



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1983 | Issue 1

Article 86

1-1-1983

Property; Disclosure of Adverse Conditions

University of the Pacific, McGeorge School of Law

Follow this and additional works at: <https://scholarlycommons.pacific.edu/nlr>



Part of the [Legislation Commons](#)

Recommended Citation

University of the Pacific, McGeorge School of Law, *Property; Disclosure of Adverse Conditions*, 1983 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1983/iss1/86>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

of enforcement,¹⁵ or (3) any other person authorized by law.¹⁶ Rights or duties do not arise, however, until the easement is accepted by the holder and recorded.¹⁷ Chapter 291 provides that an easement for conservation is valid even though (1) it is not appurtenant to an interest in real property,¹⁸ (2) it can be or has been assigned to another holder,¹⁹ (3) it is not of a character that traditionally has been recognized at common law,²⁰ (4) it imposes a negative burden,²¹ (5) it imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder,²² (6) the benefit does not touch or concern real property,²³ or (7) there is no privity of estate or of contract.²⁴ Finally, the provisions of Chapter 291 apply to interests in real property²⁵ that are created on or after July 1, 1983. Applicable interests²⁶ created before July 1, 1983, are also subject to these provisions unless the interest is not enforceable against bona fide purchasers for value or holders of encumbrances, and (1) the purchase or encumbrance was made after the creation of the easement for conservation, but before July 1, 1983,²⁷ and (2) the easement for conservation was not otherwise enforceable.²⁸

15. *Id.* c. 291, §6(c), at 688; *see id.* c. 291, §4(3), at 687 A right of enforcement of any of the terms of the easement may be granted to an entity that is not the holder but is qualified to be a holder. *Id.*

16. *Id.* c. 291, §6(d), at 688.

17. *Id.* c. 291, §5(2), at 688.

18. *Id.* c. 291, §7(1), at 689.

19. *Id.* c. 291, §7(2), at 689.

20. *Id.* c. 291, §7(3), at 689.

21. *Id.* c. 291, §7(4), at 689.

22. *Id.* c. 291, §7(5), at 689.

23. *Id.* c. 291, §7(6), at 689.

24. *Id.* c. 291, §7(7), at 689.

25. *See id.* c. 291 §3(1)(a), at 687 The interests may be designated as easements for conservation, covenants, equitable servitudes, restrictions, easements or otherwise. *Id.*

26. *Id.* c. 291, §3(1)(b), at 687 (applies if interest would have been enforceable if created after July 1, 1983).

27. *Id.* c. 291, §3(1)(b)(1), at 687.

28. *Id.* c. 291, §3(1)(b)(2), at 687; *see id.* c. 291, §6(2), at 688. The sections of this chapter, however, do not affect the power of a court to modify or terminate an easement for conservation in accordance with the principles of law and equity. *Id.*

Property; disclosure of adverse conditions

NEV. REV. STAT. §119.140 (amended).
SB 43 (Jacobsen); 1983 STAT. Ch 577

Existing law requires a person¹ or broker² who proposes to offer³ or

1. NEV. REV. STAT. §119.070 (definition of a person).

2. *Id.* §119.030 (definition of a broker).

Property

sell⁴ a subdivision, lot, parcel, unit, or interest therein to apply for a license from the Real Estate Division of the Department of Commerce.⁵ If the Division grants the license, a public report must be issued containing the information specified in the application.⁶ Chapter 577 imposes a new requirement that the application must contain a true statement describing agricultural activities or conditions in the area that might adversely affect residents of the subdivision,⁷ including (1) odors, (2) agricultural burning, (3) application of pesticides, (4) cultivation and related dust, or (5) irrigation and drainage.⁸

3. *Id.* §119.060 (definition of an offer).

4. *Id.* §119.100 (definition of sell).

5. *Id.* §§119.140, 119.050 (definition of division).

6. *Id.* §119.160(1).

7. *Id.* §119.140 (amended by 1983 Nev. Stat. c. 577, §1, at 1679).

8. *Id.*

Property; gifts to minors

NEV. REV. STAT. §§167.020, 167.030, 167.040, 167.050, 167.080 (amended).

SB 25 (Committee on Judiciary); 1983 STAT. Ch 10

The Nevada Uniform Gifts to Minors Act¹ (hereinafter referred to as Act) provides a statutory method to convey indefeasible vested legal title of a security, life insurance policy, annuity contract, or money to a minor.² Chapter 10 adds real property and tangible personal property to the types of custodial property covered by the Act.³

Chapter 10 specifies that an interest in real estate may be conveyed to a minor by executing and delivering a deed, assignment, or similar conveyance of the interest in the custodian's name followed by language stating "as custodian for (name of minor) under the Nevada Uniform Gifts to Minors Act."⁴ Furthermore, a gift of tangible personal property may be made by an appropriate written document to the custodian, followed by identical custodial language.⁵

1. NEV. REV. STAT. §167.010 (short title).

2. *See id.* §§167.010-110.

3. *Compare id.* §167.020(5)(a), (c) (amended by 1983 Nev. Stat. c. 10, §1, at 9) with 1977 Nev. Stat. c. 498, §1, at 1024 (amending NEV. REV. STAT. §167.020).

4. NEV. REV. STAT. §167.030(1)(e) (amended by 1983 Nev. Stat. c. 10, §2(1)(e), at 11).

5. *Id.* §167.030(1)(f) (amended by 1983 Nev. Stat. c. 10, §2(1)(f), at 12). A custodian may designate a successor custodian by executing an appropriate conveyance containing custodial language. *Id.* §167.080(2)(b).