

What is an Easement?

How is it reflected in a Title Policy?

Title insurance policies cover a variety of interests in real property, one of which is an easement. An easement is defined as an interest in the land of another, entitling the owner of the interest to a limited use or enjoyment of the land. This means that a person, (or company) has the right to use the property of another person for a specific purpose.

An easement burdens the land it is upon and limits that land owner's use of this property.

An owner of an easement has only such control as is necessary to enable him/her to use the easement—it is a limited non-possessory interest. An easement can be created for a driveway, an underground pipeline, for pole lines, or for many other uses. Easements are usually created for a particular purpose.

Many parcels of real property, both improved and unimproved are either benefited or burdened by easements.

Easements are regarded as encumbrances on real property. They are commonly encountered in two situations:

1. As an encumbrance on a parcel of real property (shown as an exception in a policy of title insurance)
2. As an insurable interest in another's land in favor of the owner of a parcel, access to which depends on an easement.

Essential Qualities and Characteristics of an Easement

- A. It is an interest in land.
- B. It is an interest in the land of another.
- C. It is a nonpossessory interest.
- D. It may be affirmative or negative.
- E. It must be capable of being created by conveyance or reservation.

