

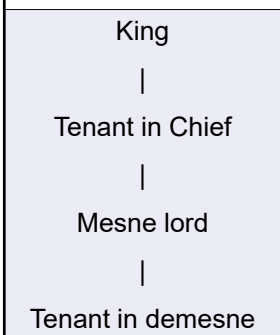
Property

- Module 9
- Estates and Future Interests Introduction

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



In the Estate of Dalton Edward Craig (Ct. App. Tex. 2010)

- Debbie v. Daphne?
- Adult children interpretation theory?
- Intent of the testator
 - Intent from the will, not will from the intent
- For will, strong presumption to dispose of all property
 - Avoid an intestacy
- Conclude that the will has an ambiguity, and then use rules of construction

Dalton Edward Craigen left a holographic will that in its entirety stated:

Last Will & testament
Debbie gets everything till she dies.
Being of sound mind & this is my w. last will & testament.
I leave to my Wife Daphne Craigen all p. real & personal property.
12-17-99 Dalton Craigen

Jackson v. Brownson (N.Y. Sup. Ct. 1810)

- 133 acres, all cleared by 8, need about 30 to sustainably have wood for purposes of operating the farm
 - The timber removal occurred during D's time on the land, and actually made the land more valuable
- Trial court: gradual clearing of timber not waste given that it converted the land to farming use – directed verdict
- Appellate majority?
- Appellate dissent?

