

## Property

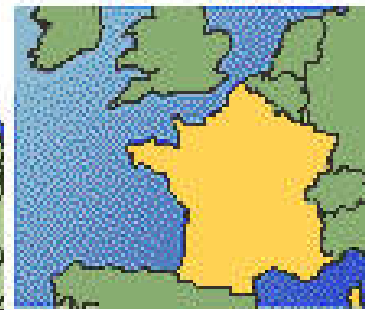
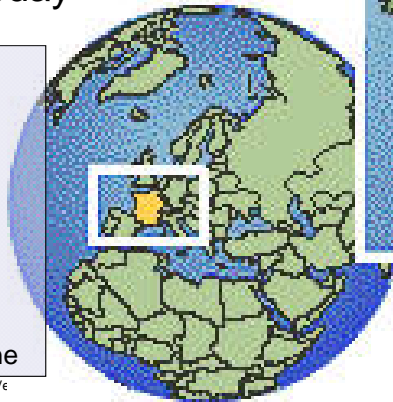
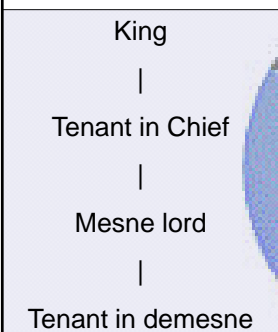
- Module 3
- Estates and Future Interests

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## Estate System

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

Feudal services required for the tenure versus incidents of feudal tenure



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OH 14.1.a

## 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



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OH 3.4.a

## Baker v. Weedon (Miss. 1972)

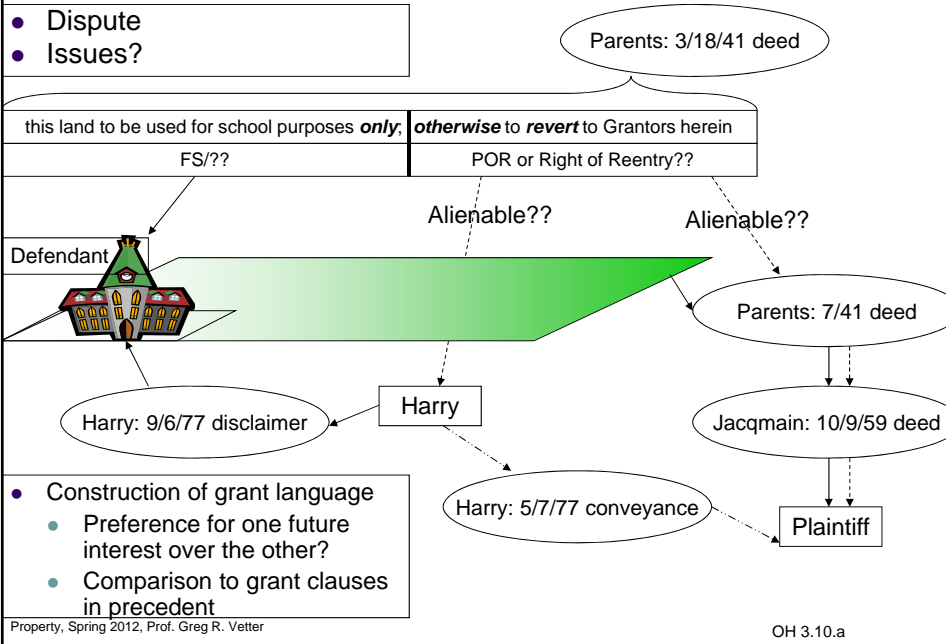
- Waste
  - Applies – concurrent or consecutive ownership
  - Doctrines that seek to avoid waste of the property
    - So one owner does not unreasonably interfere with expectations of another
- Types of waste
  - Affirmative – voluntary acts
    - Ameliorative? – common law versus U.S. rule
  - Permissive – failure to act



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OH 3.4.b

## Mahrenholz v. School Board (IL App. 1981)

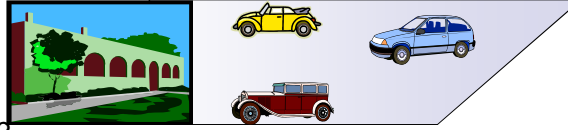


## Mahrenholz v. School Board (IL App. 1981)

- 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



FS/STCS	Restraint on Alienation
“if the event the [property] fails to be used by the second party”	“in the event of sale or transfer by the second party”

- 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

