

Module Eleven – Preserving Marketability

Question 25. O conveys BatesAcre “to A for use by A as a family home (for A) or by A’s children as a family home (for any of A’s children), but if such family home usage stops then to revert to O.” Unless stated otherwise, A or A’s children have used BatesAcre as a family home. Choose the most correct answer selection (ignore the RAP).

- a.* Fifty years after the conveyance, A or his children stop using BatesAcre as a family home; O takes BatesAcre.
- b.* A dies devising BatesAcre to his children in equal pro-rata shares; all of A’s children die intestate without heirs except D, A’s last surviving child; D’s will leaves all property to the Beno Club, a charitable organization; the Beno Club takes BatesAcre in its entirety.
- c.* A’s will devises BatesAcre to his children who survive him; A and two of his three children are killed at the same time instantly in a car crash; A’s third child, D, stops living in BatesAcre and conveys it to X; X has fee simple absolute in BatesAcre.
- d.* Two and only two of the selections *a* through *c* are accurate.
- e.* None of the selections *a* through *c* are accurate.

Question 26. T devises “to T’s children for life, then to T’s grandchildren for their lives, then to T’s great-grandchildren for their lives, then to B and her heirs.” Choose the most correct answer selection.

- a.* No interests in the given problem violate the common law RAP.
- b.* One and only one interest in the given problem violates the common law RAP.
- c.* Two and only two interests in the given problem violate the common law RAP.
- d.* None of selections *a* through *c* are correct.
- e.* Two and only two of selections *a* through *c* are accurate characterizations.

Question 27. 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 (ignore any doctrines from restrains on alienation):

Oscar to Alice, but if the land is used for commercial purposes within twenty years after the conveyance then to Betty.

- a.* After the conveyance, the correct name of Alice's interest is to call it a possessory estate in fee simple subject to condition subsequent.
- b.* The future interest to Betty violates the RAP.
- c.* There is no future interest in the grantor created in this conveyance.
- d.* If Alice builds a pimento processing factory on the land fifteen years after the conveyance, and sells processed pimentos worldwide, Betty's shifting executory interest in fee simple absolute provides her the superior right to possession, but only if she first affirmatively acts to retake the land.
- e.* None of selections *a* through *d* are correct characterizations.

Module Eleven - Preserving Marketability – Answer Key

Question Number	Correct Answer
25	c
26	b
27	c