**Property**
- Module 3
- Estates and Future Interests

**Estate System**
- Estate - drawn from “status”
- Classification system, taxonomy still exists, although some types of estates are, in practice, obsolete today

King
  | Tenant in Chief
  | Mesne lord
  | Tenant in demesne

Feudal services required for the tenure versus incidents of feudal tenure
White v. Brown (Tennessee 1977)
- Family arrangement and dispute?
- Will construction
- Majority
- Dissent

Restraints on Alienation
- Restraints on Alienation
  - Four reasons
  - Three categories
  - Application to fee simple and life estate
Baker v. Weedon (Miss. 1972)

- Dispute?
- Baker's interests
- Weedon's interests
- Approach to will interpretation
- The court's new standard and course of action

Baker v. Weedon (Miss. 1972)

- Waste
  - Applies – concurrent or consecutive ownership
  - Doctrines that seek to avoid waste of the property
    - So one owner does not unreasonably interfere with expectations of another

- Types of waste
  - Affirmative – voluntary acts
    - Ameliorative? – common law versus U.S. rule
  - Permissive – failure to act

- Dispute
- Issues?

\[
\begin{array}{|c|}
\hline
\text{this land to be used for school purposes } \text{only. otherwise to revert } \text{to Grantors herein} \\
\hline
\end{array}
\]

Parents: 3/18/41 deed

- FS/??
- POR or Right of Reentry??

Defendant

Harry: 9/6/77 disclaimer

Harry: 5/7/77 conveyance

Harry: 10/9/59 deed

Parents: 7/41 deed

- Alienable??
- Alienable??

Plaintiff

Jacqmain: 10/9/59 deed

Harry: 7/41 deed

- Construction of grant language
- Preference for one future interest over the other?
- Comparison to grant clauses in precedent


- Outcome on remand to trial court? (note 3)

- Transferability of reversions: POR and Right of Reentry
  - Intestate
  - Inter vivos
  - Will

- Conditions versus covenants
Mountain Brow Lodge v. Toscano (CA App. 1968)

- **Dispute**

- **Issues**
  - Restraint on alienation?
  - Construction of the term "use"

- **Majority – construction of the grant**
  
<table>
<thead>
<tr>
<th>FS/STCS</th>
<th>Restraint on Alienation</th>
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<tbody>
<tr>
<td>&quot;if the event the [property] fails to be used by the second party&quot;</td>
<td>&quot;in the event of sale or transfer by the second party&quot;</td>
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- **Dissent**
  - This approach leads to fragmented title in the future

Ink v. City of Canton (OH 1965)

- **Dispute**

- **Grant**
  - For the use and purpose of a public park, but for no other use or purpose whatsoever

- **How to apportion eminent domain payment**

  | $$ specific use | $$$ to grantor |
  | $$ any use |