

**21 GCA REAL PROPERTY
CH. 9 RIGHTS OF OWNERS**

**CHAPTER 9
RIGHTS OF OWNERS**

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Article 2. Boundaries.

**ARTICLE 1
INCIDENTS OF OWNERSHIP**

- § 9101. Rights of Tenants for Life.
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§ 9101. Rights of Tenants for Life.

The owner of a life estate may use the land in the same manner as the owner of a fee simple, except that he must do no act to the injury of the inheritance.

SOURCE: CC §818.

§ 9102. Rights of Tenants for Years.

A tenant for years or at will, unless he is a wrongdoer by holding over, may occupy the buildings, take the annual products of the soil, and work mines and quarries open at the commencement of his tenancy.

SOURCE: CC §819.

§ 9103. Same.

A tenant for years or at will has no other rights to the property than such as are given to him by the agreement or instrument by which his tenancy is acquired, or by the last section.

SOURCE: CC §820.

§ 9104. Rights of Grantees, Rents, and Reversion.

A person to whom any real property is transferred or devised, upon which rent has been reserved or to whom any such rent is transferred, is entitled to the same remedies for recovery of rent, for nonperformance of any of the terms of the lease or for any waste or cause of forfeiture, as his grantor or devisor might have had.

SOURCE: CC §821.

§ 9105. Liability of Assignee of Lessee.

Whatever remedies the lessor of any real property has against his immediate lessee for the breach of any agreement in the lease, or for recovery of the possession, he has against the assignees of the lessee, for any cause of action accruing while they are such assignees, except where the assignment is made by way of security for a loan, and is not accompanied by possession of the premises.

SOURCE: CC §822.

§ 9106. Rights of Lessees and Assignees.

Whatever remedies the lessee of any real property may have against his immediate lessor, for the breach of any agreement in the lease, he may have against the assigns of the lessor, and the assigns of the lessee may have against the lessor, and his assigns, except upon covenants against encumbrances or relating to the title or possession of the premises.

SOURCE: CC §823.

§ 9107. Remedy on Leases for Life.

Rent due upon a lease for life may be recovered in the same manner as upon a lease for years.

SOURCE: CC §824.

§ 9108. Rent Dependent on Life.

Rent dependent on the life of a person may be recovered after, as well as before, his death.

SOURCE: CC §825.

§ 9109. Remedy of Reversioners, Etc.

A person having an estate in fee, in remainder or reversion, may maintain an action for any injury done to the inheritance, notwithstanding an intervening estate for life or years, and although, after its commission,

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his estate is transferred, and he has no interest in the property at the commencement of the action.

SOURCE: CC §826.

§ 9110. Month-to-Month Lease; Notice.

In all leases of lands, or tenements, or of any interest therein, from month to month, the landlord may, upon giving notice in writing at least thirty (30) days before the expiration of the month, change the terms of the lease to take effect at the expiration of the month; provided, however, that it shall be competent for the parties to provide by an agreement in writing at the time such tenancy is created, that a notice changing the terms thereof may be given at any time not less than seven (7) days before the expiration of the month.

The notice, when served upon the tenant, shall of itself operate and be effectual to create and establish, as a part of the lease, the terms, rent, and conditions specified in the notice, if the tenant shall continue to hold the premises after the expiration of the month.

SOURCE: CC §827.

**ARTICLE 2
BOUNDARIES**

- § 9201. Rights of Owner.
- § 9202. Boundaries by Water.
- § 9203. Boundaries by Ways.
- § 9204. Lateral Support Generally.
- § 9205. Trees, Ownership.
- § 9206. Line Trees.

§ 9201. Rights of Owner.

The owner of land in fee has the right to the surface and to everything permanently situated beneath or above it, subject to such restrictions as are provided by law.

SOURCE: CC §829.

§ 9202. Boundaries by Water.

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Except where the grant under which the land is held indicates a different intent, the owner of the upland, when it borders on tidewater, takes to ordinary high-water mark; when it borders upon a navigable stream, where there is no tide, the owner takes to the edge of the stream, at low-water mark; when it borders upon any other water, the owner takes to the middle of the stream.

SOURCE: CC §830.

§ 9203. Boundaries by Ways.

An owner of land bounded by a road or street is presumed to own to the center of the way, but the contrary may be shown.

SOURCE: CC §831.

§ 9204. Lateral Support Generally.

Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction, on using ordinary care and skill, and taking reasonable precautions to sustain the land of the other, and giving previous reasonable notice to the other of his intention to make such excavations.

SOURCE: CC §832.

§ 9205. Trees, Ownership.

Trees whose trunks stand wholly upon the land of one owner belong exclusively to him, although their roots grow into the land of another.

SOURCE: CC §833.

§ 9206. Line Trees.

Trees whose trunks stand partly on the land of two or more coterminous owners, belong to them in common.

SOURCE: CC §834.
