

***** DRAFT – NOT FOR FILING *****

3901-7-05 **Insuring over the standard survey exception in title insurance policies.**

(A) Purpose

The purpose of this rule is to set forth the minimum standard required in a reasonable examination of title to insure over the standard survey exception in a title insurance policy.

(B) Authority

This rule is promulgated pursuant to the authority vested in the superintendent under section 3901.041 of the Revised Code.

(C) Survey requirements

When providing survey coverage in a policy of title insurance, the title insurer may do so only with some evidence of survey. Evidence of survey for purposes of providing survey coverage in a policy of title insurance may be:

- (1) A survey of any type by a licensed surveyor including, but not limited to, a mortgage location survey as defined in rule 4733-38 of the Administrative Code, a boundary survey as defined in rule 4733-37 of the Administrative Code showing any improvements, or an American Land Title Association/American Congress on Surveying and Mapping (ALTA/ACSM) survey issued to a prior owner or previously issued to the current owner and delivered to the title insurer together with an affidavit to the effect that no additions or other changes have occurred with respect to the subject property;
- (2) A Geographic Information System (GIS) map or any other graphic information that incorporates or is based on survey information from the county auditor or county engineer office that depicts the boundaries of the property along with improvements; or
- (3) A new survey of any type by a licensed surveyor including, but not limited to, a mortgage location survey as defined in rule 4733-38 of the Administrative Code, a boundary survey as defined in rule 4733-37 of the Administrative Code showing any improvements, or an American Land Title Association/American Congress on Surveying and Mapping (ALTA/ACSM, prepared in connection with the subject transaction.

(D) Paragraph (C) of this rule shall not apply to survey coverage in a policy of title insurance insuring an interest in a condominium unit as defined in section 5311.01 of the Revised Code or a mortgage secured by such an interest. Evidence of survey

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shall be the condominium instruments as defined in section 5311.01 of the Revised Code.

(E) Severability

If any paragraph, term or provision of this rule or the application thereof to any person or situation be adjudged invalid for any reason such invalidity shall not affect, impair or invalidate any other section, term or provision of this rule or the application thereof which can be given effect without the invalid provision or application and to this end the provisions of this rule are declared to be severable.