



NEW MEXICO UNDERWRITING BULLETIN

Date: June 20, 2012

From: Susan McKnight

RE: Survey Requirements and Underwriting Guidelines Effective July 1, 2012

The 2012 order of the Superintendent of Insurance amended the definition of a recent survey under §13.14.1.25(F), NMAC to delete the 6-month limitation and define a recent survey as one which meets the requirements of the insurer. WFG provides the following guidelines for agents to delete standard exceptions 2 and 3 from a WFG title insurance policy:

A. RESIDENTIAL OWNER'S AND LOAN POLICIES:

1. Platted Subdivisions

WFG will accept a prior survey of any age, whether or not it was prepared for the current owner, provided:

- a. the survey or ILR appears to show all current improvements;
- b. the survey or ILR was prepared by a reputable surveyor; and
- c. the current owner signs an affidavit that the survey or ILR appears to be accurate and no changes or improvements have been made since the date of the survey or ILR and they are unaware of any boundary disputes or claims of adverse use.

If the survey shows only vacant land or a foundation, and the property has been improved with a structure, a new survey is required.

2. Rural Property

A prior survey or satisfactory ILR based on a recorded plat, not more than nine years old is acceptable if:

- a. the survey or ILR appears to show all current improvements;
- b. the survey or ILR was prepared by a reputable surveyor;
- c. the survey or ILR shows legal access and all evidence of use, including foot paths, bridal paths and roads,
- d. the survey or ILR contains a complete metes and bounds description; and

e. the current owner signs an affidavit that the survey or ILR appears to be accurate and no changes or improvements have been made since the date of the survey or ILR and they are unaware of any boundary disputes or claims of adverse use.

If any of these requirements cannot be satisfied, a new survey is required.

B. POLICIES INSURING TITLE TO COMMERCIAL PROPERTY:

1. Owner's Policies

Generally, attorneys involved in the sale of commercial property will require a new survey. WFG will not provide survey owner's coverage on commercial property without a complete boundary or ALTA survey that is not more than one year old. If the parties wish to obtain coverage without such a survey, contact WFG underwriting counsel for approval and/or further requirements.

2. Loan Policies

For a refinance of commercial property, WFG will provide survey coverage on commercial property with a prior complete boundary or ALTA survey that is not more than five years old and an affidavit of the borrower that the survey appears to be accurate and no changes have been made to the property. If the parties wish to obtain coverage without such a survey, contact WFG underwriting counsel for approval and/or further requirements.

NOTE: All adverse matters shown on any survey or ILR must be shown as a specific exception in Schedule B, Part I of the policy. Contact WFG underwriting counsel for assistance and approval if you have any questions or concerns.