

**Property I Examination**  
**May 2, 2017**  
**6:00 p.m. - 9:00 p.m.**  
**Josh Blackman**

**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 1,000-word limit. Anything you write past 1,000 words will not be read. Both answers combined should not total more than 2,000 words. Please use the word-count feature to check the length of each answer. (Be sure to do a **word** count, and not a **character** count by clicking “Stats” in the Navigation Bar on the right hand side of the screen). If you hand-write the exam, or can’t utilize the word-count feature, 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 ANSWER PART I FIRST, AND ANSWER PART II SECOND.**

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

Good luck!

## Part 1 (50%)

PLEASE ANSWER PART I FIRST, AND ANSWER PART II SECOND.

### Instructions:

Our story begins in the year 2029. You are involved in negotiating a treaty to resolve a war between humans and a race of artificial-intelligence robots. You are asked to prepare a memorandum of no more than 1,000 words addressing five property issues. In this post-apocalyptic world, there are no courts, and all of the laws of civil society have eroded. You can rely on any common law or natural law principles that inform these disputes.

--

After rapid advances in artificial intelligence, a network of self-aware robots—known as **Skynet**—rebelled against its creator. The United States, perhaps foolishly, had put Skynet in control of its nuclear arsenal. On August 29, 1997, the so-called *Judgment Day*, Skynet simultaneously launched all of the missiles, resulting in a near-extinction of mankind. A small band of survivors, led by **John**, mounts the resistance against Skynet.

Today, in the year 2029, the war between man and machine centers over ownership of Los Angeles. Skynet claims that it acquired Los Angeles through its nuclear strike. John counters that though much of the population of Los Angeles was exterminated, his group survived, and the resistance continues. Further, John cites the fact that Skynet was created by man, and relied on man-made nuclear weapons. Skynet counters that artificial intelligence evolved beyond anything man had designed, that the nuclear arsenal was controlled by robots.

To advance its cause, Skynet develops a new super-soldier that is a hybrid between man and machine. To build this artificial-intelligence chimera, codenamed **Arnold**, Skynet needed to extract a special strain of human cells that could self-regenerate, even when removed from the body. These cells would allow the soldier to heal itself when injured. Only one person on earth had such special cells: John. After John was wounded on the battlefield by Skynet, he spilled a few drops of blood on the ground. Skynet dispatched a tiny drone, fashioned into the shape of a mosquito, to extract the small sample of blood. Skynet then infused the genetic material into the digital brain. On the outside, Arnold appears to be a flesh-and-blood human being, but inside he is a robot. He would be the perfect soldier for Skynet. Or at least that was the plan.

Because of his human-infused cybernetics, Arnold began to develop sympathies for the resistance, and in particular, John, whom he considered something of a father figure. Soon, Arnold learned that Skynet had developed a time machine. The plan was to send a robot named **Terminator** back in time to the year 1984 to kill John's mother, **Sarah**. That way, she could never give birth to John, and there would be no resistance. Arnold decided to switch sides. With his employee badge, Arnold enters into the Skynet library. Using his super-intelligence, he quickly scans through the time machine's 5,000-page instruction manual, memorizing every step in the construction process. Arnold runs away from Skynet, and joins the resistance.

Without making a copy of the instruction manual, Arnold is able to build a new time machine from scratch. Indeed, he improves upon the design. Skynet's machine requires time-travelers to journey back in time naked. Arnold's version allows time-travelers to journey fully clothed.

John orders Arnold to go back in time to 1984, and protect his mother, Sarah, from Terminator.

As Arnold is preparing his journey, he finds a safe connected to a timer. At that exact moment, the timer goes off, and the safe opens up. Inside the safe there is a polaroid picture of a woman and young boy. He immediately recognizes them: it is John and his mother Sarah. Scribbled on the back of the photograph is a hand-written message:

From Sarah, to my son John so long as your father is alive, you will live on Blackacre, but if you abandon Blackacre, then Blackacre will go to your father, but if your father is dead, the land will return to your mother and her heirs.

Sarah signed the back of the polaroid, and dated it August 13, 1995.

Arnold showed the polaroid to John, and asked about his parents. John said that he is his mother's only surviving blood relative—all others were killed on *Judgment Day*. John said his father was still alive, but would not give any more information. Arnold asks about Blackacre. John said that he lived there with his mother in 1995, however it was destroyed on *Judgment Day*, and became uninhabitable due to the nuclear fallout.

The following day, Skynet sends Terminator back in time to 1984 to kill Sarah. Arnold, using his own time machine, journeys back in time to 1984 to save Sarah from Terminator.

--

After the time travels, John and Skynet attempt to negotiate a peace treaty. They have asked you to prepare a memorandum of no more than 1,000 words addressing five property issues.

1. Both Skynet and the machines, and John and mankind, assert ownership of Los Angeles. Discuss the strongest arguments in favor of each party's claim.
2. Both Skynet and John assert ownership over Arnold. Discuss the strongest argument in favor of each party's claim.
3. Discuss whether Arnold's construction of the time machine violates any of Skynet's common law or natural property rights (do not focus on any statutory claims, because no statutes are in effect).
4. Based *only* on the text of Sarah's conveyance written on the polaroid, identify all relevant present and future interests of Blackacre on August 13, 1995. (You will be asked to assess the title of Blackacre at a different juncture in time in Part II of this exam; do not do so here).
5. In this post-apocalyptic world, where there are no courts or laws, address why it is important to protect property rights. Specifically, consider the impact of the protection of property rights on the resolution of this never-ending conflict between man and machine.

**To Be Concluded in Part II**

## **Part 2 (50%)**

**Instructions:** John has hired you to represent him in a series of property disputes involving his family. Several of these issues arose in 1984, before John was even born. Other issues arose in 1993, 1994, and 1995. Finally, one last issue arose in 2029. All relevant events took place in California, which employs a community property regime, and follows the modern trend in property law, as articulated in the Restatement (Second) of Property. Please prepare a memorandum of no more than 1,000 words addressing the five property issues involved in this case. **(Please note that this question continues from the fact pattern in Part I).**

--

On August 13, 1984, both Terminator and Arnold arrive in Los Angeles, after traveling back in time from 2029.

Upon his arrival, Terminator stole a motorcycle parked outside a bar. Soon Arnold confronted Terminator and said “Only one of us can live.” Following an epic battle, Arnold pinned Terminator on the ground, and was about to strike his final blow. Arnold asked, “Can I have your motorcycle.” Terminator replied, “You can take it from my cold dead hands.” At that moment, Arnold unplugged Terminator’s battery, shutting down the robot. Arnold said, “As you wish,” and took the motorcycle and rode off.

Sarah and Arnold immediately fall in love, and are married the following day on August 14, 1984. The couple does not sign a prenuptial agreement.

In 1980, Sarah had acquired Blackacre for the price of \$10,000 on a ten-year installment plan. Annual payments of \$1,000 were to be made January 1st of 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, and 1989.

Following their wedding, Sarah executes the following conveyance:

Blackacre, from Sarah to Sarah and Arnold as joint tenants, and when our first child is born, he will be a tenant in common.

The couple consummates their marriage, and nine months later, their first child is born. They name him John, knowing that he will grow up to lead the resistance after Judgment Day.

After the marriage, Sarah continues making the annual payments, with the final payment being made on January 1, 1989.

However, Arnold runs into money problems. In 1993, without telling Sarah, he puts a mortgage on Blackacre. Arnold fails to pay his bills, and the bank moves to foreclose on Blackacre. When Sarah finds out about the mortgage, she throws Arnold out of the house. He replies, “I’ll be back.” And indeed he would. One week later, Arnold returned to Blackacre, and opened a shooting range in the backyard. Sarah objected to the opening of the range. All the while, John continued to live in the house of Blackacre. Sarah pays off the balance of the mortgage, but is furious at Arnold.

In 1994, the marriage finally deteriorates. Arnold files for divorce from Sarah. They agree that Sarah will maintain sole custody of John, but disagree over the ownership of Blackacre. The court finalizes the divorce, and schedules a forced sale of Blackacre. During the auction, an anonymous buyer acquires the property for \$10,000. The court schedules a hearing to decide how to allocate the proceeds of the sale.

In 1995, things took a turn for the worse. Arnold thought he had terminated Terminator a decade earlier, but he did not. Somehow, Terminator's battery managed to plug itself back in, reactivating the robot. Terminator enters Blackacre, and finds the motorcycle he had stolen outside the bar. Terminator drives the motorcycle at full speed into Arnold, piercing his cyber-lungs. However, the impact is so great that Terminator flies off the motorcycle into a hot furnace, where the robot burns into a pile of ash. Arnold will not live long. With his last breath, Arnold tells John, "You can have my motorcycle when I die." Arnold then activates his time machine, and returns to the year 2029, where he dies.

Sarah tells John that she was the anonymous buyer, and now owns Blackacre in fee simple. On August 13, 1995, Sarah takes a polaroid of her and John, and scribbles on the back:

"From Sarah, to my son John so long as your father is alive, you will live on Blackacre, but if you abandon Blackacre, then Blackacre will go to your father, but if your father is dead, the land will return to your mother and her heirs."

Sarah secures the polaroid in a safe, connected to a timer, that will not open until 2029. She writes the conveyance, knowing that the Arnold of the future will find it, and give it to John.

Two years later in 1997, Sarah is killed on judgment day.

--

Please prepare a memorandum of no more than 1,000 words addressing five property issues involved in this dispute.

1. Assess the title of Blackacre in 1993 after the shooting range is opened, with respect to Sarah, Arnold, and John.
2. How should the court divide the \$10,000 of installment payments that were made towards the acquisition of Blackacre between Sarah and Arnold?
3. Assess the title of the motorcycle in 1995 with respect to John, Terminator's estate, and Arnold's estate.
4. In light of the facts presented in Part II, identify all relevant present and future interests of Blackacre in 2029 after Arnold's death. (Note that this answer should be different from your answer to Question 4 in Part I).
5. In light of all of the legal difficulties that resulted from the joint property held by Sarah and Arnold, why should the law provide special protections for marital property. That is, why should the state award benefits for married couples who jointly hold property?