

## §145. Validity

An option to purchase at agricultural value is valid and enforceable, notwithstanding any of the following conditions. [PL 2025, c. 471, Pt. B, §1 (NEW).]

**1. Not appurtenant to interest in real property.** The option to purchase at agricultural value is not appurtenant and does not run with an interest in real property.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

**2. Assignable to another holder.** The option to purchase at agricultural value can be or has been assigned to another qualified holder.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

**3. Not recognized at common law.** The option to purchase at agricultural value is not of a character traditionally recognized at common law.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

**4. Imposes negative burden.** The option to purchase at agricultural value imposes a negative burden.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

**5. Imposes affirmative obligations.** The option to purchase at agricultural value imposes affirmative obligations upon the fee owner of an interest in the burdened property or the qualified holder.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

**6. Benefit does not touch or concern real property.** The benefit of the option to purchase at agricultural value is held by a qualified holder who has not retained property that would benefit from enforcement of the option to purchase at agricultural value, or the benefit does not touch or concern real property in any other way.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

**7. No privity of estate or contract.** There is no privity of estate or privity of contract.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

**8. Does not run to successors or assigns.** The option to purchase at agricultural value does not run to the successors or assigns of the qualified holder.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

**9. Unreasonable restraint on alienability.** The option to purchase at agricultural value may be considered to be an unreasonable restraint on alienability.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

**10. Violation of rule against perpetuities.** The option to purchase at agricultural value may violate the rule against perpetuities.

[PL 2025, c. 471, Pt. B, §1 (NEW).]

## SECTION HISTORY

PL 2025, c. 471, Pt. B, §1 (NEW).

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