

# For Your Protection: You Might Need a New Survey

Name of Buyer(s) : \_\_\_\_\_

Name of Seller(s) : **Ben Morris, Margaret Morris**

Property Address : **42 W Shore Dr.  
Montgomery, TX 77356-8272**

## Information for Buyer(s) Consideration

A Survey is an external inspection of the property designed to identify boundary lines, fence lines, and other permanent structures on the property. The Survey will also identify the boundary lines and fence lines of all adjacent properties.

In the Texas Real Estate Commission (TREC) contract form #20-9 *One to Four Family Residential Contract* and form #25-7 *Farm and Ranch Contract*, written in Paragraph 6, ***Title Policy and Survey***, the title insurance policy lists standard printed exceptions as to discrepancies, conflicts, and shortages in area or boundary lines, etc. **Buyer, at Buyer's expense, may have the exception amended to read "shortages in area"**.

Accepting a Survey from the Seller(s) to use in the closing of your home purchase may leave you liable.

## Information for Seller(s) Consideration

**Texas Law does not require Seller(s) to allow Buyer(s) the use of their existing Survey for the purpose of closing the sale of their property.** If the Seller(s) agrees to allow the Buyer(s) to use the existing Survey, the Seller(s) must sign a Residential Real Property Affidavit T-47 and deliver it along with the old survey. This Affidavit is the Texas Association of Realtors® (TAR) form #1907.

### Why Is This A Seller(s) Concern?

The Texas Courts have deemed that a Surveyor's liability is limited to the customer to whom it provided the Survey. The Seller(s) may be held liable for any error(s) on the Survey they give to the potential Buyer(s) due to the fact they have now made the Surveyor a third party to the transaction.

I/We understand the importance of having an independent Survey. I/We have considered our options and are aware of the inherent risks.

|  |  |
|--|--|
|  |  |
|--|--|

Buyer

Date

|  |  |
|--|--|
|  |  |
|--|--|

Buyer

Date