

CHAPTER 2 - RIGHTS

I. OWNERSHIP

A. POSSESSION.

B. USE OR CONTROL.

C. ENJOYMENT.

D. DISPOSITION.

II. ESTATES IN LAND

A. FREEHOLD ESTATES.

1. FEE SIMPLE ABSOLUTE (ALSO CALLED FEE SIMPLE, OR FEE).

2. CONDITIONAL FEE.

a. Fee simple determinable.

b. Fee simple on condition subsequent.

3. LIFE ESTATES.

a. Ordinary life estates.

b. Life estate pur autre vie.

4. REMAINDER ESTATES.

5. REVERSIONARY ESTATES.

6. LEGAL LIFE ESTATES.

a. Dower.

b. Curtesy.

c. Homestead protection.

B. LEASEHOLD ESTATES.

1. ESTATE FOR YEARS.

2. ESTATE FROM PERIOD-TO-PERIOD.

3. ESTATE AT WILL.

4. ESTATE AT SUFFERANCE.

III. ENCUMBRANCES

A. GOVERNMENTAL RIGHTS (PUBLIC ENCUMBRANCES).

1. POLICE POWER.

2. EMINENT DOMAIN.

3. TAXATION.

4. ESCHEAT.

B. PRIVATE ENCUMBRANCES WHICH CREATE A LIEN.

1. SPECIFIC LIENS.

a. Property tax liens.

b. Mortgage liens.

c. Mechanic's liens.

d. Vendee's liens.

e. Attachment liens.

2. GENERAL LIENS.

a. Judgment liens.

b. Federal and state income taxes.

c. Federal and state inheritance taxes.

d. Decedent's debts.

C. PRIVATE ENCUMBRANCES WHICH AFFECT THE USE OF THE PROPERTY

1. EASEMENTS.

a. Easement appurtenant.

b. Easements in gross.

c. Creation of easements.

i. Grant.

ii. Reservation.

iii. Agreement.

iv. Necessity.

v. Prescription.

vi. Implication.

vii. Condemnation.

d. Termination of easements.

i. Release.

ii. Merger.

iii. Expiration of purpose.

iv. Abandonment.

v. Prescription.

vi. Necessity.

e. License.

2. PRIVATE RESTRICTIONS.

a. Covenants.

b. Conditions.

3. ENCROACHMENTS.