13. Freehold covenants

Each Concentrate revision guide is packed with essential information, key cases, revision tips, exam Q&As, and more. Concentrates show you what to expect in a law exam, what examiners are looking for, and how to achieve extra marks. This chapter discusses freehold covenants. Freehold covenants are promises extracted by one freehold owner (the covenantee) from another freehold owner (the covenantor), whereby the latter promises either to do (positive covenant) or not to do (negative covenant) something over his land. The land burdened by the promise becomes the servient tenement. The land benefiting from the promise becomes the dominant tenement. Covenants commonly arise when a freehold owner is selling off part of his freehold to another and wishes to maintain some degree of control over the land being sold in order to preserve the value and enjoyment of the land he is retaining. Covenants may be enforceable between successors in title to the original covenantee and covenantor but only where certain requirements have been met.
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