

Exam No. _____

Social Security No. _____

THE UNIVERSITY OF AKRON
School of Law

9200:614-001/002
FINAL EXAM – PROPERTY I
Professor Lee
Saturday, December 19, 1998
9:00 a.m. – 12:00 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 (4 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.

Oran conveys Plaidacre “to Aaren for life, then to Aaren’s children for their lives, then to Aaren’s grandchildren. What is the state of title?”

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

Ada, Bess and Caye inherit Blackacre, a remote parcel of land. While visiting the property alone, Ada discovers the presence of a valuable fungus used for making truffles. Ada immediately begins to harvest the truffles and sells them to gourmet markets at great profit. Bess and Caye learn of this activity and send Ada letter demanding that Ada cease to harvest the truffles and pay Bess and Caye two-thirds of the profits, after subtracting out appropriate charges for labor and equipment costs. Ada turns to you for legal advice. What do you tell her?

3. 20 percent. Suggested time allocation: 30 minutes.

On January 1, Tuvok enters into a month-to-month lease with Llewelyn to rent an apartment for \$800 per month. After moving in, Tuvok notices an annoying mildewy smell. He waits for the smell to go away, but it doesn’t, and on January 15, Tuvok sends Llewelyn a letter giving notice that Tuvok is terminating the lease and vacating the apartment as of January 30. Llewelyn informs Tuvok on January 20 that the letter is not valid to terminate the lease on January 30. Subsequently, Tuvok decides he wants to stay after all, but that something has to be done about the odor. On February 5, Tuvok sends Llewelyn a letter complaining about the smell and demanding that Llewelyn replace the carpets and repaint the apartment in order to remedy the condition. On March 3, Tuvok receives a letter informing him that he is a holdover tenant and is liable for double rent by statute. Tuvok snorts, and continues to pay the agreed-upon rent of \$800 each month, which Llewelyn cashes. In June, Llewelyn sues Tuvok for back rent due. Discuss Tuvok’s legal rights.

4. 20 percent. Suggested time allocation: 30 minutes.

Ossie devises Blackacre “to Akira for life, then to the Blues baseball team so long as it is used as a training facility, but if not used by the Blues as a training facility then to Cary and his heirs.” What is the state of title?

EXAMINATION CONTINUES

PART II

40 percent. Suggested time allocation: 1 hour.

In 1974, O'Brien conveys Northacre "to Han and Winona jointly." Using money she earned after she married Han, Winona buys a yacht named "The Fee Simple". She takes title in her own name. On their anniversary, Winona hands Han a card which says, "I'm giving you the Fee Simple to have after I die."

Immediately south of Northacre lies Southacre, which Ajax purchases in 1975.

Upon moving in, Ajax builds a fence between the two properties that is two feet north of the actual lot line, such that Ajax' garden extends two feet onto Northacre. Winona and Han notice that the fence is on their property, but they don't want to create bad feelings. They send a letter to Ajax pointing out the misplacement of the fence but giving Ajax permission to use the extra two feet for a garden.

In 1985 Ajax sells Southacre to Borax. Borax immediately sets about paving over the yard of Southacre right up to the fence for a concrete patio and swimming pool. Towards the end of the project, in early 1986, Borax tears down the old fence. The two neighbors invite each other into their respective yards to visit. The combined patio and lawn make a good combination, and they begin to use their joint yards as a common area. No explicit permission is given regarding the two-foot strip at this time.

In 1987 Winona and Han mention to Borax that they had given Ajax permission to use the two-foot strip, and will do the same for Borax. Borax replies, "Thanks, but I don't need any permission from you." He promptly puts a new fence back up where the old fence was.

In late 1996, Winona dies, leaving a will which devises all her property to her estranged child from a previous marriage, Chris.

Han feels that he must have some kind of rights to Northacre and the yacht, and he also wants to move the fence back to the original lot line. Advise Han as to his legal options.

END OF EXAMINATION