

UNDERWRITING BULLETIN

To: All Florida Agents of WFG National Title Insurance Company
From: WFG Florida Underwriting Department
Date: March 18, 2015
Bulletin No.: FL-2015-03
Re: Surveys - Use of Prior Surveys and Reliance on Prior Policies

Background

Every title commitment should have a standard survey exception similar to this: *“Encroachments, overlays, boundary line disputes, and other matters disclosed by a survey meeting the standards of practice for surveying.”* That exception will be carried over to the policy unless a survey meeting the conditions set forth in Florida Statute [627.7842\(1\)\(a\)](#) is obtained for the closing. Florida Statute 627.7842(1)(a) provides, as follows:

“If a survey meeting the standards of practice for surveying required by the Department of Agriculture and Consumer Services and certified to the title insurer by a registered Florida surveyor has been completed on the property within 90 days before the date of closing, the title policy may only except from coverage the encroachments, overlays, boundary line disputes, and other matters which are actually shown on the survey.”

If a survey meeting the conditions set forth in F.S. [627.7842\(1\)\(a\)](#) is obtained for the closing, you are required to delete the standard survey exception but may make specific exceptions in the policy for encroachments, overlaps, and other matters shown on the survey.

Use of Prior Surveys

WFG will allow you to use a prior survey to delete the standard survey exception for a sale or a mortgage under the following conditions:

1. The transaction is for residential property.
2. The prior survey, which can be of any age, is certified to the current owner.
3. The owner executes a survey affidavit confirming that there have been no improvements made to the property or to the adjoining property since the date of the survey.

With the prior survey and the survey affidavit, you may delete the standard survey exception. However, you must make specific exceptions for encroachments, overlaps, and other matters

shown on the survey. You may issue a Form 9 (9-06, 9.1-06, or 9.2-06) to the lender and/or buyer under the same requirements to issue a Form 9 when a new survey is obtained.

Use of prior surveys for commercial transactions requires prior Underwriting Approval.

Use of Prior Policies

As discussed above, F.S. [627.7842](#)(1)(a) requires that the standard survey exception be deleted and not included in the title policy when a survey meeting the standards of practice for surveying is obtained for the closing. Based on that statutory requirement, if an owner's policy or a lender's policy does not contain the standard survey exception, a survey must have been obtained for that transaction; otherwise the standard survey exception would not have been deleted from the policy.

Based on the forgoing, WFG will allow you to delete the standard survey exception without a survey under the following conditions:

1. The transaction is a refinance of residential property.
2. The owner/mortgagor provides you with a copy of either an owner's policy insuring the current owner, or a lenders' policy insuring the owner's mortgage.
3. The prior policy does not contain the standard survey exception.
4. The owner/mortgagor executes a survey affidavit confirming that there have been no improvements made to the property or to the adjoining property since the date of the policy.

You must make exceptions for all survey matters shown as exceptions in the prior policy. You may issue a Form 9-06 to the lender under the same requirements to issue a Form 9 when a survey is obtained.

Forms for the two affidavits referenced herein can be found at the following:

Use the following link for Survey Affidavit:

[Survey Affidavit .docx](#)

Use the following link for Survey Affidavit for Use with Prior Policies:

[Survey Affidavit For Use With Prior Policies.docx](#)



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