

PROPERTY I QUIZ: SUBSEQUENT ACQUISITION

Prof. Bell

NOTE: Choose the one best answer to each question, applying the majority rule of property law. As on the MBE, you have 1.8 minutes/answer.

Question 1

Duchess lived alone in a large and sprawling house, portions of which she closed off and did not use, the whole of which was surrounded by untended lands. Tramp discovered a way to sneak into the house's attic from a nearby tree. He settled in and lived there for a period of years exceeding the local statute of limitations for trespass.

- (a) Tramp has won immunity from an action for trespass.
- (b) Tramp has won title to at least that portion of Duchess's property that he possessed.
- (c) Tramp has not adversely possessed Duchess's property.
- (d) Tramp has not adversely possessed Duchess's property unless he can claim color of title.

Question 2

Generous said to Lucky, in front of several witnesses, "I want you to have my old car when I buy a new one." They shook hands on the promise. Soon thereafter, Generous purchased a new car.

- (a) Lucky has no valid legal claim to Generous's car.
- (b) Lucky should not win legal title to the car because he has not detrimentally relied on Generous's promise.
- (c) Lucky will have legal title to the car if he can establish that he detrimentally relied on Generous's promise.
- (d) Lucky received a valid *inter vivos* gift from Generous and should win legal title to the car.

PROPERTY I QUIZ: SECONDARY ACQUISITION

1.
 - (a) is wrong because, even if Tramp did adversely possess the property, he would have title rather than simply just immunity to suit for trespass.
 - (b) is wrong because Tramp did not openly and notoriously occupy the property. Instead, he snuck in and out, taking pains to keep his possession secret.
 - (c) is correct** because Tramp has not openly and notoriously occupied Duchess's property. You might counter that any reasonable property owner would discover his possession, but the facts suggest Duchess was not unduly negligent in failing to do so.
 - (d) is wrong because even color of title would not suffice, absent open and notorious possession.

2. The elements of a gift are: Intention, Delivery (preferably actual delivery, but symbolic or constructive where reasonable), and Acceptance. We here have no valid gift because there is not any sort of delivery of the car.
 - (a) is thus right.**
 - (b) is wrong because we don't know if Lucky relied.
 - (c) is wrong because, even if Lucky relied, the remedy would not be transfer of title.
 - (d) is wrong for the same reason that (a) is right.