

## Module Thirteen - Co-Ownership and Marital Property

**Question 29.** Sam and Mack own BatesAcre as tenants in common with equal interest, but neither occupy BatesAcre. BatesAcre is land with a building that is mostly underground, and thus the building tends to regularly fill with water. Due to this, the third-party leasehold tenant abandons BatesAcre. Unbeknownst to Mack, Sam then moves his inventory of rubber ducks into the building. Mack shows up one day, surprised, and says he is going to look around. Sam says: “No way, you are here for my ducks,” and physically throws Sam out of the building, taking from Sam the only key to building that Sam has. A few weeks later, Mack sends a letter demanding that Sam vacate the building or pay one-half of its rental value to Mack. Choose the most correct answer selection.

- a. Sam must pay Mack the rent because Sam constructively ousted Mack.
- b. Sam only owes Mack rent if Mack actually physically ousts Sam from the building.
- c. Sam must pay Mack the rent because he actually physically ousted Mack.
- d. Sam only owes Mack rent if Mack constructively ousts Sam from the building.
- e. Sam must pay Mack the rent because the unities of a tenancy in common were severed by the presence of the ducks in the building.

**Question 30.** A, B and C own BatesAcre as joint tenants. A conveys his interest to D. B then dies intestate, survived by E. C then dies, devising all of her property to F. Choose the most correct answer selection.

- a. D, E and F own BatesAcre as tenants in common.
- b. D and F own BatesAcre as joint tenants.
- c. D and F own BatesAcre as tenants by the entirety.
- d. D, E and F own BatesAcre as joint tenants.
- e. None of selections a through d are accurate characterizations.

**Question 31.** Which of the following grants will most clearly create a joint tenancy. Choose the most correct answer selection.

- a. To A and B jointly.
- b. To A and B, a married couple, with the right of survivorship by the entireties.
- c. To A and B jointly with one-third interest to A and two-thirds interest to B.
- d. To A and B as joint tenants with the right of survivorship.
- e. To A and B as tenants by the entireties.

## **Module Thirteen - Co-Ownership and Marital Property – Answer Key**

Question Number	Correct Answer
29	c
30	e
31	d