

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
 - 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, § 8:17
- 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's), § 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