**Texas Short Form language:**

2. Any shortages in area. This policy insures against loss or damage arising from any encroachments or protrusions, or any overlapping of existing improvements located on the land onto adjoining land, and encroachments onto the land of existing improvements located on adjoining land.

**Texas Long Form Language:**

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.

**Texas Rules:**

**P-2. Amendment of Exception to Area and Boundaries**

1. General Instructions
In either an Owner or Mortgagee Policy, when the Insured desires to have amended the exception as to area and boundaries, (i.e. Item 2 of Schedule B) to delete all save "shortages in area", a title insurance company may accept an existing real property survey and not require a new survey when providing area and boundary coverage if the title insurance company is willing to accept evidence of an existing real property survey, and an affidavit verifying the existing survey, notwithstanding the age of the survey or the identity of the person for whom the survey was prepared. If the transaction involves Residential Real Property, the affidavit verifying the existing survey shall be the Form [T-47](http://www.tdi.texas.gov/title/documents/formT-47.pdf)Residential Real Property Affidavit. The policy to be issued shall cover the same land as described in the evidence of the existing real property survey. The Company may, if it considers the additional hazard insurable, amend such exception (the Company may waive the requirement of a survey in connection with the issuance of its Mortgagee Policy insuring the lien on a condominium unit), by indicating same in Schedule B of the policy or by endorsement as provided herein upon payment of the premium prescribed in [R-16](http://www.tdi.texas.gov/title/titlem3b.html#r16) in the case of an Owner Policy. The survey must be acceptable to the Company.
2. Residential Refinance, Affidavit in Lieu of Updated Survey
This Sub-Section P-2.b. shall apply solely to transactions involving Residential Real Property in connection with a Mortgagee Policy issued on a loan to renew, extend or satisfy a lien already covered by a Mortgagee Policy. On transactions covered by this Sub-Section, the Company shall notify the borrower of the borrower's right to substitute a qualifying Affidavit in Lieu of an Updated Survey. Such notice shall be given: (i) when the application for title insurance is received; or (ii) when the commitment for title insurance is first issued. On qualifying transactions under this Sub-Section, the exception as to area and boundaries shall be amended to read: "Shortages in area" {subject to any additional exceptions, or express insurance coverage, deemed appropriate by the Company} provided that the following requirements are satisfied:
	1. The borrower provides to the Company an original, or legible copy of the survey {hereinafter the "Prior Survey"} performed in connection with: (i) the transaction under which the borrower acquired title to the Residential Real Property; or, (ii) a prior loan transaction by the borrower involving the Residential Real Property. The Prior Survey shall not be dated earlier than 7 years prior to the date of the Mortgagee Policy to be issued or performed for another person, unless the Company is willing to accept evidence of an existing survey in accordance with Sub-section-P-2.a.
	2. The borrower has actual knowledge of the physical condition of the Residential Real Property since the date of the Prior Survey.
	3. The Mortgagee Policy to be issued in connection with the current refinance transaction will describe under item "5" of Schedule "A" the same land described in the Prior Survey.
	4. The borrower executes an affidavit concerning the Residential Real Property stating that, since the effective date of the Prior Survey and up to and including the date of the affidavit, there have been no:
		1. construction projects such as new structures, additional rooms, garages, swimming pools or deckings;
		2. changes in the location of boundary fences or boundary walls;
		3. construction projects on immediately adjoining property(ies) which construction occurred near the boundary of the Residential Real Property;
		4. conveyance or replattings or easement grants or easement dedications by the borrower.
3. A title insurance company may not discriminate in providing area and boundary coverage in connection with residential real property solely because: (1) the real property is platted or unplatted; or (2) a municipality did not accept a subdivision plat in relation to the real property before September 1, 1975.
4. A title insurance company may not require an indemnity from a seller, buyer, borrower, or lender to provide area and boundary coverage.
5. If an affidavit is provided to the Company pursuant to this Rule and the affidavit is incorrect, whether due to the negligence or intentional act of the affiant, the area and boundary coverage given pursuant to this Rule shall be unaffected and in full force and effect; provided, however, the exclusions contained in the policy shall not be affected in any way.

#### P-51. Texas Short Form Residential Mortgagee Policy of Title Insurance (T-2R)

A Company may issue a Texas Short Form Residential Mortgagee Policy of Title Insurance ( [T-2R](http://www.tdi.texas.gov/title/documents/form_t-02r.pdf)) on property that is Residential Real Property if that policy is requested by the proposed insured and the Company's requirements are met. The Company shall not issue a Texas Short Form Residential Mortgagee Policy of Title Insurance (T-2R) unless it receives a survey of the kind described in Sub-Section a. of Procedural Rule [P-2](http://www.tdi.texas.gov/title/titlem4a.html#p2), or, if the transaction qualifies under other Sub-Sections of Procedural Rule P-2, a survey and qualifying affidavit described in the other applicable Sub-Section(s) of Procedural Rule P-2.