

**Question 1.** Recalling Pierson v. Post, choose the answer selection that most correctly characterizes the dissent's viewpoint.

- a.* The lower court should be affirmed under a rule that pursuit with a reasonable prospect of success vests the property right in the pursuer.
- b.* The lower court should be affirmed because in the region where the case occurred society benefits if there is an incentive to kill foxes.
- c.* The lower court should be affirmed because Post used poodles, not large dogs and hounds, to pursue the fox.
- d.* Only selections *a* and *b* are correct characterizations.
- e.* All of selections *a* through *c* are correct characterizations.

Answer: *d.*

**Question 2.** Recalling the excerpt of Professor Carol Rose's article, "Possession as the Origin of Property," choose the answer selection that most correctly reflects Professor Rose's points about the property theories she critiques.

- a.* Locke's labor theory suffers from two problems: (i) it over-specifies the scope of the entitlement; and (ii) it lacks a predicate theory to explain why there is property in one's labor.
- b.* The consent theory of property envisions that a holder of an entitlement has actually or hypothetically obtained consent from everyone else in society to control the resource that is the subject of property.
- c.* The consent theory of property is best exemplified in its strongest form by the concept of notice.
- d.* The possession theory of property posits that acts of possession "speak" to, or provide notice to, particular audiences that a person treats a resource as property; but this system requires that both the "speaker"/possessor and the target audience understand the symbolic acts, and that the speaker/possessor continue to speak with possessive acts.
- e.* Selections *b* and *d* are accurate.
- f.* All of selections *a* through *e* are accurate.

Answer: *e.*

**Question 3.** Externalities:

- a.* Are the costs or benefits, of a pecuniary or non-pecuniary nature, associated with the use of resources in an interactive and interdependent community or society, that primarily fall on persons other than the direct user or causal agent, and are not considered by the decisions of that user/agent.
- b.* Tend, in the long run, to channel use of resources into an optimal mix and level of use that maximizes the allocative efficiency of resource use in society.
- c.* Can be internalized (at least somewhat) under a system of private property rights with a right to exclude others within some tangible or intangible boundary, which is the process of each user of a common resource recording precisely the amount, timing and manner of the resource used, and submitting such records regularly to a central authority to verify that the user did not exceed her quota.
- d.* All of the above are true about externalities.

Answer: *a.*

**Question 4.** Recalling the excerpt of Robert Ellickson’s “Order Without Law: How Neighbors Settle Disputes” article, choose the answer selection that most correctly describes methods of self-help that Ellickson reports are accepted among the community members of Shasta county to control deviants who are less than optimally concerned with the damage their trespassing animals cause.

- a.* Truthful negative gossip.
- b.* Threatening to kill a trespassing animal.
- c.* Threatening to maim the owner of a trespassing animal.
- d.* As the first response to control a deviant, informally submitting a claim for compensation to the deviant, without the assistance of an attorney.
- e.* Two and only two of the selections *a* through *d* are self-help methods presented in the article.
- f.* All of selections *a* through *d* are self-help methods presented in the article.

Answer: *e.*

**Question 5.** Choose the answer selection that correctly characterizes this conveyance and any estates or interests it may create, or correctly characterizes its effects considering any post-conveyance facts given:

*Oscar to Alice provided that no one grows pimentos on the land.*

- a. Alice grows pimentos on the land, but no one else does. Oscar never notices or reacts. Later, Alice conveys her title in the land to Becky. Becky's title is good – she received some property interest from Alice.
- b. Alice grows tomatoes on the land and Oscar reacts with rage, coming onto the land and demanding it back, sending letters to this effect, etc. No one grew pimentos on the land. Later, Alice conveys her title in the land to Becky. Becky's title is good - she received some property interest from Alice.
- c. Alice grows nothing on the land, but Becky grows pimentos on the land without Alice's knowledge. Oscar never notices or reacts. Later, Alice conveys her title in the land to Becky. Becky's title is good - she received some property interest from Alice.
- d. None of selections *a* through *c* are correct characterizations.
- e. All of selections *a* through *c* are correct characterizations.

Answer: e.

**Question 6.** Choose the answer selection that correctly characterizes this conveyance and any estates or interests it may create, or correctly characterizes its effects considering any post-conveyance facts given:

*Oscar grants Greenacre to Alice for life, then to Betty on the condition that Betty never sells pimento stew while in legally valid possession of Greenacre, and if Betty ever sells pimento stew while in legally valid possession of Greenacre then to Cathy and her heirs. [Betty has never before been in legally valid possession of Greenacre]*

- a. Betty has a vested remainder in fee simple and Cathy has a fee simple determinable.
- b. Cathy has a shifting executory interest in fee simple absolute.
- c. Alice has a possessory estate in life estate and Betty has a vested remainder subject to divestment in fee simple absolute.
- d. None of selections *a* through *c* are correct characterizations.
- e. All of selections *a* through *c* are correct characterizations.

Answer: b.