

IC 32-23-2

Chapter 2. Easements in Gross: Alienation, Inheritance, Assignment

IC 32-23-2-1

"Easement in gross of a commercial character" defined

Sec. 1. As used in this chapter, "easement in gross of a commercial character" means an easement:

- (1) for the transmission or distribution of natural gas, petroleum products, or cable television signals;
- (2) for the provision of telephone or water service; or
- (3) for the transmission, distribution, or transformation of electricity.

As added by P.L.2-2002, SEC.8.

IC 32-23-2-2

Alienation, inheritance, or assignment

Sec. 2. An easement in gross of a commercial character, including an easement acquired by eminent domain, that is created after June 30, 1989, may be alienated, inherited, or assigned in whole or in part unless the instrument creating the easement provides otherwise.

As added by P.L.2-2002, SEC.8.

IC 32-23-2-3

Certain easements in gross of a commercial character

Sec. 3. (a) This section does not apply to an easement in gross of a commercial character that is created after June 30, 1989.

(b) An easement in gross that was created after July 6, 1961, may be alienated, inherited, or assigned in whole or in part if the instrument that created the easement in real property states that the easement may be alienated, inherited, or assigned.

As added by P.L.2-2002, SEC.8.

IC 32-23-2-4

Revival or reinstatement of easement in gross of a commercial character

Sec. 4. This chapter does not revive or reinstate an expired, a terminated, or an abandoned easement in gross of a commercial character.

As added by P.L.2-2002, SEC.8.

IC 32-23-2-5

Recording easement

Sec. 5. (a) An easement that is created after June 30, 1989, must cross-reference the original recorded plat. However, if the real property from which the easement is being created is not platted, the easement must cross-reference the most recent deed of record in the recorder's office. The recorder shall charge a fee for recording the easement in accordance with IC 36-2-7-10.

(b) When a release of easement is recorded in the office of the

county recorder in the county where the property is situated, the release document must cross-reference the original easement document and reflect the name of the current owner of the property to whom the easement is being released as shown on the property tax records of the county.

As added by P.L.2-2002, SEC.8.

IC 32-23-2-6

Alienation, inheritance, or assignment of certain easements in gross of a commercial character declared valid

Sec. 6. (a) This section applies to the alienation, inheritance, or assignment of:

(1) an easement in gross of a commercial character that was created before January 1, 1990; and

(2) an interest in an easement in gross of a commercial character described in subdivision (1).

(b) This section applies to an easement in gross of a commercial character that was acquired by eminent domain.

(c) Unless the instrument that created the easement states that the easement may not be alienated, inherited, or assigned, the alienation, inheritance, or assignment of an easement in gross of a commercial character that occurred before April 1, 1990, is legalized and declared valid.

As added by P.L.6-2012, SEC.209.