

Chapter 4733-38

**MINIMUM STANDARDS
FOR MORTGAGE LOCATION SURVEYS
IN THE STATE OF OHIO**

Note: Chapter 4733-38 of the Administrative Code was filed pursuant to Chapter 119 of the Revised Code.

- 4733-38-01 Preamble
- 4733-38-02 Research and Investigation
- 4733-38-03 Monumentation
- 4733-38-04 Measurement Specifications
- 4733-38-05 Mortgage Location Survey Plat

4733-38-01 PREAMBLE.

THESE STANDARDS ARE INTENDED TO BE THE MINIMUM REQUIREMENTS FOR MORTGAGE LOCATION SURVEYS IN THE STATE OF OHIO.

A "MORTGAGE LOCATION SURVEY" SHALL BE DEFINED AS AN INSTRUMENTALITY, COMMON TO THE MORTGAGE LENDING INDUSTRY, WHEREBY, SUBSTANTIAL PROOF IS SUBMITTED TO THE MORTGAGE LENDER AND/OR TITLE INSUROR THAT THE BUILDING(S) AND/OR OTHER IMPROVEMENTS ARE ACTUALLY LOCATED ON THE LAND COVERED BY THE LEGAL DESCRIPTION IN THE MORTGAGE AND THAT SAID MORTGAGE LOCATION SURVEY IS A PROFESSIONAL SERVICE PROVIDED BY PROFESSIONAL SURVEYORS SOLELY FOR THE INTENT OF AND USE BY THE MORTGAGEE AND/OR TITLE INSUROR. THE MORTGAGE LOCATION SURVEY DOES NOT CONSTITUTE AN IMPROVEMENT TO THE PROPERTY, AND IS ONLY A PROFESSIONAL OPINION WHICH THESE PARTIES MAY USE AS A GUIDE TO ARRIVE AT ANY DECISIONS THEY MAY WISH TO MAKE CONCERNING SAID REAL PROPERTY.

HISTORY: EFF. 2/15/90
Authority: R. C. Chapter 4733

4733-38-02 RESEARCH AND INVESTIGATION.

(A) THE PROFESSIONAL SURVEYOR SHALL USE THE DESCRIPTION FURNISHED BY THE CLIENT TO PERFORM THE MORTGAGE LOCATION SURVEY. IF THE PROFESSIONAL SURVEYOR DETERMINES THE DESCRIPTION TO CONTAIN APPARENT INCOMPLETENESS OR INSUFFICIENCIES, THE PROFESSIONAL SURVEYOR SHALL SO ADVISE THE CLIENT.

(B) AFTER ALL NECESSARY WRITTEN DOCUMENTS, AS FURNISHED BY THE CLIENT, HAVE BEEN ANALYZED, THE SURVEY SHALL BE BASED ON A FIELD INVESTIGATION OF THE PROPERTY. THE PROFESSIONAL SURVEYOR SHALL MAKE A THOROUGH SEARCH FOR PHYSICAL MONUMENTS AND ANALYZE EVIDENCE OF OCCUPATION.

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4733-38-03 MONUMENTATION.

THE PROFESSIONAL SURVEYOR NEED NOT SET BOUNDARY MONUMENTATION UNDER THE PROVISION HEREIN UNLESS THE CLIENT REQUESTS BOUNDARY MONUMENTATION BE SET. IF REQUESTED TO SET BOUNDARY MONUMENTATION, THE PROFESSIONAL SURVEYOR SHALL CONFORM TO ALL PROVISIONS OF RULE 4733-37-03 OF THE ADMINISTRATIVE CODE.

HISTORY: EFF. 2/15/90
Authority: R. C. Chapter 4733

4733-38-04 MEASUREMENT SPECIFICATIONS.

ALL MEASUREMENTS SHALL BE MADE IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

(A) THE PROFESSIONAL SURVEYOR SHALL KEEP HIS EQUIPMENT IN SUCH REPAIR AND ADJUSTMENT AS TO CONFORM TO THE PROVISIONS OF PARAGRAPH (A) OF RULE 4733-37-04 OF THE ADMINISTRATIVE CODE.

(B) EVERY MEASUREMENT OF DISTANCE SHALL BE MADE EITHER DIRECTLY OR INDIRECTLY IN SUCH A MANNER THAT THE LINEAR ERROR IN THE REPORTED DISTANCE SHALL NOT EXCEED:

(1) TWO-TENTHS (0.2) OF A FOOT FOR MAJOR IMPROVEMENTS [SEE PARAGRAPH (G) OF RULE 4733-38-05 OF THE ADMINISTRATIVE CODE].

(2) ONE-HALF (0.5) OF A FOOT FOR MAJOR IMPROVEMENT LOCATION [SEE PARAGRAPH (J) OF RULE 4733-38-05 OF THE ADMINISTRATIVE CODE].

WHEN A CASE ARISES WHEREIN A GREATER LINEAR ERROR WILL NOT CREATE AMBIGUITY OF LOCATIONS (i.e., TRACTS WHERE THE IMPROVEMENTS ARE LOCATED SUBSTANTIAL DISTANCES FROM BOUNDARIES), THEN THE PROFESSIONAL SURVEYOR MAY USE A GREATER LINEAR ERROR, PROVIDED THE TOLERANCE IS CLEARLY INDICATED ON THE SURVEY PLAT (e.g., 500 FEET +/- 5 FEET).

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4733-38-05 MORTGAGE LOCATION SURVEY PLAT.

THE PROFESSIONAL SURVEYOR SHALL INCLUDE THE FOLLOWING INFORMATION ON THE MORTGAGE LOCATION SURVEY PLAT.

(A) A TITLE SUCH THAT THE GENERAL LOCATION OF THE SURVEY CAN BE IDENTIFIED.

(B) A NORTH ARROW.

(C) THE BOUNDARY LINES AS CITED IN THE LEGAL DESCRIPTION, INCLUDING PERTINENT REFERENCES THEREIN.

(D) THE WRITTEN AND GRAPHICAL SCALE OF THE DRAWING.

(E) THE DATE OF SURVEY.

(F) THE PROFESSIONAL SURVEYOR'S NAME, REGISTRATION NUMBER, SIGNATURE, AND SEAL IN ACCORDANCE WITH PARAGRAPH (C) (10) OF RULE 4733-37-05 OF THE ADMINISTRATIVE CODE.

(G) MAJOR IMPROVEMENTS (PERMANENT STRUCTURES) SHALL BE SHOWN WITH DIMENSIONS AND DESCRIPTION (e.g., RESIDENCE, GARAGES, OUT-BUILDINGS WITH FOUNDATION, IN-GROUND POOLS, AND THE LIKE).

(H) EASEMENT LIMITS AND BUILDING SET-BACK LINES AS INDICATED ON THE RECORDED PLAT OR AS SUPPLIED BY THE CLIENT.

(I) VISIBLE UTILITY FACILITIES REQUIRING AN EASEMENT AND LOCATED OUTSIDE KNOWN EASEMENTS, CROSSING THE SUBJECT PROPERTY AND SERVING OTHERS, SUCH AS, THOUGH NOT LIMITED TO: POLE LINES, MANHOLES, INLETS AND PEDESTALS AND THE LIKE.

(J) MAJOR IMPROVEMENT LOCATIONS SHALL BE SHOWN WITH DIMENSIONS TO THE NEAREST PROPERTY LINES, WITH A MINIMUM OF TWO DIMENSIONS SHOWN, AND SHALL BE SUFFICIENT TO LOCATE THE STRUCTURE (OFFSETS SHALL BE SHOWN PERPENDICULAR TO STRAIGHT PROPERTY LINES AND RADIALY TO CURVED PROPERTY LINES).

(K) APPARENT ENCROACHMENTS SHALL BE NOTED AND SHOWN IN AN OBVIOUS MANNER.

(L) THE ADDRESS POSTED ON THE BUILDING(S), IF AVAILABLE.

(M) OBSERVED PROBLEMS OF INGRESS AND EGRESS AND JOINT DRIVE.

(N) FENCES OR OTHER EVIDENCE OF POSSESSION WHEN NOT IN SUBSTANTIAL CONFORMANCE WITH THE LEGAL DESCRIPTION.

(O) A STATEMENT SHALL APPEAR ON THE PLAT INDICATING THAT THE SURVEY IS A MORTGAGE LOCATION SURVEY PREPARED IN ACCORDANCE WITH CHAPTER 4733-38 OF THE ADMINISTRATIVE CODE, AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37 OF THE ADMINISTRATIVE CODE.

(P) NUMBER EACH PAGE SHOWING INDIVIDUAL PAGE NUMBERS ALONG WITH NUMBER OF PAGES.

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