

Assignment: Assignment 7 (based on classes 18 and 19)

Lot 3

Lot 2

Lot 1

Road

Chandler owned two lots, Lot 1 and Lot 2. Lot 1 had direct access to a public road. Lot 2 was an interior lot with no direct access to a public road. Chandler installed a gravel road across Lot 1 and Lot 2 and used the gravel road to cross Lot 1 and access Lot 2 from the public road.

Chandler sold Lot 1 to Monica. The deed conveying Lot 1 from Chandler to Monica stated in relevant part:

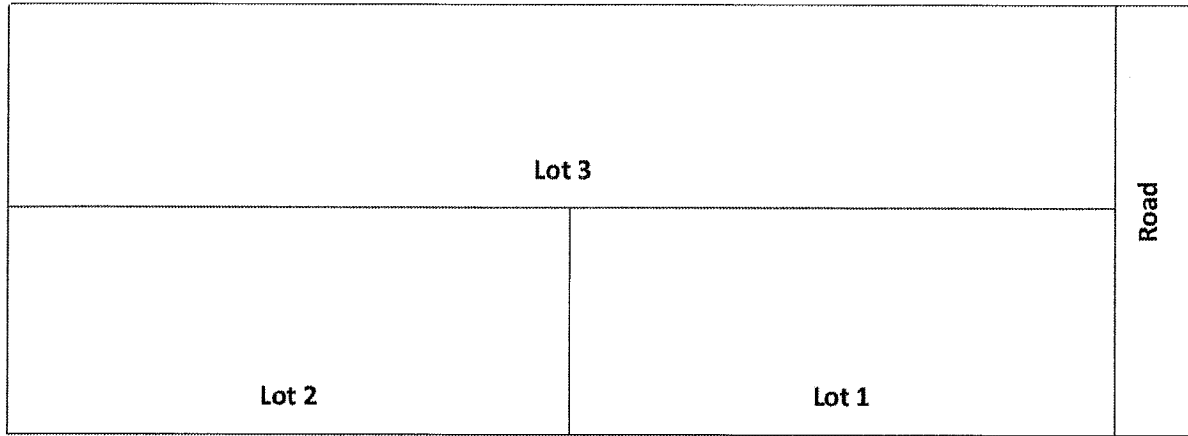
"I, Chandler, hereby grant and convey Lot 1 to Monica in fee simple absolute."

Chandler continued to use the gravel road to access lots to buy Crossing Lot 1. Monica did not object, and used the same gravel road to access the house that Monica constructed on Lot 1.

During this time, Phoebe owned Lot 3, which abutted Lots 1 and 2 on the northern boundary. Three years after selling Lot 1 to Monica, Chandler sold Lot 2 to Phoebe. Phoebe used her pre-existing road across Lot 3 to access Lot 2, and the gravel road across Lot 1 fell into disrepair. Six years after Chandler sold Lot 1 to Monica, Monica sold Lot 1 to Phoebe. At the time of the sale, the former gravel road across Lot 1 was overgrown with weeds and grass and was barely visible.

Assume that the jurisdiction follows the majority common law rules on matters involving real property, and that the statute of limitations for prescriptive easements is eight years. It is now seven years after Chandler sold Lot 1 to Monica. You represent Joey, who is currently negotiating with Phoebe to purchase Lots 2 and 3. Joey tells you that he plans to use the old gravel road across Lot 1 to access Lot 2. Advise Joey in his negotiations with Phoebe concerning rights of ingress and egress to Lot 2.

Question



Chandler owned two lots, Lot 1 and Lot 2. Lot 1 had direct access to a public road. Lot 2 was an interior lot with no direct access to a public road. Chandler installed a gravel road across Lot 1 and Lot 2 and used the gravel road to cross Lot 1

~~Your answer~~

~~Joey would not be able to use the old gravel road across Lot 1 to access Lot 2 due to the fact that it use was abandon several years ago, which means the element of continuity is missing so the easement is no longer valid.~~

Grade

Question value
10 out of 100
10% of exam

Awarded points (between 0 and 10)
6

~~Comment:~~

ANSWER
the implied easement was terminated under the doctrine of merger by acquisition of title when Phoebe acquired the fee simple absolute title to both lot one and lot two

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