Unit 5: Liens and Easements

Lecture Outline

Learning Objectives:

Students should be able to

* + - * + define encumbrance, identify the two categories of encumbrances, and describe how an encumbrance is different from a license;
        + define lien, describe what is meant by voluntary, involuntary, general, and specific liens, and explain how a lien is released;
        + describe and identify general liens, particularly judgments;
        + describe and identify specific liens, particularly real estate tax liens, mortgage liens, and mechanics' liens;
        + describe the effects of liens on title and discuss the priority of liens;
        + list the effects and identify examples of deed restrictions;
        + distinguish between the various forms of easements and how they are created; and
        + describe and give examples of encroachments and describe the relationship of encroachments and adverse possession.

Key Terms:

* Adverse possession
* appurtenant
* dominant estate
* easement
* easement appurtenant
* easement by condemnation
* easement by grant
* easement by implication
* easement by necessity
* easement by prescription
* easement for light and air
* easement in gross
* encroachment
* encumbrance
* general liens
* involuntary lien
* license
* *lis pendens*
* mechanic’s lien
* mortgage
* nonpossessory rights
* party wall
* possessory rights
* right-of-way
* satisfaction
* servient estate
* subordination agreements
* tax liens
* voluntary lien

Lecture Outline:

1. Key Terms
2. Encumbrances
3. Liens
4. Release of liens
5. General liens
6. Judgments
7. Other general liens
8. Specific liens
9. Real estate taxes
10. Mortgage liens
11. Mechanics’ liens
12. Other specific liens
13. Effects of Liens on Title
    1. Priority of liens
       1. Tax liens
       2. Subordination agreements
14. Deed restrictions
15. Easements
    1. Easement appurtenant
    2. Easement in gross
    3. Easement by necessity
    4. Easement by prescription
    5. Party walls
    6. Possessory/nonpossessory rights
16. encroachments
17. Key Point review
18. Unit 5 Quiz