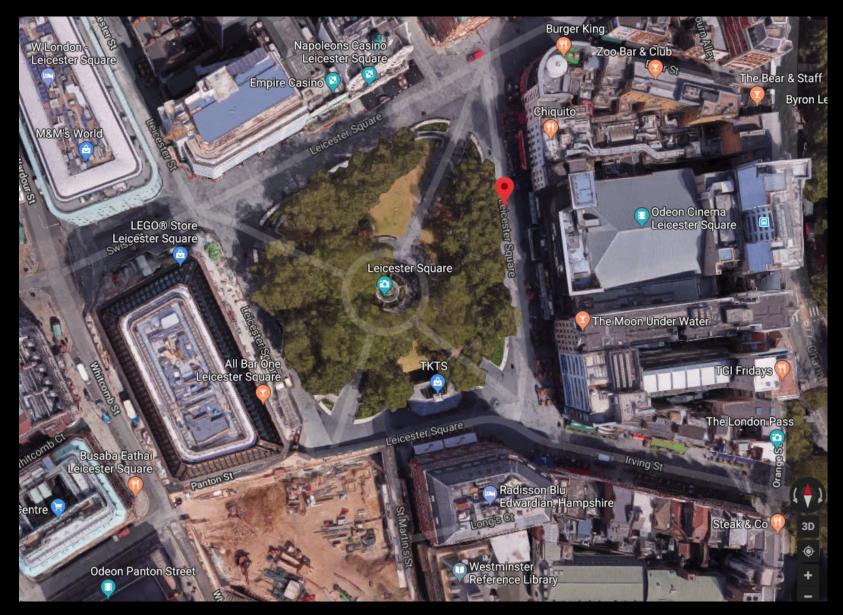
Covenants

- Abigail pays Beatrice \$1000 for Beatrice to promise use B property for residential purposes only
 - Why want property law?
 - Why not easements?
- Restrictive (Negative) v. Positive (Affirmative)
 - Restrictive burdened promises to not act
 - Like a Negative Easement
 - Positive burdened promises to act

Tulk v. Moxhay

- Tulk sells part of land to Elms
- "that Elms, his heirs, and assigns should ... keep and maintain the said piece of ground and square garden ... in sufficient and proper repair ... and that it should be lawful for the inhabitants of Leicester Square ... on payment of reasonable rent for the same, to have keys at their expense and the privilege of admission"
- Elms's land eventually conveyed to Moxhay
- Type of servitude(s)?

Tulk v. Moxhay



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- Elms's land eventually conveyed to Moxhay
- Court creates what?
- Why?
- Restraint on alienation?

Covenants

- Requirements under common law:
- Writing
- "Touch and Concern"
- Intent
- Horizontal Privity
 - privity of estate between original covenanting parties
- Vertical Privity
 - privity of estate between one of the covenanting parties and a successor in interest
- Notice