

# Easements

Property · Professor Ford

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# Three ways to classify easements

- Appurtenant / in gross
- Affirmative / negative
- How formed:
  - Express
  - Implied from prior existing use
  - Implied by necessity
  - Prescriptive
  - Implied by estoppel

# Three ways to classify easements

- Is it an **easement appurtenant** or an **easement in gross**?
  - **appurtenant**: attached to a specific piece of land and conveys with it
  - **in gross**: held by a person, not attached to a piece of land

# Three ways to classify easements

- Is it an **affirmative easement** or a **negative easement**?
  - **affirmative**: gives holder the right to make use of the land
  - **negative**: gives holder the right to prevent someone else from making use of the land

# Three ways to classify easements

- How was it **formed**?
  - **express easement**: voluntarily created by a written instrument
  - **easement implied from prior existing use**: when two parcels were once owned by the same person but later severed, and the use of one lot for the benefit of the other lot is reasonably necessary and predates severance

# Three ways to classify easements

- How was it **formed**?
  - **easement implied by necessity**: when two parcels were once owned by the same person but later severed, and the use of one lot for the benefit of the other is strictly necessary
  - **prescriptive easement**: similar to adverse possession, arises by use over the years

# Three ways to classify easements

- How was it formed?
  - easement implied by estoppel: when a licensee expends significant resources in reliance on a license to use land

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# *Van Sandt v. Royster*

