

LAW 7122-03: PROPERTY I

MIDTERM EXAMINATION, FALL 2011

Prof. Tom W. Bell

Thursday, October 13, 10:15 a.m. to 11:30 a.m.

Please write your exam number here: _____ and turn in this exam with your answers. If you fail to turn in your exam you may forfeit some or all of your grade.

This exam consists of 10 multiple-choice questions and one essay question. The multiple-choice section is closed book and counts for 3/8ths of your grade for this exam. You have 18 minutes to complete that section, or an average of 1.8 minutes per question. Indicate the one best answer to each multiple-choice question by filling in your Scantron sheet as directed. Even if you finish the multiple-choice questions early, you may not start on the essay section until directed to do so.

The essay section is partial open book. You may use your casebook, any material that I or the academic fellow handed out for the course, and any notes that you or your study group prepared. You may not use other materials, such as nutshells or commercial outlines. The essay section counts for 5/8ths of your grade for this exam and you have 30 minutes to complete it. You may not begin working on the essay section until directed to do so. Before you begin writing any essay answer you should read the question carefully and note both which issues you need to address and the form in which you should address them. Good organization and writing may improve your grade.

If using a bluebook, write on only one side of each page, on every other line. If you use more than one bluebook, number the booklets so that I can easily follow their intended sequence. Please write clearly. I cannot grade what I cannot understand.

Unless otherwise indicated, all events described below take place in a generic common law jurisdiction that has enacted the typical statutes. If you think it necessary to assume an unstated fact in order to answer an essay question you may do so, but you should clearly indicate that you are making an assumption and briefly explain why you consider it reasonable to do so. If you have any procedural questions about taking this exam, please contact the Registrar.

Do not turn the page until told to begin the exam.

Please write your exam number here: _____ and turn in this exam with your answers. If you fail to turn in your exam you may forfeit some or all of your grade.

Multiple Choice Questions

3/8ths of exam's total grade
(maximum time: 18 minutes, or 1.8 minutes/question)

[redacted]

Please write your exam number here: _____ and turn in this exam with your answers. If you fail to turn in your exam you may forfeit some or all of your grade.

Essay Question

5/8ths of exam's total grade
(maximum time: 30 minutes)

Oliver owned Goldacre, a 40-acre ranch, in fee simple absolute. He devised it “to my daughter, Abbie, for life, then to such of my grandchildren as survive her.” Oliver died, survived by his daughter, Abbie (then 60 years old), his son, Bob (then 58 years old), and one grandchild, Cathy (then 24 years old), who was the daughter of Bob.

Though Goldacre had a fine horse barn, good well water, and well-maintained fences, it offered for accommodation only a rustic adobe cottage. Abbie thus decided to tear down the cottage and build a large, modern home in its place.

Cathy had often visited Oliver at Goldacre and felt a sentimental attachment to the old cottage. She wrote a letter to her Aunt Abbie objecting to her renovation plans. Abbie replied:

Dear Cathy,

Don't worry about the cottage, dear. My contractor says it was about to collapse, anyhow. I'm doing you a favor by replacing it. And here's some good news: When I last visited the cottage, I found a bunch of old gold coins hidden behind a loose brick in the hearth. I sold them for \$100K, all of which I plan to spend on the new home I'm building on Goldacre, and which you will eventually come to own. Please think of it as my gift to you.

Your loving aunt,

Abbie

Cathy has approached you, her attorney, for advice. She would like to know exactly what sort of title she has to Goldacre, what claim she has to the gold coins that Abbie found there, and what she can do to save the old cottage from destruction. Please write her a letter advising her on her rights and remedies under the law of property.