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| Our office encourages every Buyer to obtain a survey for their protection. A Survey tells you where the lot lines of the property are. As a Buyer, you want to make sure the Seller is conveying the property you agreed to buy. Most owners do not know exactly where their lot lines are; therefore, the property lines are not always protected from neighbors building encroachments onto the property or from the owner encroaching onto the neighbor. Your Seller has contracted to provide you title to the property free and clear of all defects. A survey issue is a title defect. Therefore if you obtain a survey prior to closing and there is a problem, you can force the Seller to remedy the problem before closing. If you take the property without obtaining a survey and after closing there is a problem, then it is your problem.If there is an existing survey, you can ask the Seller to sign what is called a "Survey Affidavit" where they essentially say to their knowledge the lot lines haven't changed since the survey was done. The title insurance company will then provide you title insurance coverage to the date of the survey. You do not have coverage from the date of the survey forward. If there have been any changes from the survey date forward that are encroachments, the problems will be yours to rectify without title insurance stepping in to help protect your interest. Obtaining a new survey is the only way to get full title insurance coverage as a Buyer for survey issues.You will need to assess your risk of not obtaining a new survey by walking your property lines to see if the stakes are still at the corners prior to your purchase. If there are any fences, walls, structures, driveways etc that cross over onto your property, a survey issue may exist. This can also be in the reverse--if any structures protrude from the lot you are buying. Watch out also for driveways and garages to make sure they are within the lines. Surveys often disclose hidden defects to the naked eye such as old gravesites or unmarked easements.A survey is to protect YOU. Your Lender no longer cares whether you obtain a survey because title insurance will provide lender's insurance coverage for survey issues no matter if you have a new survey or not. A survey is generally anywhere from $350.00 - $650.00 depending on the lot size and whether there are still corners at the property.Ultimately, it is your decision as a Buyer. Just remember after closing you have obtained the property “as is”.The Terry Law Firm, PLLCDaniel A. Terry |

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