

Exam No. _____

Social Security No. _____

THE UNIVERSITY OF AKRON
School of Law

9200:614-181
FINAL EXAM – PROPERTY I
Professor Lee
Thursday, July 2, 1998
6:30 p.m. – 9:30 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.
1. 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.”
1. 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.
1. **PERMITTED MATERIALS:** You may refer to any handouts, the text, your notes, and any outline which you have prepared. Commercial outlines are not permitted.
1. “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.

1. Please write only on the right hand pages of each bluebook, skipping every other line.
1. 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 55 percent of your exam (4 questions).
PART II is 45 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 20 minutes.
PART II 1 hour and 10 minutes.

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

55 percent total. Suggested time allocation: 1 hour and 20 minutes.

1. 15 percent. Suggested time allocation: 20-25 minutes.

Terry Tenant enters into a year-to-year lease with Larry Landlord. Upon arriving at her new apartment on the day the lease begins, Terry discovers that the storage room assigned to that apartment is padlocked and still full of the previous tenant's belongings, the bathroom windows will not open, which is a violation of the housing code, and that the kitchen is infested with vermin. She informs Larry, who says, "Here's the previous tenant's number. Work the storage room problem out with him. I'll take care of the kitchen and bathroom as soon as I get back from vacation in two weeks." Unsatisfied with this response, she calls her lawyer. Advise Terry of her legal options.

2. 15 percent. Suggested time allocation: 20-25 minutes.

Ole Johnson conveys Blackacre "to my grandchildren, Abe, Benny, and Courtney, as joint tenants." Subsequently Benny executes a document which transfers his interest to himself and his spouse Wendy as tenants by the entirety. Courtney takes out a loan and gives the creditor a mortgage on her interest in Blackacre as collateral. Then Benny and Courtney are tragically killed in a train wreck. Wendy is surprised to learn that Benny's will leaves his interest in Blackacre to Simone, who Wendy has never heard of. Courtney dies intestate, survived by her two children, Charlie and Charlene. Who owns Blackacre?

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

Oriana devises Blackacre "to my nephew Albert so long as he remains married to Beatrice, but if he divorces Beatrice, then Blackacre shall go to Beatrice for the rest of her life, and when she dies then to Albert's children who reach the age of 25." At the time of Oriana's death, Albert and Beatrice are married and have no children. What is the state of title?

4. 10 percent. Suggested time allocation: 15 minutes.

Xavier owns two contiguous vacant lots and Yolanda owns an adjoining lot. Arthur is interested purchasing all three lots. Yolanda tells Arthur that she has acquired Xavier's two lots and can sell Arthur the whole three-lot parcel. Yolanda in fact does not own Xavier's lots, but nonetheless goes forward with the transaction and gives Arthur a phony deed which describes all three lots. Yolanda then disappears with the money. Arthur takes possession of the center lot, one of Xavier's, builds a house, and moves in. Eleven years later, Xavier discovers Arthur's presence and brings an ejectment action. Advise Arthur of his rights regarding all three lots.

EXAMINATION CONTINUES

PART II

45 percent. Suggested time allocation: 1 hour and 10 minutes.

Oprah owned a large diamond brooch called “the Heart of the Lake Erie,” which she kept in a safety deposit box at a bank downtown. On her daughter Amanda’s wedding day, Oprah handed to Amanda a signed letter which stated:

I hereby give my diamond brooch to Amanda for life, then to my grandchildren Bert and Curt, but if Bert and Curt both die without having children then the brooch shall revert to me. I want the brooch to stay in the family so that my descendants can always wear it.

The next day, Oprah went to retrieve the brooch. As she was leaving the bank, she was nearly hit by a speeding truck. A passerby, Dawson, pulled Oprah to safety just in the nick of time. Grateful (and forgetful), Oprah handed Dawson the brooch, saying, “I want you to have this as a reward for saving my life.” Shortly thereafter, Oprah passed away without telling anyone what happened to the brooch. Amanda inquired about the brooch, but was unable to find it.

Meanwhile, the day after his encounter with Oprah, Dawson, who paints vacant apartments for a living, reports to work. While sitting on top of a ladder in the bedroom, Dawson takes the brooch out of his back pocket because it is uncomfortable to sit on. He places the brooch on top of a windowsill and promptly forgets about it. When he finishes painting the apartment he informs the owner of the apartment building, Esther. Esther, who has never personally set foot in that particular apartment, informs her tenant Foster that the apartment is ready for occupancy.

While delivering furniture, Foster’s mover, Gennifer, spots the brooch and retrieves it. She hands it to Foster, saying, “Look what I found! Hold onto this for me in case the owner comes back.” Foster agrees to do so. The next day Foster, who manages a pawn shop, sells the brooch to Hannah for \$25.

Three years later, Amanda sees Hannah wearing the brooch at a charity ball. When Amanda sues Hannah and the news stories report that the brooch is currently valued at \$750,000, several parties come forward to claim an interest in the brooch. Dawson is not one of them.

Bert died tragically without children at the age of 25. Prior to his death Bert sold his interest in the brooch to the Institute for Speculative Investment. Curt is alive and has no children.

Discuss the rights of Amanda, Bert’s estate, Curt, Dawson, Esther, Foster, Gennifer, Hannah, IHM, and Oprah’s estate with respect to the Heart of Lake Erie.

END OF EXAMINATION