1. Please provide an Analytical Overview of the Topic.

We continue our study of servitudes, specifically two specific ways in which easements are created, including an implied easement by necessity and an easement by prescription. The other topic is the public trust doctrine.

2. What is an implied easement by necessity?

3. What is the topic of the Othen case?

4. Who is the plaintiff and what is the plaintiff seeking?

5. Who is the defendant and what do the defendant want?

6. What is the procedural posture of the Othen case?

7. What are the legal issues raised in the Othen case?

8. What legal rules and authority are recognized in the Othen case?

9. What was a pivotal issue of fact in the Othen case?

10. What is the ruling or decision in the Othen case?

11. By what authority does the Court change the rule of law?

12. What should be the rationale for the decision in Othen?

13. What is the court’s application to the particular facts in Othen?
14. What problems survive this decision?

15. What is the basis of an implied easement by necessity?

16. How much necessity is necessary?

17. What happens, if anything, to the easement if and when the necessity ends?

18. See note 2, pp. 695-6 and see the chart on p. 696 and provide an answer.

19. Does a landlocked landowner have a legal right to acquire an easement across another's land?

20. What is an easement by prescription?

21. How can you distinguish an easement by prescription from a fee simple over a strip of land by adverse possession?

22. Should a party acquiring an easement by prescription pay the owner for the acquired easement?

23. How critical is exclusivity in establishing an easement by prescription?

24. What is a public prescription easement?

25. What is the law concerning a public prescriptive relative to public access to beaches?

26. What is the public trust doctrine? What rules of law does the Matthews case illustrate?