

Property I Examination
December 2, 2013
6:00 p.m. - 9:00 p.m.
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Instructions:

You will have three hours to complete this exam. There are two essay questions. Each question is worth 50% of the final score. Each question has a 500-word limit. Anything you write past 500 words will not be read. Both answers combined should not total more than 1,000 words. Please use the word-count feature to check the length of each answer. If you hand-write the exam, please do a manual word count.

The exam is completely open-book. You can use anything you wish, so long as that it was printed *before* the distribution of this exam. Obtaining any new information from anyone or anything *after* the exam is prohibited.

Please don't turn the page until the proctor signals that the exam has begun.

Good luck!

Question 1 (50%)

Instructions: *You are a law clerk for the Chief Justice of the Gravatar Galactic Supreme Court. You have been assigned to write a bench memo of no more than 500 words addressing an important case involving a property dispute between humans and aliens on the planet Gravatar in the 22nd Century. Gravatar adheres to all common law property rules as articulated in the Restatement (First) of Property. Gravatar has adopted Texas Oil & Gas Law with respect to all natural resources extracted from the ground. Gravatar adheres to a common law property regime for purposes of marital property law. The Chief Justice has a strong interest in how the natural law writers from Earth's Enlightenment Age viewed the acquisition of property. Humans and aliens are equally capable of using, disposing, and acquiring property. Good Luck.*

In the 22nd century, with the Earth depleted of most natural resources, mankind is forced to travel to faraway planets to fuel its civilization. On the planet Gravatar, explorers have discovered the rare mineral unobtanium. A small sample of unobtanium can power an entire city for weeks.

An expedition with three members—Anakin, Blaster, and Cameron—is sent to Gravatar with the mission of bringing unobtanium back to Earth. Anakin learns that the largest deposits of the mineral unobtanium are located underneath Treeacre. But the natives of Gravatar—the alien species of the Javy—are not happy with these newcomers.

Upon landing on Gravatar, Anakin plants an American Flag (now with 57 stars) and screams, “I declare Treeacre in the name of the United States of America.” Deetoo, a native owner of Treeacre, replies, “Um, we’ve been here for a long time buddy!”

Anakin ignores Deetoo, and leads his compatriots off of the spaceship. Blaster exits, followed by Cameron who is in a wheelchair. (Due to a “glitch” in the healthcare website, Cameron’s doctor accidentally amputated his legs instead of removing a hangnail).

First the trio attempts to enter Treeacre, based on the proclamation that the land was now owned by the United States. However, Deetoo would not let them in.

Later attempts to purchase Treeacre from Deetoo are unsuccessful. Anakin decides to acquire an adjacent property, Blackacre. Anakin wants to share his land with his friends. He subdivides Blackacre into two parcels of land, Closeacre (closer to Treeacre) and Faracre (further from Treeacre), and makes the following conveyances with the following two deeds. The first deed says, “Closeacre to Anakin and Blaster as tenants in common.” The second deed says “Faracre to Anakin and Cameron as joint tenants.”

Anakin sets up a drill on Faracre and drills on a slant across the ground underneath Faracre and Closeacre into the unobtanium reserves deep underneath Treeacre. With an underground pipeline, Anakin begins transporting the unobtanium back up to the surface on Faracre. Deetoo has no

knowledge of the drilling. Soon, Anakin begins exploiting the resource, and takes nearly all of the unobtanium. The structural support for the ground on Treeacre becomes shaky.

Short on money, Blaster sells Cameron his share in Closeacre. In exchange, Cameron gives Blaster a lease for Faracre. Rent is to be paid on the first of the month. The lease agreement says that Cameron can “terminate this lease on the date of his choice for any reason.”

Cameron, who was artificially created in a laboratory and has no other family, soon falls in love with Electra, a Javy princess. Electra promises him that if he accepts the Javy faith, he will grow a pair of legs. The two are married.

Blaster, as his name suggests, likes blasting animals with his laser. Blaster decides to go hunting for a special animal on Gravatar, the SuperFox. Blaster sees the SuperFox running around freely on Faracre. Upon confronting Blaster, the SuperFox squealed unintelligibly in a high pitch voice, “You can’t catch me!” Blaster replied, “What did you say?” The fox ran away, and Blaster proceeded to follow him. Blaster continued to chase the beast across Faracre and Closeacre and onto Treeacre. Once in Treeacre the SuperFox entered Deetoo’s private zoo, where many animal species were displayed.

Blaster, finally with a clear shot, fires at the SuperFox. Kaboom! With the loud blast, many of the small animals in Deetoo’s zoo were startled, and ran away. Just as the laser was about to hit the SuperFox (the heat emanating from the blast burned the animal’s fur) the ground underneath the “wily quadruped” collapsed. The SuperFox falls into the mineshaft below, and is transported, along with the mined unobtanium, to Faracre. Deetoo, shocked to see that there is a slant drill under his property, says he will sue.

Anakin finds the now-dead SuperFox buried in the ground on Faracre near the drill site. Anakin says “finders-keepers,” and leaves it on the ground without touching it. Cameron wanders onto Faracre, sees the SuperFox, and takes it back to Closeacre. Anakin finds out and tries to take the fox back, but Cameron kicks Anakin out of Faracre.

Blaster is furious that he lost his SuperFox. Blaster confronts Cameron, and accuses him of taking his SuperFox. Cameron denies it, and says that he is terminating Blaster’s lease effective immediately, even though Blaster had already prepaid for the rest of the month. Blaster, not too amused, screams at him “hostem humani generis,” and shoots Cameron dead. Cameron’s will left nothing to his wife, Electra.

As the bloodshed ends, the litigation begins. A number of lawsuits are properly filed in the original jurisdiction of the Gravatar Galactic Supreme Court.

Please advise the Chief Justice how the Gravatar Galactic Supreme Court should resolve each of the following six issues:

1. First, Anakin seeks to quiet title on Treeacre, asserting that he obtained ownership after he landed on Gravatar.

2. Second, Deetoo sues Anakin for a trespass and a nuisance for mining unobtanium underneath Treeacre.
3. Third, Blaster sues Anakin and Cameron's estate for depriving him of his interest in the SuperFox. Anakin, Cameron's estate, and Deetoo counterclaim, each claiming they own the fox.
4. Fourth, Blaster sues Cameron's estate for the balance of the rent he had paid for the remainder of the month (On Gravatar, Blaster's murder prosecution will proceed independently from this civil suit).
5. Fifth, Anakin sues to quiet title on Closeacre.
6. Sixth, Anakin sues to quiet title on Faracre.

Question 2 (50%)

The year is 1790. The American Revolution has come to an end. Many of the patriots who fought in the war, including Adams, Cashington, Damilton, Efferson, and Gason, have laid down their swords, and returned to their homes. A massive property dispute, involving the estates of Braintree, Vernon, Monticello, and Gunston, has arrived in the United States Supreme Court. You are a law clerk for Chief Justice John Jay, who has asked you to prepare a memo of no more than five-hundred words addressing the issues raised in this appeal. Seeing that the year is 1790, the United States applies all of the common law property rules, as articulated in the Restatement (First) of Property. No modern developments in property rules apply.

The Revolutionary War has concluded. At the conclusion of the Revolutionary War, Adams owns Braintree in fee simple, Cashington owns Vernon in fee simple, Efferson owns Monticello in fee simple, and Gason owns Gunston in fee simple.

The history books record that the Treaty of Paris resolved all of the ongoing disagreements between Great Britain and the nascent United States of America. But a separate agreement, the Treaty of Jersey, signed by the founders of our nation and the royal family, resolved the disposal of other lingering property disputes.

On January 1, 1790, as part of the Treaty of Jersey, the following conveyances are made

1. From Adams, Braintree to Cashington for life, then to Damilton and his heirs.
2. From Cashington, Vernon to Cashington for life, then to Damilton and his heirs so long as Vernon is still used for agricultural purposes, otherwise to Efferson and his heirs.
3. From Efferson, Monticello to Gunston and his heirs, but if Monticello is not used for educational purposes, to Adams and his heirs, but if Adams survives Cashington, to Efferson and his heirs.
4. From Gason, Gunston to Cashington for life, then to the survivor of Adams and Efferson and his heirs, but if the survivor and Damilton do not get along, then to Gason and his heirs

After the treaty is signed, Vernon is used for farming, and a school opens on Monticello (the University of Virginia).

On July 1, 1790, the following conveyance are made and recorded:

1. Damilton conveys his interest in Braintree to Cashington
2. Efferson conveys his interest in Gunston to Damilton.

Things take a turn for the worse on September 1, 1790. Tragically, seeking revenge for his defeat in the Revolutionary War, King George III of England stabs Cashington. Moments before Cashington dies, Cashington points to Braintree, and tells Gason that he can have Braintree. Cashington dies on September 1, 1790 with no heirs.

After Cashington's death, farming on Vernon ceases, and the land remains dormant, with no one entering the land. Also after Cashington's death, the school on Monticello shuts down. Adams goes to Monticello to check it out, and shortly after he arrived Efferson says you are a "blind, bald crippled toothless man," and stabs him.¹ Adams dies with no heirs. Efferson tells Damilton that he is a "Creole bastard brat of a Scotch pedlar."² Efferson and Damilton get into a bitter fight and stop talking to each other.

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Suit is filed properly in the original jurisdiction of the United States Supreme Court (it affects "public Ministers"). Chief Justice John Jay (who negotiated the Treaty of Paris) has asked you to prepare the following memorandum.

First, identify the present and future interests for Braintree, Vernon, Monticello, and Gunston on January 2, 1790.

Second, identify the present and future interests for Braintree and Gunston on July 7, 1790.

Third, identify the present and future interests for Braintree, Vernon, Monticello, and Gunston on December 31, 1790.

For each question, be sure to describe explain *why* Adams, Cashington, Damilton, Efferson, or Gason have an interest, if any, in each of the properties. If a person has no interest in a property, there is no need to mention it. If the ownership of a piece of property does not change from one date to the next, simply indicate that the estates remain the same from the previous date.

¹ Thomas Jefferson actually said this of John Adams.

² Thomas Jefferson actually said this of Alexander Hamilton.