

Index

ABNORMALLY DANGEROUS ACTIVITIES

Nuisance, laws of, **§ 2:13**

ACQUIESCENCE, BOUNDARY BY

Common grantor theory, **§ 6:13**

ADVERSE POSSESSION AND BOUNDARY DISPUTES

Generally, **§ 6:1 to 6:12**

Actual possession, **§ 6:3**

Additional requirements, **§ 6:8**

Attorneys' fees, **§ 6:16**

Consentable line: Pennsylvania, **§ 6:14**

Constructive, **§ 6:9**

Continuous possession and tacking, **§ 6:7**

Estoppel, boundary by, **§ 6:15**

Governmental entities and other special entities, **§ 6:11**

Hostile and adverse possession, **§ 6:5**

Land, amount of, **§ 6:13**

Open and notorious possession, **§ 6:4**

Parties to the litigation, **§ 6:10**

Possession, relevance of, **§ 6:13**

Prescriptive easements, agreements among neighbors, **§ 8:6**

Taxes, payment of, **§ 6:13**

AFFIRMATIVE EASEMENTS

Easements, **§ 8:9**

AGREEMENTS AMONG NEIGHBORS

Condominiums, **§ 10:2**

Cooperative ownership, **§ 10:3**

Covenants and servitudes

Amendment and modification of covenants, **§ 10:7**

Description of burdened and benefited land, **§ 9:6**

Enforcement by homeowners associations, **§ 10:6**

Easements (this index)

Licenses, **§ 7:2**

AIR AND WIND

Airspace, **§ 5:8**

AIRSPACE

Generally, **§ 5:1 to 5:13**

Air and wind, **§ 5:8**

Airport expansion, **§ 5:3**

Development of, **§ 5:2**

AIRSPACE—Cont'd

- Easements and covenants, **§ 5:10**
- Government obstruction of view, **§ 5:11**
- Prescriptive easements, **§ 5:3**
- Radio and television reception, interference, **§ 5:13**
- Rights to limit use of adjacent airspace, **§ 5:4 to 5:13**
- Solar energy, **§ 5:6**
- Solar energy statutes, **§ 5:7**
- Sunlight, **§ 5:5**

APPURTEnant EASEMENT

- Dominant estate, **§ 8:13**

ASSESSMENTS

- Homeowners associations, **§ 10:5**

BOUNDARY BY AGREEMENT

- Adverse possession and boundary disputes, **§ 6:12**
- Merger from common ownership, **§ 6:13**

BOUNDARY BY ESTOPPEL

- Adverse possession and boundary disputes, **§ 6:15**

BUILDINGS AND IMPROVEMENTS

- Lateral support, **§ 4:4**

BY-LAWS

- Condominiums, **§ 10:2**

CIVIL LAW RULE

- Water law, **§ 13:4**

CLEAN AIR AND WATER ACT

- Generally, **§ 12:5**

COMMON ENEMY RULE

- Water law, **§ 13:3**

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

- Generally, **§ 12:7**

CONDOMINIUMS

- Agreements among neighbors, **§ 10:2**

COOPERATIVES

- Agreements among neighbors, **§ 10:3**

COVENANTS AND SERVITUDES

- Generally, **§ 9:1 to 9:12**

- Agreements among neighbors

- Amendment and modification of covenants, **§ 10:7**

- Duration of covenants and servitudes, **§ 10:8**

- Enforcement by homeowners associations, **§ 10:6**

INDEX

COVENANTS AND SERVITUDES—Cont'd

- Airspace, **§ 5:10**
- Duration, **§ 9:12**
- Enforcement, **§ 9:11**
- Equitable servitudes, **§ 9:5**
- Intent that covenant runs, **§ 9:7**
- Interpretation, **§ 9:10**
- Nature, **§ 9:2**
- Privity of estate, **§ 9:4**
- Reciprocal negative easement, **§ 9:9**
- Touch and concern requirement, **§ 9:8**
- Traditional real covenant, **§ 9:3**
- Water law, **§ 13:9**

DAMAGES

- Nuisance, **§ 2:30**
- Nuisance, punitive, **§ 2:31**
- Stigma, **§ 2:3**
- Trespass, measure of, **§ 3:17**
- Trespass, nominal damages, **§ 3:16**
- Trespass, permanent, **§ 3:18**
- Trespass, punitive damages, **§ 3:21**
- Trespass, statutory damages, **§ 3:20**

DRAINAGE OF SURFACE WATERS

- Water law, **§ 13:2**

DURATION OF COVENANTS AND SERVITUDES

- Generally, **§ 9:12**
- Homeowners associations, **§ 10:8**

DURATION OF USE

- Agreements among neighbors, **§ 8:22**

EASEMENTS

- Generally, **§ 8:1 to 8:24**
- Affirmative easements, **§ 8:9**
- Agreements among neighbors
 - Easements in gross, **§ 8:15**
 - Estopel, easements by, **§ 8:7**
 - Improvements, maintenance, and repair, **§ 8:14**
 - Interests protected, **§ 8:8**
 - Necessity, easements by, **§ 8:4**
 - Prior use, easements implied from, **§ 8:3**
- Appurtenant easement and dominant estate, **§ 8:13**
- Duration, **§ 8:22**
- Express easements, **§ 8:17**
- Implied easements, **§ 8:20**
- Improvements, maintenance, and repair, **§ 8:14**
- Licenses distinguished, **§ 7:3**

EASEMENTS—Cont'd

- Negative easements, **§ 8:9**
- Prescriptive easements, **§ 8:6, 8:19**
- Relocation, **§ 8:11**
- Scope, **§ 8:16**
- Servient estate, **§ 8:10**
- Support easement, **§ 4:8**
- Termination by adverse possession, **§ 8:23**
- Termination by sale to bona fide purchaser, **§ 8:24**
- Transfers, **§ 8:21**
- Uniform Relocation of Easements Act, **§ 8:12**
- Utility easements, **§ 8:18**

ELECTIONS

- Directors and officers, homeowners associations, **§ 10:4**

EMINENT DOMAIN

- Agreements among neighbors, private condemnation of right of way, **§ 8:5**
- Airspace, **§ 5:12**

ENCROACHING VEGETATION

- Nuisance (this index)

EXCAVATION

- Lateral support, **§ 4:5**

EXPENSES, SHARING OF

- Improvements, maintenance, and repair, **§ 8:14**

EXPRESS EASEMENTS

- Easements, **§ 8:17**

FEDERAL ENVIRONMENTAL STATUTES

- Generally, **§ 12:1 to 12:8**
- Clean Air and Water Act, **§ 12:5**
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), **§ 12:7**
- National Environmental Policy Act (NEPA), **§ 12:3**
- Resource Conservation and Recovery Act (RCRA), **§ 12:6**

FEES

- Condominiums, **§ 10:2**

FRIEND MODEL

- Generally, **§ 1:3**

FUNERAL HOMES

- Private nuisance, **§ 2:20**

GOVERNMENTAL ACTIVITIES

- Nuisance, **§ 2:22**

GOVERNMENTAL LIABILITY

- Navigable waters, lateral support, **§ 4:14**

INDEX

GROUNDWATER

Subsidence from withdrawal, § **4:30**

GROUP HOMES

Nuisance, § **2:21**

HOMEOWNERS ASSOCIATIONS

Generally, § **10:1 to 10:8**

Assessments, § **10:5**

Elections of directors and officers, § **10:4**

Enforcement of real covenants, agreements among neighbors, § **10:6**

IDENTIFICATION OR DESCRIPTION

Covenants and servitudes, description of burdened and benefited land, § **9:6**

IMPLIED EASEMENTS

Agreements among neighbors, § **8:20**

IMPROVEMENT, MAINTENANCE, AND REPAIR

Agreements among neighbors, § **8:14**

Buildings and Improvements (this index)

Landslides, § **4:31**

INJUNCTIONS

Trespass, § **3:15**

INSURANCE

Lateral support, § **4:19**

INTENT

Easements, agreement among neighbors, § **8:6**

INTERFERENCE

Radio or television reception, airspace, § **5:13**

JUDICIAL REVIEW

Appeals (this index)

LANDSLIDES

Injury to downhill owners, § **4:31**

LATERAL SUPPORT

Generally, § **4:1 to 4:31**

Consequential damages, rule protection of improvements by, § **4:6**

Contractual support rights, § **4:17**

Excavation, § **4:5**

Governmental liability, § **4:14**

Insurance coverage, § **4:19**

Intervening causation, § **4:11**

Liability, § **4:13**

Licenses to enter adjoining land, § **4:9**

Maintenance of artificial support, § **4:10**

Natural land, grading, and landfill, § **4:5**

Navigable waters, § **4:14**

LATERAL SUPPORT—Cont'd

- Negligence rule, protection of improvements by, **§ 4:7**
- Nonadjoining landowners, **§ 4:15**
- Persons who can enforce, **§ 4:12**
- Public roads, **§ 4:16**
- Remedies for withdrawal
 - Damages, **§ 4:22**
 - Injunction, **§ 4:21**
 - Prospective damages, **§ 4:23**
 - Prospective harm, **§ 4:23**
 - Self help, **§ 4:24**
- Statute of Limitations, **§ 4:20**
- Statutes, **§ 4:3**
- Statutory modifications, **§ 4:18**
- Support easement, **§ 4:8**

LEASES

- Licenses distinguished, **§ 7:3**

LICENSES

- Generally, **§ 7:1 to 7:10**
- Agreements among neighbors, **§ 7:2**
- Easements distinguished, **§ 7:4**
- Leases distinguished, **§ 7:3**
- Nature, **§ 7:2**
- Revocation, **§ 7:5**
- Role, **§ 7:1**
- Types
 - Generally, **§ 7:6 to 7:10**
 - Contractual licenses, **§ 7:8**
 - Gratuitous licenses, **§ 7:7**
 - Implied licenses, **§ 7:9**
 - Irrevocable licenses, **§ 7:10**

LOSS OF VIEW

- Airspace, **§ 5:9**

MISTAKEN IMPROVERS

- Trespass, **§ 3:14**

MODIFICATION OF UNITS

- Condominiums, **§ 10:2**

MULTIPLE USERS

- Improvements, maintenance, and repair, **§ 8:14**

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

- Generally, **§ 12:3**
- Types of environmental reviews, **§ 12:4**

NATURAL WATERCOURSES

- Water law, **§ 13:6**

INDEX

NAVIGATIONAL SERVITUDE

Lateral support, § 4:15

NEGATIVE EASEMENTS

Easements, § 8:9

NEGLIGENCE

Private nuisance, § 2:5

NEIGHBORS LAW

Generally, § 1:1 to 1:8

Alternative dispute resolution, § 1:6

Boundaries that mark different legal regimes, § 1:8

Collective rights of neighborhoods, § 1:5

Friend model, § 1:3

Protection of neighbors' intangible interests, § 1:4

Role of custom, § 1:7

Stranger model, § 1:2

NUISANCE

Abnormal sensitivity, § 2:26

Anticipatory nuisance, § 2:15

Comparative negligence, § 2:27

Contributory negligence, § 2:27

Defenses

Generally, § 2:23 to 2:27

Abnormal sensitivity, § 2:26

Coming to the nuisance, § 2:24

Comparative negligence, § 2:27

Contributory negligence, § 2:27

Legislative authorization, § 2:25

Statute of limitations, § 2:23

Encroaching vegetation

Self-help by cutting encroaching vegetation, § 2:32

Trees, generally, § 2:16

Funeral homes, § 2:20

Governmental activities, § 2:22

Group homes, § 2:21

Immunity

Generally, § 2:9 to 2:11

Aesthetic nuisance, § 2:10

Right-to-farm laws, § 2:11

Legislative authorization, § 2:25

Liability for damage or injury, trees, § 2:17

Per se

Generally, § 2:12 to 2:14

Abnormally dangerous activities, § 2:13

Bad motives, § 2:14

Spite fences, § 2:14

NUISANCE—Cont'd

Private nuisance

Generally, § 2:1 to 2:8

Balancing process, § 2:6

Common-law background, § 2:2

Conduct that creates, § 2:4

Location, importance of, § 2:8

Property rights protected by, § 2:3

Substantial harm, § 2:7

Psychological harm, § 2:19

Public and private compared, § 2:33

Public nuisance

Action by government, § 2:36

Private cause of action, § 2:35

Scope, § 2:34

Public nuisance

Generally, § 2:33 to 2:36

Remedies

Generally, § 2:28 to 2:32

Damages, measure of, § 2:30

Injunctions, § 2:29

Punitive damages, § 2:31

Self-help, § 2:32

Self-help by cutting encroaching vegetation, § 2:32

Statute of limitations, § 2:23

Trees. Encroaching vegetation, above

Trimming and removal, trees, § 2:18

OBSTRUCTION OF VIEW

Airspace, § 5:9

OWNER OCCUPANCY AGREEMENTS

Condominiums, § 10:2

PRESCRIPTIVE EASEMENTS

Agreements among neighbors, § 8:6, 8:19

PRIVILEGE

Trespass, § 3:13

PRIVITY

Covenants and servitudes, § 9:4

PROFIT A PRENDRE

Agreements among neighbors, § 8:1

PROPERTY LINES

Adverse possession and boundary disputes, § 6:1

PSYCHOLOGICAL HARM

Private nuisance, § 2:19

INDEX

PUBLIC TRUST DOCTRINE

Generally, § 12:8

RADIO RECEPTION

Interference, § 5:13

REASONABLE USE RULE

Water law, § 13:5

REGISTRATION OF LAND

Adverse possession and boundary disputes, § 6:1

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Generally, § 12:6

REVOCATION

Licenses, § 7:5

RIGHT OF WAY

Agreements among neighbors, § 8:5

RIGHT TO FARM LAWS

Nuisance, laws of, § 2:11

SOLAR ENERGY

Airspace, § 5:6

Statutes, airspace, § 5:7

STATE ENVIRONMENTAL POLICY ACTS (SEPA)

Generally, § 12:3

Exemptions, § 12:4

Types of environmental reviews, § 12:4

STATE ENVIRONMENTAL STATUTES

Generally, § 12:1 to 12:8

State Environmental Policy Acts (SEPA), § 12:3

STATUTE OF LIMITATIONS

Lateral support, § 4:20

Trespass, § 3:11

STRANGER MODEL

Generally, § 1:2

SUBJACENT SUPPORT

Generally, § 4:25 to 4:29

Improved real property, § 4:26

Remedies for withdrawal, § 4:27

Statutory modification, § 4:29

Surface damage waivers, § 4:28

SUBSIDENCE

Withdrawal of ground waters, § 4:30

SUNLIGHT

Airspace, § 5:5

SUPPORT EASEMENT

Lateral support, § 4:8

TELEVISION RECEPTION

Interference, § 5:13

TERMINATION

Easements, by adverse possession, § 8:23

Easements, by sale to bona fide purchaser, § 8:24

TOUCH AND CONCERN REQUIREMENT

Servitudes, agreements among neighbors, § 9:8

TREES

Nuisance (this index)

TRESPASS

Generally, § 3:1 to 3:22

Actual harm not required, § 3:5

Common-law background, § 3:2

Criminal liability, § 3:10

Defenses

Continuing trespass, § 3:12

Mistaken improvers, § 3:14

Privilege, § 3:13

Statute of limitations, § 3:11

Direct and immediate entry, § 3:9

Intentional act, § 3:7

Necessary elements, § 3:3

Possession and title, § 3:4

Remedies

Damages, measure of, § 3:17

Damages, nominal, § 3:16

Damages, permanent, § 3:18

Damages, punitive, § 3:21

Damages, statutory, § 3:20

Injunction, § 3:15

Self help, § 3:22

Requirement of tangible matter, § 3:8

Wrongful entry, § 3:6

UNIFORM RELOCATION OF EASEMENTS ACT

Easements, § 8:12

UNJUST ENRICHMENT

Improvements, maintenance, and repair, § 8:14

UTILITY EASEMENTS

Generally, § 8:18

INDEX

VEGETATION

Encroaching vegetation. Nuisance (this index)

WATER LAW

Generally, § 13:1

Generally, § 13:1 to 13:9

Civil-law rule, § 13:4

Common-enemy rule, § 13:3

Developer liability, § 13:7

Drainage of surface waters, § 13:2

Governmental liability, § 13:8

Natural watercourses, § 13:6

Reasonable-use rule, § 13:5

Servitudes, § 13:9

ZONING

Generally, § 11:1 to 11:55

Airport expansion, airspace, § 5:3

Benefits

Rights to benefits conferred upon neighbors pursuant to zoning compliance,
§ 11:55

Changes to zoning, citizen approval

Generally, § 11:48

Initiative power, § 11:52

Mandatory referenda, § 11:54

Neighbor consent, administrative requirement, § 11:51

Neighbor consent provisions, § 11:49

Neighbor protest rules, § 11:50

Referendum power, § 11:53

Changes to zoning on nearby property

Generally, § 11:28

Amendments to ordinance

generally, § 11:29

conditional zoning, § 11:35

downzoning, § 11:30

mistake or change in circumstances, § 11:32

presumption of validity for legislative action, § 11:31

quasi-judicial review, § 11:33

standing rules, § 11:34

vested rights, § 11:30

Comprehensive plan amendments, § 11:42

SLAPP actions, § 11:43

Special exceptions and special or conditional uses

generally, § 11:40

uses with special protection, § 11:41

Variances

generally, § 11:36

judicial review, § 11:39

ZONING—Cont'd

Changes to zoning on nearby property—Cont'd
Variances—Cont'd
 standards for issuance, **§ 11:37**
 types, **§ 11:38**
Construction regulations, **§ 11:5**
History, **§ 11:2**
Homes, business use of, **§ 11:6**
Homes, rentals of, **§ 11:7**
Local nature, **§ 11:3**
Nonconforming uses
 Generally, **§ 11:26**
 Application to private enforcement, **§ 11:27**
Overview of enforcement, **§ 11:2**
Procedural rights
 Generally, **§ 11:44**
 Conduct of hearing, **§ 11:46**
 Impartial decision maker, right to, **§ 11:47**
 Right to notice and hearing, **§ 11:45**
Public land-use regulations
 Generally, **§ 11:8**
 Parking, **§ 11:11**
 Subdivision regulations, **§ 11:9**
 Tree ordinances, **§ 11:10**
Rights to benefits conferred upon neighbors pursuant to zoning compliance,
 § 11:55
Rights to enforce existing zoning
 Generally, **§ 11:12**
 Appeals by aggrieved landowners: Massachusetts, **§ 11:24**
 Injunction by municipality
 generally, **§ 11:15**
 licenses, **§ 11:16**
 permits, **§ 11:16**
 violation in neighboring jurisdiction, **§ 11:17**
 Injunction by private individual
 generally, **§ 11:18**
 other rules, **§ 11:20**
 remedies, **§ 11:21**
 special injury rule, **§ 11:19**
 statutory provisions, **§ 11:22**
 Injunctions, **§ 11:14**
 Mandamus, **§ 11:23**
 Monetary awards, **§ 11:14**
 Reciprocity theory, **§ 11:13**
 Taxpayers' action: New York, **§ 11:25**
Separation of land uses, **§ 11:4**
Zoning as source of neighborhood law, **§ 11:1**