

56<sup>th</sup> Annual William W.  
Gibson, Jr  
MORTGAGE LENDING  
INSTITUTE

# Easements Appurtenant

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## Topics

- Types of Easements & Other Interests in Land
- Creation of Easement Appurtenant
- Rights and Duties Created by Easement Appurtenant
- Overburdening & Redevelopment Planning
- Termination of
- Title Insurance & Easements Appurtenant

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# Types of Easements

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## Easement 101

- Easements are non-possessory interests in the land of another authorizing the owner of the easement to use the other's land for a particular purpose.
- Does not convey estate in land itself, but a right to use land of another without interference.

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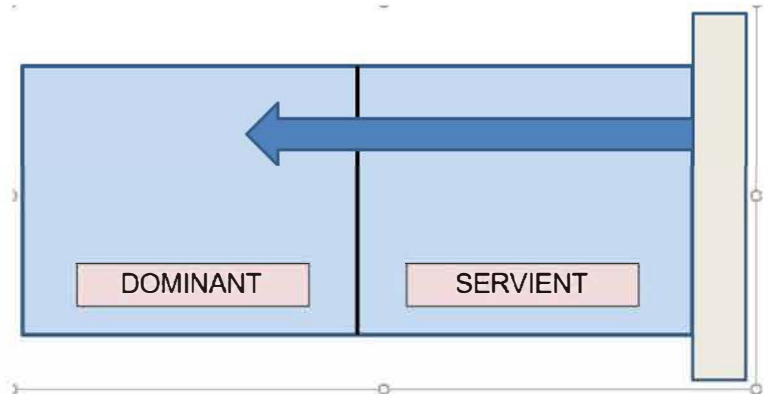


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# Easement Appurtenant

- Creates a right to use a servient estate for the benefit of the dominant estate.
- Attaches to & runs with the land regardless of identity of the owner of either estate.
- Transfers automatically with conveyance of dominant estate.
- Benefits entire dominant estate unless limited.



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# Affirmative vs. Negative

## Affirmative Easement

- The right to use another's property for a specific purpose:
  - Grantor grants to Grantee, its successors and assigns, a perpetual non-exclusive easement whereby Grantee may access Grantee's property as described in the attached Exhibit "A".

## Negative Easement

- The right to prevent another from using the property for an otherwise lawful purpose:
  - "Grantor grants to Grantee, its successors and assigns, a perpetual, non-exclusive negative easement, whereby Grantor covenants and agrees that it will not construct any permanent improvements within the "No-Build Area" described in the attached Exhibit "A".

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