

“Easements Rights” – What you should know

Information presented by:

Raul Contreras

661.478.1508

DISCLAIMER: This presentation is for informational purposes only and is not and may not be construed as legal advice. Old Republic is not a law firm and does not offer legal services of any kind. No third party entity may rely upon anything contained herein when making legal and/or other determinations regarding title, escrow and related practices. You should consult with an attorney prior to embarking upon any specific course of action.

Definitions of Easements

- **What is an Easement?**

An easement is a limited right, use, or interest in land.

Servient Tenement – Services the “right of use” of someone else.

Dominant Tenement – Has the “right of use” over another’s property

Types Of Easements Commonly seen in Residential Communities

- Sewer
- Utility
- Driveway/Access
- Parking
- View
- Pedestrian

How are Easements Defined?

- Easement is listed as a part of the legal description then the right is given to the owner.
- Easement listed as an exception in the preliminary report, then the easement burdens the property.

Things to be considered on every easement

- What is it for?
- Who benefits?
- How was the easement created?
- What restrictions exist?
- Are there CC&R's or a Maintenance Agreement?

What information can your Company provide your clients regarding an easement?

- A copy of the easement. Which may provide a more detailed description of its purpose and location.
- The filed map showing where the easement lies on the lot.
- Color-coded map outlining recorded or filed easements of public record.

Ways to Create an Easement

- Express Grant – the servient tenement, or the giver of the easement, grants the easement by deed or express agreement.
- Express Reservation – the seller of a parcel who owns adjoining land reserves an easement or right-of-way over the former property. It is created at the time of the sale with a deed or express agreement.

Off record easements and encroachments

- Prescriptive rights
- Presumed rights and/or Necessity
- Permitted Use – has use of another's property without the benefit of a recorded or filed easement.

Who does a client need to talk with if they are interested in having an Easement created?

- Neighbor
- Surveyor/Engineer
- Attorney
- Lender
- Title Company

ASSESSOR'S MAP 40A

Cadastral Area Nos. 7 001

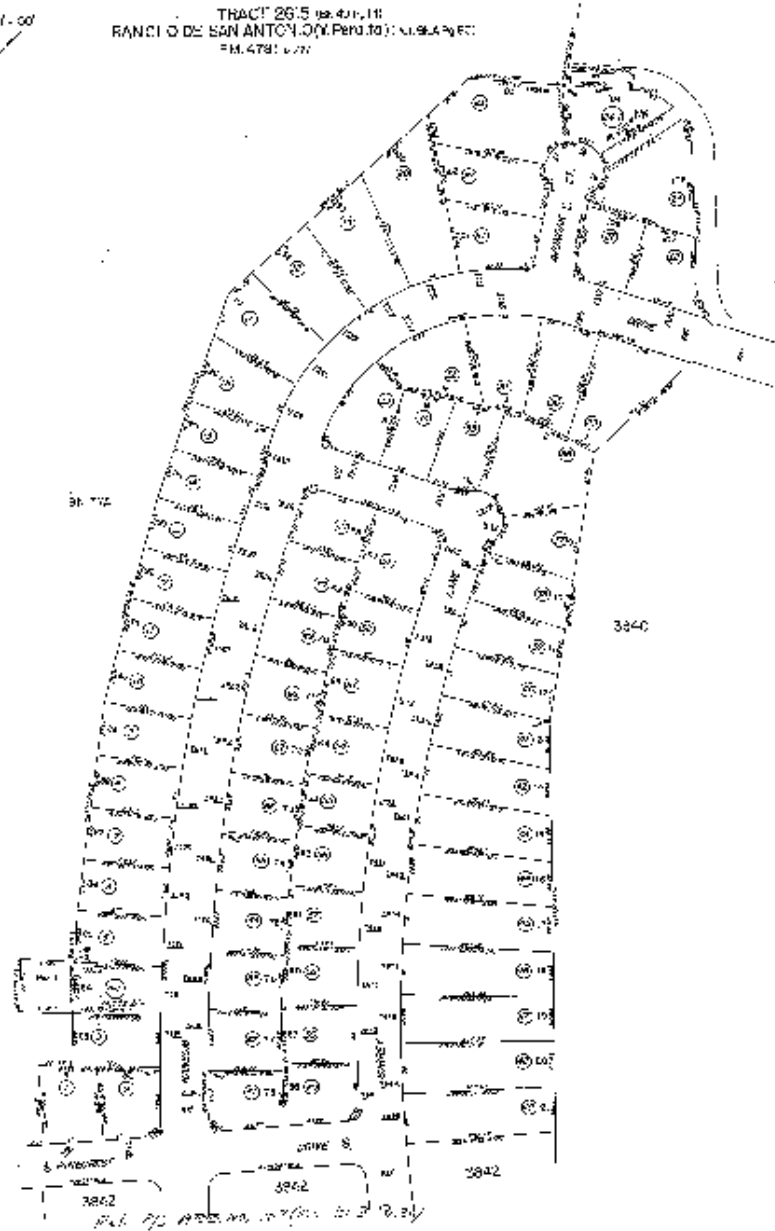
3843

Scale 1:1000

TRACT 26.5 (S. 41.11)
RANCHO DE SAN ANTONIO (Perd. to) (M. 478) (S. 41.11)
M. 478 (S. 41.11)

9-25-18
Corrected
1-1-19
1-1-19
1-1-19
1-1-19
1-1-19

1-1-19



**LEGEND**

- Parcel One (Fee, Property in Question)
- Parcel Two (Easement)
- Item No. 5(a) - Easement for Reserve
Affects as described therein

- Item No. 10(a) - Easement for Public sanitary sewers and storm sewers
Affects as described therein
- Item No. 10(c) - Easement for Public access, emergency vehicle access, public utilities and EBMUD facilities
Affects as described therein
- Item No. 16 - Covenants, Conditions, Restrictions, Limitations, Easements, Assessments, Reservations, Exceptions, Terms, Liens or Charges
Not locatable, hence not shown hereon




LEGEND

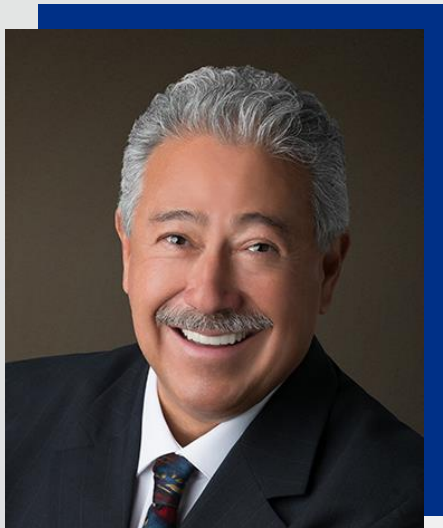
Item No. 8 - Easement for Public conduit
Affects as described therein

Item No. 9 - Easement for Storm conduit
Affects as described therein

Item No. 10(b) - Easement for Public Utilities
Affects as described therein

Item No. 11 - Easement for Access
Affects as described therein

 <p>Old Republic Title Company 6200 Antioch Street, Suite 101 Oakland, CA 94611 (510) 339-2020 Fax: (510) 339-8959</p> <p><i>"Notice: This is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon."</i></p> <p><small>NOTE: Easements depicted hereon are provided as a courtesy only and no representation is made as to the accuracy or completeness thereof. The Company assumes no liability for any loss occurring by reason of reliance thereon. It is recommended that a survey be obtained from a licensed professional to determine actual locations.</small></p>	Drawing Date: 01/12/2018	
	Reference:	Date:
	Property:	Assessor's Parcel No.
	Sheet 2 of 2 Archive #	



Raul Contreras

Sr. Account Executive

rcontreras@ortc.com

Cell: 661-478-1508

101 N. Brand Blvd. 14th Fl.

Glendale, CA 91203

On Behalf of Old Republic Title, Thank You for your time

Call us for any questions on old, new and potential transactions!

- *An industry leader for over 112 years. Old Republic Title provides peace of mind on every transaction.*
- *Old Republic Title's products and services can help you save time and remain competitive in today's market.*

***DISCLAIMER:** This presentation is for informational purposes only and is not and may not be construed as legal advice. Old Republic is not a law firm and does not offer legal services of any kind. No third party entity may rely upon anything contained herein when making legal and/or other determinations regarding title, escrow and related practices. You should consult with an attorney prior to embarking upon any specific course of action.*