

§479. Validity

A conservation easement is valid even though: [PL 1985, c. 395, §3 (NEW).]

1. Not appurtenant to interest in real property. It is not appurtenant to or does not run with an interest in real property;

[PL 1985, c. 395, §3 (NEW).]

2. Assigned to another holder. It can be or has been assigned to another holder;

[PL 1985, c. 395, §3 (NEW).]

3. Not recognized at common law. It is not of a character that has been recognized traditionally at common law;

[PL 1985, c. 395, §3 (NEW).]

4. Negative burden. It imposes a negative burden;

[PL 1985, c. 395, §3 (NEW).]

5. Affirmative obligations. It imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;

[PL 1985, c. 395, §3 (NEW).]

6. Benefit does not touch or concern real property. The benefit does not touch or concern real property;

[PL 1985, c. 395, §3 (NEW).]

7. No privity of estate or of contract. There is no privity of estate or of contract;

[PL 2007, c. 412, §6 (AMD).]

8. Does not run to successors or assigns. It does not run to the successor and assigns of the holder;

[PL 2007, c. 412, §7 (AMD).]

9. Acquired for tax delinquency. A lien has been established for property tax delinquency under Title 36, section 552, or title to the real property subject to the conservation easement has been acquired by procedures for enforcement and foreclosure of delinquent taxes under Title 36, chapter 105, subchapter 9; or

[PL 2007, c. 412, §8 (NEW).]

10. Merger. The title to the real property subject to the conservation easement has been acquired by the holder, unless the holder, with the consent of any 3rd party with rights of enforcement, replaces the conservation easement with legally binding restrictions under a conservation easement or declaration of trust at least as protective of the conservation values of the protected property as provided by the replaced easement.

[PL 2007, c. 412, §9 (NEW).]

SECTION HISTORY

PL 1985, c. 395, §3 (NEW). PL 2007, c. 412, §§6-9 (AMD).

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