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**PROPERTY I QUIZ: CO-OWNERSHIP AND MARITAL INTERESTS QUIZ**

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**

Severus and Morticia owned Blackacre as joint tenants. Unbeknownst to Severus, Morticia wrote a will devising her interest in Blackacre to her sister. Thereafter, unbeknownst to Morticia, Severus sold his interest in Blackacre to his brother. Morticia then died. What best describes the title to Blackacre?

- (a) Because Morticia's conveyance severed the joint tenancy, her will conveyed to her sister a tenancy in common.
- (b) Because Severus's conveyance severed the joint tenancy, Morticia's will conveyed to her sister a tenancy in common.
- (c) Because Morticia's will did not sever the joint tenancy, Severus conveyed his joint tenancy to his brother, who thanks to the right of survivorship took Blackacre in fee simple when Morticia died.
- (d) Because neither conveyance severed the joint tenancy, Severus's right of survivorship gave him Blackacre in fee simple when Morticia died.

**Question 2**

Weasley and Granger owned a castle as tenants in common. Weasley, together with his family, occupied the whole of the property. Granger demanded that Weasley vacate a tower so that she might enjoy possession, but he refused to remove the owls that he had placed there. She brought suit for ouster. What result?

- (a) Granger wins because Weasley has denied her possession.
- (b) Granger wins because she demanded that Weasley vacate.
- (c) Weasley wins because he did not deny Granger the right to enter.
- (d) Weasley wins because, here as elsewhere, possession is 90% of the law.

**PROPERTY I QUIZ: CO-OWNERSHIP AND MARITAL PROPERTY**

1. Morticia did not sever the joint tenancy merely by writing a will, which could transfer no interest until she died. In contrast, Severus did unilaterally sever the joint tenancy by conveying his interest to his brother. *See, e.g., Riddle v. Harmon.* That put Morticia and Severus's brother into a tenancy in common. In contrast to an interest held in joint tenancy, the interest in a tenancy in common can be conveyed by will.
  - (a) is wrong because Morticia's will did not sever the joint tenancy.
  - (b) is right because Severus severed the joint tenancy by his conveyance, turning it into a tenancy in common.**
  - (c) is wrong because you cannot convey a joint tenancy to another; the conveyance severs the joint tenancy, converting it into a tenancy in common.
  - (d) is wrong because Severus's conveyance severed the joint tenancy.
  
2. As we learned in *Spiller v. Mackereth*, an occupying tenant must deny other tenants the right to enter a property before ouster obtains.
  - (a) is thus wrong because Granger could have moved in with the owls.
  - (b) is thus wrong because neither a mere demand by one co-tenant nor a refusal to vacate part of the property by another co-tenant constitutes ouster.
  - (c) is right because Weasley did not deny Granger the right to enter their co-owned property.**
  - (d) is wrong as a *non sequitur*.