

Exam No. _____

Social Security No. _____

THE UNIVERSITY OF AKRON
School of Law

9200:614-001/002
FINAL EXAM – PROPERTY I
Professor Lee
Thursday, December 19, 1997
9:00 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. “No unpermitted aid given, received, or witnessed.”

Transcribe the above Honor Code statement to the front of each bluebook you use and sign it with your Social Security Number. By so doing, you acknowledge its requirements.

5. **PERMITTED MATERIALS:** You may refer to any handouts, the text, your notes, and any outline which you have prepared. Commercial outlines are not permitted.
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 40 percent of your exam.
PART II is 35 percent.
PART III is 25 percent.
9. I suggest you allocate your time approximately as follows:
PART I 1 hour to 1 hour and 20 minutes
PART II 50 minutes to 1 hour and 10 minutes
PART III 40 minutes to 1 hour
The remaining time to allocate as necessary.
10. Remember to take time to organize your answers. Stay calm. Stay focused. Good luck.

PART I

(40 percent total. Each question is worth 10 percent. Suggested time allocation: 1 hour to 1 hour and 20 minutes, or 15 to 20 minutes per question.)

1. O'Connor dies, leaving a will which states:

I hereby bequeath to my grandchild Alfie and her heirs my Picasso so long as it is publicly displayed, and if it is not publicly displayed then my Picasso shall revert to the Getty museum.

What is the state of title?

2. Driving her pickup truck down Main Street in downtown Akron, Mary spied a little lamb being chased by Jack. Quickly, she drove ahead to an alley where she waited until Jack chased the lamb into her arms.

"No fair," cried Jack. "I saw it first!"

"Too bad," smiled Mary, loading the lamb onto her truck.

Who owns the little lamb?

3. Oberon conveys Blackacre "to Alex for life, then to Alex's children for their lives, then to Bobby's heirs who reach the age of 21.

Is the gift to Bobby's heirs valid? Explain your answer.

4. Arlene and Bradley own Blackacre as joint tenants. However, when Bradley becomes physically abusive, Arlene leaves Blackacre. One month later, Arlene calls Bradley and demands that Bradley vacate half the house or pay her half of the rental value of Blackacre on a monthly basis.

Is Bradley liable to Arlene for rent? Should he be? Explain your answer.

EXAMINATION CONTINUES

PART II

(35 percent. Suggested time allocation: 50 minutes to 1 hour and 10 minutes.)

In early 1970, Obadiah sells Blackacre, a remote 100-acre square parcel, to Alan and Belana, who are planning to get married. The deed states that they are “tenants by the entirety.” Alan and Belana plan eventually to build a summer home on the northern edge of the property overlooking a lake, and possibly to retire there.

Later that year, Obadiah, who turns out to be a slick con artist, purports to sell Blackacre again, this time to Cory, who receives from Obadiah a deed describing the property. Cory builds a small cottage and garden on a ½-acre of land at the southern edge of the parcel, behind a row of hedges.

On January 1, 1971, Cory leases the cottage to the reclusive poet Dorian. Dorian lives at the cottage all year, except for three months in the winter when she prefers to stay at her condo in San Francisco.

In 1975, Alan and Belana break ground on their house on 1 acre of land on the lakefront. In 1976 they spend their first summer there, but in the years that follow they only use the house occasionally, and some years not at all. They meet Dorian, but are not aware that the cottage she is living in is actually on Blackacre.

In 1981, unbeknownst to Belana, Alan conveys his interest in Blackacre to himself “as tenant in common”, and writes a will leaving all of his property to his friend Ellery. Unbeknownst to Alan, Belana prepares a will leaving all of her property “to my good friend Foster until Hell freezes over, then to my dear husband Alan.” Then Belana dies suddenly.

Who owns Blackacre? Discuss the potential legal claims any party has against the others. Explain your reasoning.

EXAMINATION CONTINUES

PART III

(25 percent. Suggested time allocation: 40 minutes to 1 hour.)

Tony leases an apartment in a residential building from Lonnie on a year-to-year basis, with \$500 rent due at the beginning of each month. The lease contains a covenant of quiet enjoyment. Tony doesn't live in the apartment, but uses it as an office.

After seven months, Tony discovers that the ceiling tiles are made of Carbestos. (Note: Carbestos is a fictional substance, as far as I know.) This is a violation of the building code. Tony asks Lonnie to replace the ceiling, and Lonnie says, "I'm saving up money to do the job. I'll probably be able to begin working on the project the summer after next." Tony insists that the ceiling be replaced immediately, and Lonnie refuses.

Tony begins withholding rent. Neither party gives notice of termination of the lease. After four months, Lonnie enters the apartment one weekend when Tony is out of the country and changes the locks. Lonnie then sues Tony for payment of rent owed.

Discuss the likely outcome of the case.

END OF EXAMINATION