

Deeded Water Access Rights Defended

Dan Cummings successfully defended a case in which the plaintiffs sought a declaratory judgment that the defendants did not have easement rights to access Crescent Lake in Raymond from their residence across the street. The plaintiffs argued that only those property owners who had express easements to the lake in their deeds from the developer enjoyed lake access, while the defendants asserted that their deed make reference to the subdivision plan that depicted streets and ways, including a way down to the water. After a two-day trial, the Superior Court agreed with Dan's clients that they had obtained easement rights over the depicted way that allowed them access to the lake.