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1. Ed v. Fran

Effects of the right-of-way easement granted to Fran.

A written agreement conveying an easement runs with the land. Ed granted Fran an easement and it cannot be revoked unless the reason for the grant of the easement no longer exists or the easement holder overburdens the easement and the servient estate.

The proposed optic cable will be an encumbrance.

Here, when the easement was granted, Fran operated a commercial farm with a small bunkhouse for farm workers on her land. There was not much foot traffic and Ed's land was not burdened by the easement. Now Fran wants to run electric lines and fiber optics cable along the easement lane because she now wants to convert her farm into a 50-lot residential subdivision. This change proposed by Fran will completely change the purpose of the easement as it will now have residents of a 50-lot subdivision pass through the easement. If this proposed change by Fran will unnecessarily burden the easement and Ed, Fran can be enjoined from changing the easement and may be prevented from placing the optic cables.

Fran can have access to the highway without the using the easement. The facts indicate that Fran uses the easement to access the farm and bunkhouse from the highway. If Fran has access to the highway directly, she does not need the easement lane.

2. Ed v. Henry

A covenant entered by two parties that binds the successors in interest runs with the land. Future owners of the land must abide by the covenants of the land.

Here, Ed and Gloria entered into a covenant that Gloria's successors in interest would use her property only as a commercial organic garden in exchange for Ed purchasing produce from Gloria for use in his inn. When Gloria sold her property to Henry, this covenant ran with the land and therefore, Henry will be barred from converting the property into a combination truck stop and diner.

Henry will argue that the written agreement between Gloria and Ed does not run with the land

and therefore he has the right to convert his property. The promise is not a true covenant affecting the use of the land in that it does not truly bind Ed because it does not bind Ed's successors to the land unlike Gloria. Therefore, Henry can convert his land into a diner.

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