

**Property I - Midterm**

**February 23, 2017**

**9:00-10:30**

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**Instructions:**

You will have **ninety minutes** to complete the midterm examination. There is one essay question, with a 1,000-word limit. Anything you write past 1,000 words will not be read. Please use the word-count feature to check the length of each answer. You can access it by clicking Tools > Word Count. Do not use the character count feature. 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!

## Instructions:

You are a mediator. Two castaways who were on a deserted island ask you to write an opinion of no more than 1,000 words, addressing five property disputes that arose between them. Because the island did not have any statutes or regulations governing the issues in this case, you can rely on any common law or natural law principles that American courts have cited.

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Tom and Wilson set out to circumnavigate the world in a hot air balloon. Tragically, during a storm, their balloon crashed on a deserted island. All of their radio equipment was damaged, so they cannot signal for help. The two only have enough provisions to last for a few days.

The island is divided down the middle by a mountain range. Tom sets up camp on the north side of the island, and declares it *Northacre*. Wilson sets up camp on the south side of the island, and declares it *Southacre*.

There is a fresh-water river that begins on Northacre, flows across the mountain range through Southacre, and spills into the ocean. The river provides more than enough water to satisfy their personal needs, and both Tom and Wilson begin to draw water from it.

Wilson discovers that Southacre is inhabited by a pack of wild boars. At dawn, he begins tracking a boar. Wilson fashioned a spear out of a branch with a rock attached to the tip. He throws the spear at the boar, which grazes the beast's tail. Frightened, the boar starts running toward the mountain range. Wilson follows it. Once the boar crosses onto Northacre, Tom sees it, and starts chasing it as well. As Tom and Wilson corner the beast, it jumps into the river and starts swimming downstream. At that moment, a freak winter storm arrives, and the temperature suddenly plummets. The river immediately freezes over. The boar is stuck in the river, frozen solid. Tom and Wilson both try to dig the boar out, but the ice is too thick. The next day, as the river thaws, the frozen boar floats downstream to Southacre. Wilson pulls it out of the water. Tom asserts that he has the strongest claim to the boar. Wilson disagrees; he skins the boar, which he makes into a coat, and eats the meat.

While the rocky soil on Northacre was dry, the soil on Southacre was very fertile. Wilson plant crops on Southacre, which, when harvested, would provide more than enough food for both residents on the island to eat. Wilson relies on the river to water the crops. Tom, still bitter about the boar, erects a dam on the river, thus blocking the flow of water to Southacre. Wilson demands that Tom remove the dam, stating that he also has a claim to the water. Tom refuses, destroying Wilson's entire harvest.

Left without anything to eat, Tom begins to forage the beach of Northacre for food. While digging in the sand, he discovers a buried chest. Without removing the chest from the sand, he pries open the lid, and finds it is full of gold coins. Tom immediately realizes that the island was not as deserted as he had thought. As the sun was setting, Tom decides to wait until the morning to remove the chest from the sand. While Tom is sleeping, Wilson crosses the mountain and

removes all of the gold coins, and leaves the chest buried in the sand. Wilson then buries the gold coins on the sands of Southacre. Tom demands Wilson return the gold coins. Wilson refuses.

The next day, a box washes ashore on Southacre containing a sealed, fully-functional solar-powered flashlight. Wilson tells Tom about it. Tom asks Wilson if he can have it. Without writing anything down, Wilson says that he will use it for the rest of his life, and then Tom can have it. Tom agrees.

Later that year, Tom becomes ill, and writes the following conveyance: "I will continue to live on Northacre, but if I die, then to Wilson and his heirs." Wilson accepts the conveyance.

Shortly thereafter, Tom makes a speedy recovery. Miraculously, a rescue boat locates the castaways. After they return to the United States, the duo hires you, a mediator, to resolve their disputes.

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You are asked to prepare an opinion of no more than 1,000 words addressing the following five issues:

1. Who has the stronger claim to the boar's skin? Tom or Wilson.
2. What is Tom's strongest claim to the gold coins? What is Wilson's strongest claim to the gold coins?
3. What are the present and future interests in the flashlight?
4. What are the present and future interests in Northacre?
5. How should Tom and Wilson have resolved the dispute over the erection of a dam on the river?