THENCE;
- NORTH 45°59'00" EAST, 12.00', THENCE;
- NORTH 41°02'00" WEST, 100.99', TO THE POINT AND PLACE OF BEGINNING.

TOGETHER WITH A 10.00' WIDE STRIP OF LAND, AND SUBJECT TO A BOUNDARY LINE AGREEMENT AS RECORDED IN THE MONMOUTH COUNTY CLERK'S OFFICE IN DEED BOOK 8179 PAGE 3840;

BEGINNING AT A POINT, IN THE SOUTHWESTERLY LINE OF LOT 36.02, SAID POINT BEING DISTANT THE FOLLOWING FOUR COURSES FROM THE INTERSECTION OF THE SOUTHWESTERLY LINE OF MONMOUTH AVENUE (50' WIDE) WITH THE NORTHEASTERLY LINE OF STOKES STREET (50' WIDE):

- ALONG SAID LINE OF MONMOUTH AVENUE, NORTH 46°10'00" EAST, 497.55', TO THE WESTERLY CORNER OF LOT 13, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF LOT 13, NORTH 41°05'00" WEST, 174.96', TO THE SOUTHERLY CORNER OF LOT 13, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF THE SAID LOT, NORTH 45°59'00" EAST, 21.67', TO THE WESTERLY CORNER OF LOT 36, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF THE SAID LOT, SOUTH 42°01'00" EAST, 503.45', THENCE FROM SAID BEGINNING POINT RUNNING;

CONTAINS 2,821.743 S.F.

TOGETHER WITH A 2.00' WIDE STRIP OF LAND, AND SUBJECT TO A BOUNDARY LINE AGREEMENT AS RECORDED IN THE MONMOUTH COUNTY CLERK'S OFFICE IN DEED BOOK 8179 PAGE 3840;

BEGINNING AT A POINT, SAID POINT BEING THE EASTERLY CORNER OF LOT 36.02, BLOCK 34, SAID POINT BEING DISTANT THE FOLLOWING THREE COURSES FROM THE INTERSECTION OF THE SOUTHWESTERLY LINE OF MONMOUTH AVENUE (50' WIDE) WITH THE NORTHEASTERLY LINE OF STOKES STREET (50' WIDE):

- ALONG SAID LINE OF MONMOUTH AVENUE, NORTH 46°10'00" EAST, 497.55', TO THE WESTERLY CORNER OF LOT 13, THENCE;
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- ALONG THE SOUTHWESTERLY LINE OF THE SAID LOT, SOUTH 42°01'00" EAST, 503.45', THENCE FROM SAID BEGINNING POINT RUNNING;

CONTAINS 441.574 S.F.

CERTIFICATION:



NUMBER	DESCRIPTION	TO	FROM	REMARKS
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3	10	NA	NA	UNPLATTED
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97	10	NA	NA	UNPLATTED
98	10	NA	NA	UNPLATTED
99	10	NA	NA	UNPLATTED
100	10	NA	NA	UNPLATTED

## ALTA NOTES:

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- THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE SUBJECT PROPERTY; THERE ARE NO VISIBLE ENCROACHMENTS ON THE SUBJECT PROPERTY (EXCEPT FOR MISLOCATION OF FENCING & CURBING) & NO ENCROACHMENTS ONTO ADJOINING PROPERTIES (EXCEPT FOR MISLOCATION OF WALKWAYS, CURBING & FENCING AS DESCRIBED IN SCHEDULE B SECTION II ITEM 6 OF SAID TITLE POLICY SUMMARIZED BELOW)
  - CURBING AND PARKING AREA EXTEND BEYOND NORTHWESTERLY AND NORTHEASTERLY PROPERTY LINES
  - DRIVEWAY, WALKWAY AND CURBING EXTEND BEYOND NORTHWESTERLY PROPERTY LINE
  - WALKWAYS EXTEND BEYOND SOUTHWESTERLY AND NORTHWESTERLY PROPERTY LINES
  - CURBING ON OR ALONG NORTHWESTERLY PROPERTY LINE
  - RIGHTS OF OTHERS BOTH PUBLIC AND PRIVATE IN AND TO OVERHEAD WIRES, GUY WIRES, MANHOLES, UTILITY POLES, UTILITY BOXES, SIGNS AND UTILITY VALVES ON OR CROSSING PROPERTY AND/OR PROPERTY LINES
  - MISLOCATION OF FENCES
  - APPARENT OVERLAPS AND GORES ALONG VARIOUS PROPERTY LINES
- SAID PROPERTY IS LOCATED BY GRAPHIC PLOTTING ONLY WITHIN AN AREA HAVING A ZONE DESIGNATION "ZONE X" (AREAS OUTSIDE THE 100 YEAR FLOODPLAIN) ON FLOOD INSURANCE RATE MAP NO. 34025C0144F WITH A DATE OF IDENTIFICATION OF SEPTEMBER 25, 2009, FOR THE TOWNSHIP OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED;
- THE PROPERTY HAS FRONTAGE AND ACCESS TO MONMOUTH AVENUE WHICH IS A DULY DEDICATED PUBLIC ROW (ACCESS MAY BE LIMITED BY STATE, COUNTY & MUNICIPAL REGULATIONS).
- THERE ARE 54 REGULAR STRIPED PARKING SPACES AND NO INDICATION OF HANDICAPPED PARKING SPACES OUTDOORS ON THE SAID LOT SHOWN HEREON.
- ALTA TABLE A ITEM 6A CLEARPOINT SERVICES IS NOT IN RECEIPT OF A ZONING REPORT.
- THERE IS NO OBSERVED EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- THERE IS NO OBSERVED EVIDENCE ANY CHANGES IN STREET RIGHT OF WAY LINES, SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL AND CEMETERIES & BURIAL GROUNDS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY, IF ANY, ENCROACHMENTS, WETLANDS, UTILITIES, SERVICE LINES OR STRUCTURES BELOW GROUND.
- PROPERTY SUBJECT TO DOCUMENTS OF RECORD; NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF N.J. AS TIDELANDS;
- NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE LAND SURVEYOR TO ANY OTHER PERSON NOT LISTED IN THE CERTIFICATION, WHETHER DIRECTLY OR INDIRECTLY, OR FOR ANY MATTER SET FORTH IN A SURVEY AFFIDAVIT.
- ONLY COPIES FROM THE ORIGINAL SURVEY MARKED WITH AN ORIGINAL PROFESSIONAL LAND SURVEYORS EMBOSSED SEAL SHALL BE CONSIDERED VALID COPIES;
- SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE N.J. STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS;
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS ILLEGAL AND PUNISHABLE BY LAW;
- OFFSETS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION OF PERMANENT STRUCTURES I.E. BUILDINGS, SHEDS, FENCES, ETC..

## ALTA NOTES:

- THE SURVEY CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE PREMISES.
- GAS & ELECTRIC UTILITIES SERVING THE PREMISES ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD & THAT EXCEPT AS SHOWN THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF WAY ACROSS THE SAID PREMISES;
- THAT THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN A COMMITMENT FROM MADISON TITLE AGENCY, LLC AS AGENT FOR STEWART TITLE GUARANTY COMPANY COMMITMENT NO. MTANJ-114281, DATED AUGUST 24, 2016, AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT, OR EASEMENTS WHICH THE UNDERSIGNED HAS BEEN ADVISED OR HAS KNOWLEDGE, HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.
- THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE SUBJECT PROPERTY; THERE ARE NO VISIBLE ENCROACHMENTS ON THE SUBJECT PROPERTY (EXCEPT FOR MISLOCATION OF FENCING & CURBING) & NO ENCROACHMENTS ONTO ADJOINING PROPERTIES (EXCEPT FOR MISLOCATION OF WALKWAYS, CURBING & FENCING AS DESCRIBED IN SCHEDULE B SECTION II ITEM 6 OF SAID TITLE POLICY SUMMARIZED BELOW)
  - CURBING AND PARKING AREA EXTEND BEYOND NORTHWESTERLY AND NORTHEASTERLY PROPERTY LINES
  - DRIVEWAY, WALKWAY AND CURBING EXTEND BEYOND NORTHWESTERLY PROPERTY LINE
  - WALKWAYS EXTEND BEYOND SOUTHWESTERLY AND NORTHWESTERLY PROPERTY LINES
  - CURBING ON OR ALONG NORTHWESTERLY PROPERTY LINE
  - RIGHTS OF OTHERS BOTH PUBLIC AND PRIVATE IN AND TO OVERHEAD WIRES, GUY WIRES, MANHOLES, UTILITY POLES, UTILITY BOXES, SIGNS AND UTILITY VALVES ON OR CROSSING PROPERTY AND/OR PROPERTY LINES
  - MISLOCATION OF FENCES
  - APPARENT OVERLAPS AND GORES ALONG VARIOUS PROPERTY LINES
- SAID PROPERTY IS LOCATED BY GRAPHIC PLOTTING ONLY WITHIN AN AREA HAVING A ZONE DESIGNATION "ZONE X" (AREAS OUTSIDE THE 100 YEAR FLOODPLAIN) ON FLOOD INSURANCE RATE MAP NO. 34025C0144F WITH A DATE OF IDENTIFICATION OF SEPTEMBER 25, 2009, FOR THE TOWNSHIP OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED;
- THE PROPERTY HAS FRONTAGE AND ACCESS TO MONMOUTH AVENUE WHICH IS A DULY DEDICATED PUBLIC ROW (ACCESS MAY BE LIMITED BY STATE, COUNTY & MUNICIPAL REGULATIONS).
- THERE ARE 54 REGULAR STRIPED PARKING SPACES AND NO INDICATION OF HANDICAPPED PARKING SPACES OUTDOORS ON THE SAID LOT SHOWN HEREON.
- ALTA TABLE A ITEM 6A CLEARPOINT SERVICES IS NOT IN RECEIPT OF A ZONING REPORT.
- THERE IS NO OBSERVED EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- THERE IS NO OBSERVED EVIDENCE ANY CHANGES IN STREET RIGHT OF WAY LINES, SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL AND CEMETERIES & BURIAL GROUNDS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY, IF ANY, ENCROACHMENTS, WETLANDS, UTILITIES, SERVICE LINES OR STRUCTURES BELOW GROUND;
- PROPERTY SUBJECT TO DOCUMENTS OF RECORD; NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF N.J. AS TIDELANDS;
- NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE LAND SURVEYOR TO ANY OTHER PERSON NOT LISTED IN THE CERTIFICATION, WHETHER DIRECTLY OR INDIRECTLY, OR FOR ANY MATTER SET FORTH IN A SURVEY AFFIDAVIT.
- ONLY COPIES FROM THE ORIGINAL SURVEY MARKED WITH AN ORIGINAL PROFESSIONAL LAND SURVEYORS EMBOSSED SEAL SHALL BE CONSIDERED VALID COPIES;
- SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE N.J. STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS;
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS ILLEGAL AND PUNISHABLE BY LAW;
- OFFSETS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION OF PERMANENT STRUCTURES I.E. BUILDINGS, SHEDS, FENCES, ETC..

CERTIFICATION:



VICINITY MAP

N.T.S.

DESCRIPTION:  
BEING KNOWN AS LOTS 13 & 32 IN BLOCK 34 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- ALONG THE SAID LINE OF MONMOUTH AVENUE, NORTH 46°10'00" EAST, 40.00', TO THE WESTERLY CORNER OF LOT 13, THENCE;
- ALONG THE WESTERLY LINE OF THE SAID LOT, SOUTH 41°09'00" EAST, 174.96', TO A POINT, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF LOT 13, NORTH 45°59'00" EAST, 21.43', TO THE WESTERLY CORNER OF LOT 36.02, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF THE SAID LOT, SOUTH 42°01'00" EAST, 503.45', TO THE NORTHERLY CORNER OF LOT 36.02, THENCE;
- ALONG THE NORTHEASTERLY LINE OF THE SAID LOT, NORTH 46°26'30" WEST, 10.00', TO THE EASTERLY CORNER OF LOT 36.02, THENCE;
- ALONG THE NORTHEASTERLY LINE OF LOT 36.02, NORTH 42°01'00" WEST, 281.71', TO THE NORTHERLY CORNER OF LOT 36.02, THENCE;
- ALONG THE NORTHWESTERLY LINE OF THE SAID LOT, SOUTH 48°00'00" WEST, 340.42', TO THE NORTHERLY CORNER OF LOT 36.02, THENCE;
- ALONG THE NORTHWESTERLY LINE OF LOTS 30, 19 & 17, NORTH 38°17'30" WEST, 210.99', TO A POINT, THENCE;
- NORTH 45°59'00" EAST, 281.50', THENCE;
- THROUGH LOT 36.02, SOUTH 42°01'00" EAST, 220.96', TO A POINT, THENCE;
- NORTH 45°59'00" EAST, 12.00', THENCE;
- NORTH 41°02'00" WEST, 100.99', TO THE POINT AND PLACE OF BEGINNING.

TOGETHER WITH A 10.00' WIDE STRIP OF LAND, AND SUBJECT TO A BOUNDARY LINE AGREEMENT AS RECORDED IN THE MONMOUTH COUNTY CLERK'S OFFICE IN DEED BOOK 8179 PAGE 3840;

BEGINNING AT A POINT, IN THE SOUTHWESTERLY LINE OF LOT 36.02, SAID POINT BEING DISTANT THE FOLLOWING FOUR COURSES FROM THE INTERSECTION OF THE SOUTHWESTERLY LINE OF MONMOUTH AVENUE (50' WIDE) WITH THE NORTHEASTERLY LINE OF STOKES STREET (50' WIDE):

- ALONG SAID LINE OF MONMOUTH AVENUE, NORTH 46°10'00" EAST, 497.55', TO THE WESTERLY CORNER OF LOT 13, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF LOT 13, NORTH 41°09'00" WEST, 174.96', TO THE SOUTHERLY CORNER OF LOT 13, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF THE SAID LOT, NORTH 45°59'00" EAST, 21.43', TO THE WESTERLY CORNER OF LOT 36.02, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF THE SAID LOT, SOUTH 42°01'00" EAST, 232.01', THENCE FROM SAID BEGINNING POINT RUNNING;

1. ALONG THE SAID LINE, SOUTH 42°01'00" EAST, 282.09', TO THE NORTHERLY CORNER OF LOT 13, THENCE;

2. ALONG THE NORTHWESTERLY LINE OF THE SAID LOT, SOUTH 46°26'30" WEST, 10.00', TO THE EASTERLY CORNER OF LOT 36.02, THENCE;

3. ALONG THE NORTHWESTERLY LINE OF THE SAID LOT, NORTH 42°01'00" WEST, 281.71', TO THE NORTHERLY CORNER OF LOT 36.02, THENCE;

4. THROUGH LOT 36.02, NORTH 47°59'00" EAST, 10.00', TO THE POINT OF BEGINNING.

CONTAINS 2,821.743 S.F.

TOGETHER WITH A 2.00' WIDE STRIP OF LAND, AND SUBJECT TO A BOUNDARY LINE AGREEMENT AS RECORDED IN THE MONMOUTH COUNTY CLERK'S OFFICE IN DEED BOOK 8179 PAGE 3840;

BEGINNING AT A POINT, SAID POINT BEING THE EASTERLY CORNER OF LOT 36.02, BLOCK 34, SAID POINT BEING DISTANT THE FOLLOWING THREE COURSES FROM THE INTERSECTION OF THE SOUTHWESTERLY LINE OF MONMOUTH AVENUE (50' WIDE) WITH THE NORTHEASTERLY LINE OF STOKES STREET (50' WIDE):

- ALONG SAID LINE OF MONMOUTH AVENUE, NORTH 46°10'00" EAST, 497.55', TO THE WESTERLY CORNER OF LOT 13, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF LOT 13, NORTH 41°09'00" WEST, 174.96', TO THE SOUTHERLY CORNER OF LOT 13, THENCE;
- ALONG THE SOUTHWESTERLY LINE OF THE SAID LOT, NORTH 45°59'00" EAST, 21.43', TO THE WESTERLY CORNER OF LOT 36.02, THENCE FROM SAID BEGINNING POINT RUNNING;

1. ALONG THE DIVIDING LINE BETWEEN LOTS 13 & 36.02, NORTH 37°29'45" EAST, 2.03', TO A POINT, THENCE;

2. THROUGH LOT 36.02, SOUTH 42°01'00" EAST, 220.96', TO A POINT, THENCE;

3. SOUTH 46°07'00" WEST, 2.00', TO THE NORTHEASTERLY LINE OF LOT 36.02, THENCE;

4. ALONG THE SAID LINE, NORTH 42°01'00" WEST, 220.80', TO THE POINT OF BEGINNING.

CONTAINS 441.474 S.F.

## Why is the legal description so important?

- Surveyors rely on a record legal description in order to plot the boundary lines of a property.
- Record v. As Surveyed Legal
  - Record legal description is usually taken from a Vesting Deed, recorded plat or subdivision map.
  - As surveyed legal description is the metes and bounds legal description which is plotted by the surveyor.
- If there are any discrepancies between the record legal and as surveyed legal, the title company may need to insure both legal descriptions in the event that the record legal is outdated or not precise enough for the public record.

## Are ALTA surveys required for coverage?

- An ALTA survey is not required for standard coverage on an Owner's or Loan policy (NJ Survey Endorsement).
- However, if we're issuing extended coverage, an ALTA survey may be required by the title company or your lender.
- Additional endorsements to consider for extended coverage:
  - ALTA 9 series (Covenants, Conditions, Restrictions)
  - ALTA 25 (only for loan policy)
  - ALTA 28/28.1 (Easements/Encroachments)

## What endorsements can be issued based on a survey?

- NJ Survey Endorsement – Coverage for both Owner's and Loan policies
  - NJ Survey endorsement removes the general survey exception in Schedule B and may include a survey reading for any encroachments located on the property.
- ALTA 17/17.1 – Access and Indirect Access endorsement
- ALTA 25 – Same as Survey (only available for loan policies in the State of NJ)
- ALTA 28 – Easement Damage or Enforced Removal

# Easements, Surveys, and Affirmative Coverage

- A survey is a great tool to learn a great deal about an easement.
- A survey (which shows the easement) is almost always necessary when contemplating affirmative insurance language.
  - Usually refer to encroachment or the use of the land.
- A review of both survey and the easement are necessary to determine what, if any, affirmative coverage can be provided.
- As always, you must contact your Underwriter before including any affirmative language for easements.



## Easement Coverage – ALTA 28 Series

- The ALTA 28 series (can only be issued on loan policies in NJ)
- Provides coverage for any blanket easements or plotted easements which may encroach upon the existing buildings on the property.
- If the surveyor includes a note that an easement is blanket in nature, we can include the easement on the ALTA 28 endorsement.
- However, if an easement is not plottable, then further review is required before providing ALTA 28 coverage.

## Easement Coverage – ALTA 28 Series

- An issue may arise if an easement runs underneath an existing building or encroaches upon an existing improvement.
- We must analyze the risk before issuing the endorsement for the specific easement, and the risk analysis also varies between a residential or commercial property.
- Some of the risk factors include if the easement has been abandoned, or if the easement holder has consented to offset any damage from the exercise of their easement rights on the property.
- Please always consult your underwriter for further assistance if such an issue should arise on your transaction.

## Encroachment Coverage – ALTA 28.1 Endorsement

- Provides affirmative coverage against loss for an encroachment of any improvement located on the Land onto adjoining land or onto a portion of the Land subject to an easement.
- Endorsement also provides affirmative coverage over an encroachment of any improvement on adjoining land encroaching onto our Land.
- Coverage under the ALTA 28.1 is much broader than the ALTA 28 – we need to carefully analyze risk associated with encroachments on any existing improvements based on the survey.

## VU Requirements for ALTA 28.1 Endorsement

- Unless underwriting guidelines by the Company provide otherwise, this endorsement requires a survey reflecting the current Improvements. All encroachments over property lines or easements should be included as exceptions.
- Section 4 of the endorsement should include any improvements which encroach over more than one half of the width of an easement; any improvements which encroach over adjoining land or onto a road; or any improvements located on adjoining land which encroach onto the Land.
- Please consult an underwriter for further guidance before issuing this endorsement.

## ALTA 28.1 Endorsement Form

- Paragraph 1 states that the endorsement is subject to the exclusions and exceptions from coverage in the Policy.
- Paragraph 2 defines the word “Improvement.”
- For purposes of this endorsement only, “Improvement” means an existing building, located on either the Land or adjoining land at Date of Policy and that by law constitutes real property.
- Paragraph 3 and subparagraphs 3a, 3b, and 3c list the affirmative coverage that is being provided by the endorsement.
- Paragraph 4 lists the exclusions from coverage.

## Encroachment Coverage – ALTA 28.2 Endorsement

- ALTA 28.2 (Encroachments - Described Improvements).
- This endorsement is slightly different than the ALTA 28.1, as the coverage is broader in scope.
- The improvements need to be specifically itemized in the ALTA 28.2 endorsement, so additional affirmative coverage can be provided.
- Some examples of itemized improvements can include a fence, shed, garage, or patio, and these improvements must be itemized in Paragraph 2 of the endorsement.
- We can only issue either the ALTA 28.1 or ALTA 28.2 on a loan policy, not both.

## ALTA 28.2 Endorsement Form

- Similar to the ALTA 28.1 endorsement form.
- Only difference is Paragraph 2 in which the term “improvement” is specifically defined to include the items in the survey reading.
- The VU requirements for the ALTA 28.2 endorsement are the same as if you were issuing the ALTA 28.1 endorsement.



## **Encroachment Coverage – ALTA 28.3 Endorsement**

- ALTA 28.3 (Encroachments - Described Improvements and Land Under Development).
- Same requirements as issuing the ALTA 28.1 or ALTA 28.2 endorsement.
- However, this endorsement can only be issued if land is currently under development at the date of Policy.

## ALTA 28.3 Endorsement Form

- Paragraph 1 states that the endorsement is subject to the exclusions and exceptions from coverage in the Policy.
- Paragraph “2a” defines the word “Improvement.”
- Paragraph “2b” defines the word “Future Improvement,” and limits it to buildings, structures, or paved areas, including roads, walkways, parking areas, driveways, or curbs.
- Paragraph “2c” defines the word “Plans.”
- Paragraph “2c” must disclose the full information for the building site plans that were prepared by an architect or engineer for the property in question.

## **ALTA 28.3 Endorsement Form (cont.)**

- Paragraph 3 lists the affirmative coverage that is being provided by the endorsement.
- Similar to the ALTA 28.1 and ALTA 28.2, Paragraph 4 lists the exclusions from coverage.

## Paragraph 4 of the ALTA 28 Forms

- Paragraph 4 of the following endorsements (ALTA 28.1; 28.2; and 28.3) specifically notes any exceptions for which insurance will not be provided.
- This paragraph can cause confusion, since it contains a double negative.
- Therefore, if we are providing affirmative coverage over any encroachments disclosed in the survey reading, this paragraph should be completed with the word “None” in the blank.
- The word “None” denotes that we are providing affirmative coverage over the encroachments via the endorsement.

# Insuring an Appurtenant Easement

- If we are insuring an easement for ingress and egress as part of our legal description, the easement must benefit our parcel.
- An appurtenant easement benefits a specific parcel of land, known as the dominant estate.
- An appurtenant easement also attaches to the ownership of the dominant estate.
- If the dominant estate is sold, the appurtenant easement will pass to the new owner, and if the servient estate is sold, it will remain subject to the easement.

## Insuring an Appurtenant Easement (cont.)

- Please note that an appurtenant easement search can take just as long as a standard title search, so we need to know as soon as possible if there is a request by the parties to have us insure an appurtenant easement.
- When reviewing a recorded easement, the easement agreement should clearly define the specific purpose of the easement.
- If the easement agreement is not clear in its terms or provisions, please contact your underwriter for further guidance.

## Other Endorsements to Consider

- ALTA 17 (Direct Access) and ALTA 17.1 (Indirect Access)
  - Does our property abut a public road or have direct access to the public road?
  - If there is no direct access, is there an easement which benefits our property for access to a public road (indirect access)?
- ALTA 19 series (Contiguity)
  - The survey must disclose that the parcel (ALTA 19.1) or parcels (ALTA 19.2) are contiguous in order for us to provide coverage.



## Other Endorsements to Consider (cont.)

- ALTA 22 (Location) and ALTA 22.1 (Location and Map)
  - Title companies do not insure property addresses. The surveyor is relied upon to provide an accurate street address for the property.
  - However, we can issue the Location endorsement if there is an existing building and street address disclosed on a survey.
  - The Location endorsement should not be issued for vacant land or land under development, since the improvements on the property may be subject to change after the date of policy.

## Lender's Survey “Without Survey” Endorsement

- In NJ, we can issue this endorsement for loan policies only.
- Can be issued for both commercial and residential properties.
- Coverage is the same as that provided in the NJ Survey endorsement, in the event that there is no existing survey for the property.
- Other factors to consider when issuing the endorsement.
  - e.g. Search of the property on Google Earth; confirmation that there are no significant issues with the property as far as encumbrances on title.

# Survey (Without Survey) for Condominiums and Co-Ops

- Can be issued for both Owner's and Loan policies.
  - Issued for only residential condominiums or co-operatives.
  - Coverage does not extend to common elements or non-contiguous limited common elements appurtenant to the unit.

## Wrap-Up and Review

- Surveys can help identify significant issues with the property (encroachments, easements, access and entry).
- Surveys are typically required for extended coverage on policies.
- Know the difference between a boundary survey and ALTA survey – not all surveys are created equal.
- Always review the record and as surveyed legal description and make sure they conform with one another.

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### Keyword Search

Example : Absentee

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Select a state ▼

# Virtual Underwriter

[NJUWing@Stewart.com](mailto:NJUWing@Stewart.com)



# THANK YOU FOR JOINING US

Please mark your calendars for our:

## APRIL N2K HOUR

Tuesday

April 11th

11:00AM

Insuring Solar Energy Deals