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 and constructive possession, § 6:3

Additional requirements, § 6:8

Attorneys8217 fees, § 6:9

Consentable line: Pennsylvania, § 6:14

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, § 10:8

Description of burdened and benefited land, § 9:6

Enforcement by homeowners associations, § 10:7

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

Easements and covenants, § 5:10

AIRSPACE—Cont'd

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

CONSTRUCTION AND INTERPRETATION

Covenants and servitudes, § 10:6

COOPERATIVES

Agreements among neighbors, § 10:3

COVENANTS AND SERVITUDES

Generally, § 9:1 to 9:11

Agreements among neighbors

Amendment and modification of covenants, § 10:8

Duration of covenants and servitudes, § 10:9

COVENANTS AND SERVITUDES—Cont'd

Agreements among neighbors—Cont'd

Enforcement by homeowners associations, § 10:7

Airspace, § 5:10

Duration, § 9:11

Enforcement, § 9:10

Equitable servitudes, § 9:5

Intent that covenant runs, § 9:7

Interpretation of particular covenants, § 10:6

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, § 9:11

Homeowners associations, § 10:9

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

Estoppel, 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, § 8:16, 8:17

Implied easements, § 8:20

EASEMENTS—Cont'd

Improvements, maintenance, and repair, § 8:14

Licenses distinguished, § 7:3

Negative easements, § 8:9

Prescriptive easements, § 8:6, 8:19

Relocation, § 8:11

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

Scope, § 8:16

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

GROUNDWATER

Subsidence from withdrawal, § 4:30

GROUP HOMES

Nuisance, § 2:21

HOMEOWNERS ASSOCIATIONS

Generally, § 10:1 to 10:9

Assessments, § 10:5

Elections of directors and officers, § 10:4

Enforcement of real covenants, agreements among neighbors, § 10:7

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

LATERAL SUPPORT—Cont'd

Maintenance of artifical support, § 4:10

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

Navigable waters, § 4:14

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

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)—Cont'd

Types of environmental reviews, § 12:4

NATURAL WATERCOURSES

Water law, § 13:6

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

NUISANCE—Cont'd

Per se

Generally, § 2:12 to 2:14

Abnormally dangerous activities, § 2:13

Bad motives, § 2:14

Spite fences, § 2:14

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

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 (SEPAs), § 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

SUBJACENT SUPPORT—Cont'd

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

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

```
ZONING—Cont'd
  Changes to zoning on nearby property—Cont'd
    Special exceptions and special or conditional uses—Cont'd
       uses with special protection, § 11:41
    Variances
       generally, § 11:36
       judicial review, § 11:39
       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
```

INDEX

ZONING—Cont'd

Rights to enforce existing zoning—Cont'd Taxpayers' action: New York, § 11:25
Separation of land uses, § 11:4
Zoning as source of neighborhood law, § 11:1