The Estate System

Each estate is defined by the length of time it may endure. The most important fees are the:

- Fee Simple (Absolute)
- Fee Tail (abolished in all but a few states)
- Life Estate
- Fee Simple Defeasible
- Term of Years (Tenancies)

White v. Brown, 559 S.W.2d 938 (1977), Casebook, p. 190.

NOT to be SOLD

- Fee Simple (Absolute)
- Life Estate and Remainder (gift over)
- Common law presumption v. statutory presumption
- Intent
- “apt language” rule
Baker v. Weedon,
262 So. 2d 641 (Miss. 1972), Casebook, p. 197.

The Life Estate Continued

I give and bequeath to my beloved wife, Anna Plaxico Weedon all of property . . . during her natural life and upon her death to her children, if she has any, and in the event she dies without issue then at the death of my wife Anna Plaxico Weedon, I give . . . all my property to my grandchildren, each grandchild sharing equally with the other.

Baker v. Weedon Cont’d

The Life Estate Cont’d

- Balancing rights of present interest holders against those of future interest holders.
- Doctrine of Necessity
- Remedies
- Efficiency of proposed remedy?