

PROPERTY
Final Examination
(3 Hours)

INSTRUCTIONS - READ WITH CARE:

This examination consists of four questions of equal weight and will count as eighty (80%) per cent of your final grade in the course.

You are urged to budget your time carefully and to think through your reply to each question before you begin to write.

Write on one side of each bluebook page only.

If you make any assumption of fact in answering a question, please specify what the assumption is and why it is necessary to your response.

I

In 1950 Otto conveyed Blackacre to Xenos "for so long as it shall be used as a forest preserve; but if it ceases to be so used Blackacre shall thereupon become mine again." Xenos immediately recorded the deed.

Otto was committed to a State mental institution in 1955 where he remained until his death in 1971.

In 1955 following Otto's commitment, Xenos sold all of the timber on Blackacre and subdivided the land into 40 separate lots which he conveyed by deeds to various individuals, including Able and Baker who are still in possession of their respective lots. All such deeds restricted the grantees' use of their lots to residential purposes, and all have been duly recorded.

Otto died intestate, and his entire estate was distributed to Stan, his son and sole heir.

Last week Baker converted his house into a discotheque. Able and Stan request your advice as to their respective rights against Baker. Discuss.

II

Landlord rented an apartment in his building to Tenant (a law student) for one year beginning June 1, 1970. On June 1, Tenant was unable to move in because the apartment was still being occupied by Billy whose lease had expired May 31. Billy moved out on June 30 and Tenant moved in on July 1.

During July a storm caused two broken windowpanes in Tenant's apartment. Although Tenant demanded that Landlord replace the windowpanes, Landlord refused and told Tenant to do it himself. Rain coming in through the broken panes caused considerable damage to the wallpaper and floors.

The apartment directly above Tenant's was occupied by Dingbat, a member of a famous rock group. The daily rehearsals of the group interfered with Tenant's studies and sleep so much that he complained repeatedly to Landlord.

On July 15, three of Dingbat's friends were arrested in his apartment and charged with possession of narcotics.

On August 31, Tenant moved out without ever having paid any rent to Landlord.

What are Landlord's rights, if any, against Tenant? His liabilities, if any, to Tenant? Discuss.

III

Your client, Curtis, holds an unsatisfied money judgment against Robert Davies and his mother, Mary Davies. You are asked to determine whether these judgment debtors have any property against which Curtis might levy, assuming that under local law creditors can reach all vested interests, but not contingent interests.

You discover no assets except what they took under the will of Thomas Davies, deceased husband of Mary and father of Robert (and Dorothy). That will gave Blackacre to "my wife Mary, for life, and then to her heirs at law" and Whiteacre "to my father, Frank Davies, for life, then to my wife Mary if she survives him, remainder to my son Robert and his heirs on condition that within two years after the death of the aforesaid life tenants he pay to my daughter Dorothy the sum of \$15,000 in cash."

Thomas Davies was survived by his father, wife and two children, and they are still living. Both parcels of real property were the separate property of Thomas Davies.

Discuss the rights which Curtis may have to satisfy his judgment out of any interests which Mary and Robert have at the present time.

IV

Blackstone wrote that "...the obsolete doctrines of our laws are frequently the foundation, upon which what remains is erected; and... it is impracticable to comprehend many rules of the modern...without having recourse to the ancient."

Discuss this statement with reference to a comparison of the tenancy by the entirety and the joint tenancy.