

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 251

Short Title: Creation of Easements by Landowner.

(Public)

Sponsors: Senators Wellons; Dalton and Hartsell.

Referred to: Judiciary.

February 26, 1997

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMMON LAW TO PERMIT THE CREATION OF
EASEMENTS, RESTRICTIONS, AND COVENANTS BY A LANDOWNER.

The General Assembly of North Carolina enacts:

Section 1. Chapter 39 of the General Statutes is amended by adding a new section to read:

"§ 39-6.4. Creation of easements, restrictions, and conditions.

(a) The holder of legal or equitable title of an interest in real property may create, grant, reserve, or declare valid easements, restrictions, or conditions of record burdening or benefiting the same interest in real property.

(b) Subsection (a) of this section shall not affect the application of the Doctrine of Merger after the severance and subsequent reunification of title to all of the benefited or burdened real property or interests therein."

Section 2. This act is effective when it becomes law and applies to all easements, restrictions, conditions, or interests created, granted, reserved, or declared on or before the effective date of this act but shall not apply to any litigation pending on the effective date or to any instrument directly or indirectly involved in litigation pending on that date.