

Empire College School of Law

Issue Outline Real Property Spring 2016

Question # 1

Vocabulary:

Easement: nonpossessory interest, affirmative and negative, dominant and servient estate, private easement, appurtenant, defined or floating.

Types:

Express easement, implied easement, easement by necessity, easement by prior use, easement by prescription, easement by estoppel.

Concerns:

Terminated by: release, expiration if the easement reached a formal expiration date, abandonment, merger, estoppel, prescription.

Subject to termination by overburdening: use of cars, utilities.

Solutions:

Title search, use history, survey, direct negotiations with neighbor.

Question # 2

10th Amendment police powers. Sonoma County Code/sign ordinance violation, potential cure – variance. Taking under the 5th Amendment. 1st Amendment free speech. Commercial speech protection level. Danger to motoring public/vision obstruction or to anyone near from physical collapse. Nuisance: private or public.