

Course Title: Easements and Access for the Non-Lawyer NM Course #21010151

Description: The successful real estate broker will understand how easements benefit their property (as an appurtenance) and burden their property (as a servient estate). Identifying easements, and understanding how they affect the property, will lead to an investigation of what rights belong to whom with respect to that easement. We will investigate proper (and improper) formulation of easement agreements and important client considerations. Then, the students are taught how to apply a title insurance concept known as “insured specific access” to make sure clients are protected and insured as to easement estates. The class focuses on avoiding misrepresentations and using industry allies to protect their clients.

Learning Objectives:

- L1: Students will know the essential types of easements, recognizing both the dominant and servient estate.**
- L3: Students can demonstrate the need for the product, and the role of the insurer as a disclosure sources AND an indemnity provider**
- L2: Students will understand the value of TI, and its applicability to the different types of transactions**
- L5: Students evaluate the need for title coverage to property appurtenances**
- L4: Students distinguish between title insurance and other insurance products**
- L3: Students demonstrate the need for extended coverage (deleting exceptions), including lien coverage**
- L2: Students understand the basis for and can explain exclusions**

The following will be the means used in assessing whether the Learned Objectives have been met: Q+A=questions and answers; CS = case study; L = lecture, PP = power point; GD = group discussions

Timed Outline

0-15 Class introduction and review objectives

L; PP

15-30	Definitions, dominant and servient tracts (discussion); the use of licenses to solve encroachment issues	PP; CS; GD
30-45	Broker representations (and misrepresentations) in MLS and to clients re: presumption of access and the specific route or access	L; CS; GD; Q+A
45-60	Insured specific access and ensuring title insurability' easements as appurtenances and how to include them in purchase agreements to force coverage by the insurer	L; CS; GD; Q+A
60-75	Case Study: Lots 5 + 6, Santa Fe; appurtenances and creating title insurability to protect broker liability	CS; GD; Q+A
75-90	Easement uses and interpretation according to the written agreements; easements in gross; negative easements, Solar Rights Act	PP; CS; GD; Q+A
90-105	Proper creation of easement, grants, express agreements and ingredients in a well-constructed easement agreement	PP; CS; L, Q+A
105-120	Words of grant and lot line adjustments; using easements in lieu of boundary modification; casualty liability, exclusivity; specific uses; overburdening an easement	L; PP; CS
120-135	Case study: Camino Quien Sabe, Santa Fe and insurability of specific access; exceptions and exclusions on the title binder	CS; L; PP; Q+A
135-150	Working with the RANM 2104 to ensure insurability	CS; PP; L; Q+A
150-165	Case study: Manhattan Ave., Santa Fe and specifying use	CS; PP; Q+A
165-180	Prescription and why it fails; permissibility; broker representations	CS; L; PP; Q+A
180-195	Quasi-easements; prior use, necessity; easements by extension; land-locked properties;	PP; Q+A; L
195-210	Continuity of easements (47-1-34 NMSA); review and application to prior case studies	PP; L; Q+A; CS
210-225	Easement termination and extinguishment – express consent; oral consent with action; abandonment; excessive burden; destruction;	PP; L; CS; Q+A
225-240	Summary, recap and review objectives	PP; Q+A