

## Modules Nine and Ten – Estates and Future Interests

**Question 18.** 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 the rule against perpetuities and any doctrines from restraints on alienation):

*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.

**Question 19.** 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 restraints on alienation):

*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.

**Question 20.** Choose the answer selection that correctly characterizes this conveyance and any estates or interests it may create, or characterizes its effects considering any post-conveyance facts given:

*O to A on the condition that A does not divorce B.* [At the time of the conveyance A is married to B and has never divorced B]

- a. Putting aside any words of additional limitation, the basic nature of A's possessory estate is fee simple.
- b. If there are any words of additional limitation in the conveyance, these words mean that A's possessory estate is subject to a condition subsequent.
- c. Besides *O*, the grantor, the other parties to the conveyance are *A* and *B*.
- d. Two and only two of the above are correct characterizations.
- e. All of selections *a* through *c* are correct characterizations.

**Question 21.** *O* conveys Blackacre "to *A* for life, remainder to *B* and her heirs." *B* then dies intestate without heirs. *A* then dies. Who owns Blackacre? Choose the answer selection that is most correct.

- a. Cannot be determined from the facts given.
- b. The state in which Blackacre is located under its escheat provisions in its intestacy statute.
- c. The heirs of *A*.
- d. The individuals specified by the intestacy statute of the state in which Blackacre is located, as applied to *A*.
- e. None of selections *a* through *d* are correct.

**Question 22.** *O* conveys "to *A* for life, then to *B* for life, then to *C* and his heirs if *C* survives *A* and *B*." Choose the most correct answer selection.

- a. *B* has a vested remainder in life estate.
- b. *O* has a requisition of exultation in fee tail.
- c. *C* has a contingent remainder in fee simple absolute.
- d. *A* has a life estate subject to condition subsequent.
- e. Two and only two of the selections *a* through *d* are accurate characterizations.

**Question 23.** *O* conveys “to *A* for life, then to *B*, but if *B* dies before the age of 23 then to *C*.” *O*, *A*, *B* and *C* are alive, and *B* is 16. Choose the most correct answer selection.

- a.* The grant creates a life estate in *A* with a vested remainder in *B* subject to divestment, and creates a contingent remainder in *C*.
- b.* *A* has a life estate, *B* has a reversion in fee simple, and *C* has an executory interest in fee simple absolute.
- c.* *A* has a presently possessory life estate, *B* has a vested remainder in fee simple (subject to divestment) and subject to executory limitation, and *C* has a shifting executory interest in fee simple absolute.
- d.* The grant creates a life estate in *A* with a contingent remainder in *B* in fee simple, and creates an executory interest in *C* in fee simple absolute.
- e.* Two and only two of the selections *a* through *d* are accurate, although not necessarily complete, characterizations.

**Question 24.** *O* conveys BatesAcre “to *A*, but if *A* ever divorces, then to the oldest of *A*’s then-living children.” [At the time of the conveyance *A* is married to *B* with one child *C* (*C* is *A*’s only child at that time)]. Choose the most correct answer selection.

- a.* If *C* dies, then *A* and *B* have a new child *D*, and then *A* and *B* divorce, *C*’s heirs or devisees take BatesAcre.
- b.* *A* dies having never divorced *B* or anyone else; in *A*’s will he does not specifically mention BatesAcre but his will’s residuary clause directs any covered property to *F*; thus, *F* owns BatesAcre.
- c.* *B* dies; then *A* marries *X*; then *A* and *X* divorce; *C* owns BatesAcre.
- d.* Two and only two of the selections *a* through *c* are accurate.
- e.* None of the selections *a* through *c* are accurate.

## **Modules Nine and Ten – Estates and Future Interests – Answer Key**

Question Number	Correct Answer
18	e
19	b
20	d (a & b)
21	b
22	e (a & c)
23	c
24	d (b & c)