

**367.4776 Easement interest.**

- (1) Any natural person who purchases recreational and retirement use land for personal, family, or household purposes shall have an easement for the use of any common areas, undeveloped land, improvements, or amenities which are part of the development in which the person has purchased an interest or which are later added to the development. An individual person's right to exercise this easement may be suspended for wrongful nonpayment of maintenance fees.
- (2) The easement interest shall be superior to that of any other lien, encumbrance, license, or other interest in the real property.
- (3) Any person who obtained or granted an encumbrance, lien, lease, license, or other interest in any of the real property upon which the development is located with actual or constructive knowledge of its intended use as recreational and retirement use land shall be estopped from denying the validity of the easement.
- (4) Any waiver of this right to an easement shall be void.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 209, sec. 3, effective July 14, 1992.