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Equitable Servitudes

Affirmative easement- A is given the right to enter B's land

:A's estate- dominant

:B's estate- subserviant

Negative easement- A is given the right to enforce a restriction on B's land

- A's estate- dominant

- B's estate subserviant

Dominant Tenement- getting benefit

Subserviant - giving benefit

Appurtenant

A owns both

Dryacre

Wetacre (pond)

A sells to B wetacre, retains
easement to the pond

Deed from A to B: included
easement for benefit of dryacre

- dominant tenement: dry acre

-subservient tenement: wetacre

“Dryacre retains easement
appurtenant to wetcare.”

A sells dryacre to C

dom ten: dryacre

B sells wetacre to D

subservient ten: wetacre

Easement in Gross

“A retains easement in gross to
wetacre.”

easement stays with A

Willard v. First Church of Christ

Lot 20 (parking lot)- subservient
tenement

Church- dominant tenement
GM conveyed to Peterson with
easement in favor of Church
Privity
NO privity and church
“Reserving”
MG sold to Church in fee simple
Church couldve sold it to
Peterson, reserving easement

Supreme Court
Reverse-

Holbrook v. Taylor

1942- Holbrook purchased prop
1944- gave coal company
permission to use a road
44-49- Road used, until moine
closed
57- H built house, burned
1964- Taylor bought land
-used road to build house
-improved on road
1970-

Trial Court

Taylor- brought quiet title

Estoppel- detrimental reliance

Prescription

Supreme Court-

Estoppel-

Grant: when court implies an
easement, though none is in any
instrument- benefit of the grantee

Reservation: forcing easement on
someone else- detriment of the
grantor

- title: fee simple, giving easement,
less than fee simple