

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-333
SENATE BILL 251

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 October 1, 1997, and applies to all easements, restrictions, conditions, or interests created, granted, reserved, or declared before, on, or after 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, nor shall this act apply to any litigation in which final judgment has been rendered or to any instrument directly or indirectly involved in any litigation in which final judgment has been rendered on or before that date.

In the General Assembly read three times and ratified this the 16th day of July, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 10:56 a.m. this 25th day of July, 1997