

Blackmore v. Powell. (California Court of Appeal)
Decided May 22, 2007.

This case involves a grant deed in which one neighbor (Grantor) granted another neighbor (Grantee) an easement for “parking and garage purposes.” Successor of the Grantor property tried to prevent the successor of the Grantee property from constructing a two-car garage covering 11% of the easement area having such party obtained a building permit. The Grantor successor sued, claiming he had exclusive right to use the property for a garage, and without having to share its use with the Grantee successor, and won. The Court held an easement could include maintaining and using a permanent structure. The Court, however, found the easement did not convey an *unlimited* use of the property and thus fell short of a complete conveyance of fee ownership.