UNIVERSITY OF MARYLAND
SCHOOL OF LAW

Legal Method-Property I
(2 hours)

Section F
Professor King

No. Signature: _

Printed Name:

INSTRUCTIONS:

Wednesday, December 10, 1997
9:10 am - 11:10 am

Sign and print your name in the blanks above. Put the number found above on each of your blue books on the outside cover and on the envelope. If you write more than one blue book (e.g., two), put on the cover of the first: "1st of 2," and on the second, "2nd of 2," etc. Do not put your name on the blue books or on the envelope at any place. When you turn in your blue books, return the questions.

Each student is responsible for ensuring that all the completed examination papers (usually blue books) and the examination question sheets are handed in to the examination administrator. No examination papers will be accepted after the examination administrator has collected the materials.

Upon completion of the examination, put your answers to the examination in the envelope, fasten the flap with the clasp, and hand in the envelope to the exam administrator. Be sure to enclose all of your answers -- you will be graded only on what is inside the envelope. Do not put the exam questions in the envelope. Hand in the questions separately to the exam administrator. Do not put your name anywhere on the envelope or on your answers. Both the envelope and your answers should contain your exam number, the course name, and the instructor.
SPECIAL INSTRUCTIONS:

Closed book exam.

Students using laptop computers may hand in a hard copy of their exam or two disks with their examination answers in Wordperfect 5.0, 5.1, or 5.2. The disks must have no other files on them. There must be no identifying marks on the disks. Risk of disk failure is on the student.

This examination has two "essay" questions and a third question containing three short answer "state of the title" questions.

The following two questions are in the imaginary state of Ames.

Question One
(45 minutes)

The age of majority in Ames is 18. The following statute is in effect.

An action to recover the title to or possession of real property shall be brought within twenty-one years after the cause thereof accrued, but if a person entitled to bring such action, at the time the cause thereof accrues, is within the age of minority, of unsound mind, or imprisoned, such person, after the expiration of twenty-one years from the time the cause of action accrues, may bring such action within ten years after such disability is removed.

In 1960 Xerxes owned 1000 acres of land in Brandenburg Township in rural western Ames. The land was mainly swamp land, covered by three feet of water.

In 1970 Xerxes died without a will. His four year old niece Amy was his only living relative. She did not learn that she had inherited the 1000 acres by intestate succession until 1990. In 1980 Amy was diagnosed with schizophrenia and was hospitalized until 1990 when she was cured and released.

In January 1972 Bob entered the southeast corner of the Xerxes swamp where there was a little dry ground. Bob enclosed a 1/2 acre with fencing consisting of poles spaced 12 feet apart and
one stand of wire. Bob did nothing else with the land. In January 1973 Bob was driving by the swampland and stopped to chase away some duck hunters who were in the process of setting up a duck blind in the swampy area. Bob yelled at them: "Get off! Private property."

In January 1974 Leo asked Bob if he would give him the 1/2 acre. Bob said: "Sure, why not" and conveyed the 1/2 acre to Leo. The deed described the land as "1/2 acre of land bordering Highway #1". Later in that same January Leo moved a house onto part of the dry land. See illustration at end of question.

In January 1975 the Brandenburg Town Board ordered Leo to drain the land around his house. After draining most of the 1/2 acre swamp, Leo used part of the newly exposed dry area for a garden during the summers. During the winters, whenever the remaining swampy area froze (20% of the 1/2 acre) (which was usually one out of every three years), neighborhood children (including Leo's son, Eric) skated on it. The original fence put up by Bob gradually fell down. By 1980 only an occasional post remained.

In September 1994 Amy brought an action of ejectment against Leo.

What result? Analyze and explain your answer.

Question Two
(60 minutes)

The common law of future interests is in effect. Vested remainders, contingent remainders, executory interests, possibilities of reverter, rights of entry and reversions are alienable, inheritable and devisable.

The following statute is in effect: Every grant of real estate, or any interest therein, shall pass all the estate or interest of the grantor, unless the intent to pass a lesser estate or interest shall appear by express terms, or be necessarily implied in the terms of the instrument.

Alan owned Blackacre in fee simple absolute. In 1982 Alan said to his brother Ben: "Ben, I want you to have a place to live in until you die. I'm worried about your family." Alan then conveyed Blackacre to Ben. Ben was married to Celia. Ben and Celia have 3 children: Beth, Bud and Bill. Alan's deed to Ben contained the following language:
I, Alan, hereby convey Blackacre to Ben. If the Grantee should die before his wife dies, and any children survive him, the surviving children and his wife shall have the use of Blackacre during the lifetime of his wife, and thereafter it shall go to his children and their heirs if any are living, but if at the death of the Grantee no children survive him, the title shall be in the Grantor. Should any children survive the Grantee and his wife also survive him, she shall have an interest in the land only so long as she remains unmarried.

Ben shall not have the power to convey Blackacre unless it be to the grantor, Alan, his heirs and successors.

In 1990 Alan died leaving his sole heir Harry. In 1994 Harry executed another deed for Blackacre to Ben. The deed said:

I, Harry, hereby convey all my right, title and interest in Blackacre to Ben and his heirs.

In 1995 Ben conveyed Blackacre to Dahlia. The deed said:

I, Ben, hereby convey Blackacre to Dahlia.

Dahlia took possession of Blackacre.

In 1996 Dahlia entered a contract to sell Blackacre to Ed. When Dahlia proffered a deed that said "I, Dahlia, hereby convey Blackacre to Ed and his heirs" Ed refused to go through with the deal because he said Dahlia did not have good title.

Ben, Celia and their children, the three little B's, are all alive.

Thoroughly analyze, discuss and explain the issues raised by these facts. Your answer should include whether Ed is right to refuse the deed.

Question Three
(15 minutes)
What is the state of the title in each of the following three questions. Each conveyance takes place after 1700. The common law is in effect.

1. O conveys Redacre to A and his heirs until A dies.

O and A are alive.

2. O conveys Greenacre to A for life, then to B and her heirs, but if B dies before the Orioles win the World Series, then to C and his heirs.

O, B and C are alive.

3. O conveys Blueacre to E. O. Hippus and her heirs so long as the land is not used for breeding pit bull dogs.

Zemp and E. O. Hippus are alive.