

LAW 7122-03: PROPERTY II

MIDTERM EXAMINATION, SPRING 2011

Prof. Tom W. Bell

Tuesday, March 8, 1:15 p.m. to 2:30 p.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 which issues you need to address. Good organization and writing may improve your grade.

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.

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Multiple Choice Questions

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

[Questions 1-10 redacted]

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Essay Question

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

Rural owned a vacant field in an unincorporated area on the edge of a growing town. To maximize her gains, she decided to subdivide the field into two lots, each suitable for building a house. The layout of her property—a long, relatively narrow strip running at right angles to the local public road—convinced Rural to create one lot fronting the road and another lot behind it.

Rural sold the interior lot to Inner by a general warranty deed. That deed included an easement over the exterior lot, giving Inner's lot access to the road. Inner paid cash for his lot and recorded the deed in the local index. He did not begin building immediately, but did occasionally visit the lot, accessing it over a rough dirt lane.

Five years later, Rural sold the outer lot to Outer by a general warranty deed. Rural had forgotten about the easement she had granted Inner, however, and neither mentioned it to Outer nor put it in the deed to Outer's lot. Outer paid cash for his lot and purchased title insurance from Insureco under a standard policy agreement. Outer recorded his deed immediately.

Five years later, without having begun constructing a house, Outer sold his lot to Sty by a general warranty deed. Like Outer, Sty was not told about the easement that Rural had given to Inner. Sty paid cash for the lot and purchased title insurance from Titleco under a standard policy agreement. Sty recorded her deed immediately and began raising pigs on the lot—a use not forbidden by local zoning or planning ordinances.

Immediately after Outer sold his lot to Sty, Inner began building a home on his lot. This necessitated frequent trips across Sty's lot, to which Sty objected. In his turn, Inner objected to Sty's pig farming, which created odors that Inner claimed interfered with his planned residential use.

The lots lie in a race-notice jurisdiction. The statute of limitations for a breach of a present covenant is four years. All transactions were by signed and written agreements satisfactory under the statute of frauds. Describe the rights and remedies of the parties under the law of property.