

Question #1

1. D's best argument is, although his possession was by theft, he obtained possession before B. Possessors take over subsequent possessors. B's best argument is the doctrine of abandoned property. D voluntarily relinquished the book without intent to retain ownership. Where there is abandoned property, the following finder prevails. HVB's best argument is the CommonLaw view on mislaid property. This view gave mislaid property to owner of premise where property was found. As the almanac was found in a trashcan by the store, HVB would receive it.

2. Doctors and scientists that remove non-replenishable organs from other peoples bodies are allowed to use those organs for research and, potentially, occupational and financial gain (MoorevRegents) so long as they are used in a socially useful way. If doctors and scientists can use items from another person's body for gain, the owners of those organs (people like AJ) should be allowed to do the same. People have property in their body and should be allowed to use the "right to sell" stick in the bundle as with other pieces of property.

3. Assuming that courts in 1885 follow the common law: G has a present LE.

a. G's first born son has a Contingent Remainder in LE subject to divestment. G's son does not have FS because the deed did not include "and his heirs."

b. D has future Executory Interest in FS.

c. S has a future reversion.

d. The Texans likely have no claim as S's father "acquired" BA from them.

**Both LE's could be invalidated because livery of seisin was not fulfilled for either. D could have a present Executory Interest in FS.

4. Assuming these courts follow more modern trends (livery of seisin not necessary):

a. Assuming G is still alive: G has present LE. A has future VR in FS SubjectToDivestment. D has future Executory Interest in FS.

b. A has present FS subject to divestment. D has future ExecutoryInterest in FS.

c. A's interest has been extinguished by his son's conviction. D now has a present FS absolute.

5.

1) A's best claim is under Pufendorf & Grotius's capture theory (the majority rule PiersonvPost) which requires some physical contact and control.

2) T's heirs best claim is that the oil was under T's land as well, so both T & A had an equal right to drill.

3) S's heirs best claim is based on racione soli - the oil was under S's land, so it belonged to S and his heirs, whether he drilled or not. A was trespassing and had no right to anything on or under S's property.

4) TNAT's best argument has to do with the wording of the deed. S's deed is only for "all of the land" on BA, not necessarily for the oil underneath. As TNAT were living on BA before S got their, they could use the capture theory - arguing that they were there first - along with the ambiguity in the deed to claim ownership of the oil.

Question #2

1. a)H's best argument lies in the Gruen case. The ring was an inter vivos gift that his grandmother held a present interest in and intended for H to have a future interest in. His giving the ring to A "to hold on to" was bailment and the ring should go back to it's owner - H.

b)A's best argument is nunc pro tunc - what is now, then. H intended for A to have the ring permanently upon his grandmother's death and the delivery/acceptance elements of a gift are both present.

c)H's grandfather will argue that the ring was a testamentary gift, included in H's grandmother's will.

2.It is likely that both A and E acquired property of Olaf through creation. A and E created Olaf together - using A's idea as a guide and E's magical powers as a method for creation. Both A and E played integral roles in meeting the three elements necessary to copyright creations: originality, work of authorship, and fixation. Without the help of one another, Olaf would never have been created at all.

3/The validity of the lease is shaky because it was created under duress and extreme circumstances. Contracts created under these conditions are void under current law. Because A and E were locked in the cave with no hope of escaping, though, natural law may have been invoked. JFoster's first opinion in the SpelunceanExplorers argued that, just because the explorers were inside the jurisdiction, does not mean that the laws of the nation were appropriate for them at that time.

4.

a)H and A have a valid TBE for WA. The four unities (time, title, interest, possession) and marriage are all present.

b)The creation of the ice wall has denied H access to his property. Although it is not A's fault, the court could find that it severed the TBE and created a TIC.

c)H and A now have a TIC for sure because the lease to E severed the possession unity. Creation of a lease severs the possession unity at common law. A and E have a tenancy at will.

d)This deed is invalid because a strawman was necessary under common law. Nothing has changed.

e)Because of the lease, H and A are TIC and there is no right of survivorship. A's devise of her interest in WA to E is valid. E and H are now TIC. H can also invoke the Modern Elective Share, because he was disinherited, and receive 1/2 of A's property.

5.E's best argument is that there is no breach of lease. This was a tenancy at will and, under common law, if one party has the right to terminate, so does the other. There is no notice required to terminate a TAW under common law. H's best argument is that legal possession was given to E for two months, no matter if she chose to live on WA or not. Because legal possession was delivered, E owes two months rent - 200 silver coins.

Word Count = 495