

Exam No. \_\_\_\_\_

Social Security No. \_\_\_\_\_

**THE UNIVERSITY OF AKRON  
School of Law**

9200:614-001/002  
FINAL EXAM – PROPERTY I  
Professor Lee  
Thursday, December 16, 1999  
10:00 a.m. – 1:00 p.m.

**GENERAL INSTRUCTIONS:**

1. Write your Social Security number at the top in the space provided. DO NOT USE YOUR NAME. Retain your exam number for later reference to posted grades.
2. On each bluebook you use, write your Social Security number in the space marked, "Name." Write your exam number in the space marked, "Exam Seat No."
3. When you are finished, number each bluebook you use, giving both a sequence number and the total number of bluebooks used. For example: 1 of 5, 2 of 5, etc.
4. **PERMITTED MATERIALS:** You may refer to any handouts, the text, your notes, and any outline which you have prepared. Commercial outlines are not permitted.
5. "No unpermitted aid given, received, or witnessed."

Transcribe the above Honor Code statement to the front of each bluebook you use. By so doing, you acknowledge its requirements.

6. Please write only on the right hand pages of each bluebook, skipping every other line.
7. Explain your answers fully. Give arguments on both sides of an issue where appropriate. If you need to make any assumptions about the facts or governing law, state those assumptions.
8. PART I is 60 percent of your exam (5 questions).  
PART II is 40 percent.
9. You have three hours total to complete the exam. I suggest you allocate your time approximately as follows:

PART I	1 hour and 30 minutes.
PART II	1 hour.

The remaining time (30 minutes) to allocate as necessary.

10. Remember to take time to organize your answers. Stay calm. Stay focused. Good luck.

## **PART I**

**60 percent total. Suggested time allocation: 1 hour and 30 minutes.**

**1. 10 percent. Suggested time allocation: 15 minutes.**

Odin devises Blackacre “to Annette for life, then to Beatty, but if Beatty is ever elected to public office, then Blackacre shall revert to my grandchildren.” What is the state of title?

**2. 10 percent. Suggested time allocation: 15 minutes.**

While walking in downtown Akron, Jack sees a small chimpanzee running down the middle of the street, with Mary in hot pursuit. Distracted by a large circus poster, the chimp stops to look at the gorilla pictures. Mary is about to capture it when Jack, waving the banana from his lunch bag, yells, “Over here!” The chimp scampers into Jack’s arms. Mary says, “Hey, I saw it first!” “Finders, keepers” replies Jack, carrying the little ape away.

Who owns the chimpanzee?

**3. 15 percent. Suggested time allocation: 20-25 minutes.**

In 1967, Ota, an eccentric millionaire, conveys a house, Grandacre, “to my good friend Alice and her heirs only so long as Alice or a descendant of Alice resides there.” After Alice passes away, her only child, Lou, who lives at the other end of the country, decides to rent Grandacre out. Tennyson, a prospective tenant, tells Alice that Tennyson is especially sensitive to a kind of mold spore that is often present in houses like Grandacre. Lou knows nothing about mold spore, and tells Tennyson that there is no guarantee that there will be no mold spore in the house. Tennyson, who is a grandchild of Ota, discovers that Ota had once owned Grandacre, and sentimentally decides to rent the house anyway. Lou suspects that it won’t work out, but agrees to rent the house to Tennyson, and they enter a month-to-month lease. Three months later, Lou stops receiving rent checks from Tennyson. Lou sends Tennyson a polite letter inquiring about the rent. After five months with no rent paid, Lou receives a letter from Tennyson’s attorney informing Lou that Tennyson temporarily vacated the house for health reasons, and demanding that the mold spores be removed. The cost of removing the mold spores will be \$20,000.

Lou comes to you for advice. What do you tell Lou?

**4. 15 percent. Suggested time allocation: 20-25 minutes.**

In 1911, Oldham devises Oldacre, a luxury apartment building, “in trust to the city of Macron to be used as a residential facility for White people only.” In 1999, this provision of the 1911 will comes to light, and a reporter interviews the Mayor of Macron about it. The Mayor tells the reporter that Macron certainly does not discriminate against anyone based on race, that a dark-skinned person reportedly lived in the building in 1960 (her staff is investigating), but that no minorities live there now. “This happens to be an all-white apartment building,” the paper quotes her (accurately) as saying. Reading the story the next day, the Mayor calls you, her attorney. “I haven’t gotten myself into trouble, have I?” Advise the Mayor as to the legal issues that might arise.

**5. 10 percent. Suggested time allocation: 15 minutes.**

“The law regarding the rights and duties of landlords and tenants has evolved from property principles to contract principles.” State whether you agree or disagree with this statement, and discuss. Give two examples that support your argument and one counter-example which does not.

## **PART II**

**40 percent. Suggested time allocation: 1 hour.**

Hiroshi and Waverly fall in love, start living together, and hold themselves out as being married. Hiroshi’s Uncle Owen, thinking that they are married, gives the happy couple some property as a wedding present. The deed conveys Greenacre, a two-acre parcel with a small cottage occupying one corner, “to Hiroshi and Waverly as tenants by the entirety.”

At the beginning, they are both struggling artists. They do eventually get married. But Waverly’s graphic design career soon takes off, while Hiroshi’s abstract poetry goes unnoticed. Eventually Waverly is financially supporting the household entirely, while Hiroshi winds up managing the finances and doing the shopping, cleaning and cooking. His poetry falls by the wayside. As Waverly works longer and longer hours, she becomes less and less happy with Hiroshi’s contributions, and starts to find fault with nearly everything he does. She comes to enjoy tormenting him.

One day, while clearing out some storage space in the attic, Hiroshi comes across a strange suitcase full of cash, \$150,000 in tens and twenties. When Waverly gets home, he brings the dusty old suitcase down and says, “look what I found!” Waverly looks at her grinning husband holding up an old suitcase and sarcastically mutters, “How wonderful for you. You keep that and enjoy it, ‘darling.’ Where’s my dinner?” Hiroshi

puts the suitcase away and serves dinner. The next day, after five years of marriage, Hiroshi packs up his things, takes the cash, and moves to California.

Waverly, now a successful artist, realizes that she needs help with the house, so she hires a housekeeper. Over the years she builds a studio and exhibit space on Greenacre, and expands the cottage. When Hiroshi, now a real estate developer, learns of her activities on Greenacre, he sends her a letter demanding that she pay him half of the rental value of the property, or vacate half of the lot for him to develop. Waverly writes back a letter saying, "This is my home. You walked out 7 years ago. I'm not paying you anything and I refuse to change a single thing. By the way, I want a divorce."

Hiroshi calls a lawyer. Advise Hiroshi of the various legal claims at stake.

**END OF EXAMINATION**