

Easements, Restrictions, Partitions & Boundary Disputes

Law and essential practice pointers for attorneys and paralegals

Easements, rights of way, and access are essential to the use and enjoyment of land and associated amenities, such as beaches and lakes—for residential, commercial, and recreational activities—and can have a major effect on property value. Restrictions can regulate the use of a single property, several properties, or an entire development or private community—and often regulate the rights, obligations, and use of common amenities therein. Yet this area of the law and the application of it to specific circumstances can be both confusing and uncertain. Disputes relating to easements and restrictions are a regular source of litigation in the Land Court and issues related to both often arise in residential and commercial real estate titles.

A working knowledge of the law relating to easements, rights of way, restrictions, boundary disputes, and partitions is invaluable to real estate practitioners, governmental agency and utility company attorneys, title examiners, developers, surveyors, engineers, and paralegals. Let MCLE's expert real estate faculty bring you up to date on the law, recent decisions, and practical tips to help you understand and deal with a variety of topics involving easements and restrictions, and their relationship to the use and enjoyment of land, beach rights, and other amenities. An examination of partitions and boundary disputes rounds out the panel discussion.

Agenda

- **Overview of Public Ways and Private Easements**
- **Private Easements:** Appurtenant easements v. easements in gross; Creation; Rights associated with private easements; Underlying fee interests; "Paper streets"; Use and scope issues; Extinguishment; Issues that arise in connection with development of subdivisions and condominiums
- **Access to Beaches and Waterbodies**
- **Private Restrictions:** Creation, uses, benefits, burdens, enforceability and duration, and comparison to servitudes
- **Important Statutes and Summary of Significant Cases**
- **Transaction Considerations and Drafting Pointers**
- **Title Insurance Implications:** Insurance for "a legal right of access" v. "practical access"; Coverage under standard policies v. enhanced coverage policies; Affirmative coverages and endorsements dealing with easement and access issues
- **Boundaries:** Partitions, Disputes and Agreement Drafting
- **"Ask the Experts" Q&A Session**

Faculty

Carrie B. Rainen, Esq., *Rainen Law Office, PC, North Andover, Chair*
 Katherine Prifti, Esq., *First American Title Insurance Company, Boston*
 Nicholas P. Shapiro, Esq., *Phillips & Angley, Boston*



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Dates & Location

Register at www.mcle.org

LIVE WEBCAST

Thursday, February 9, 2023
 2:00 pm–5:00 pm
 Program Number: 2230102WBC

REBROADCAST

Friday, February 24, 2023
 9:00 am–12:00 noon
 Program Number: 2230102RBC

REBROADCAST

Monday, March 6, 2023
 1:00 pm–4:00 pm
 Program Number: 2230102RB1

ON DEMAND WEBCAST

View after Monday, March 6, 2023
 Program Number: 2230102WBA

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