

Property I Examination
May 4, 2022
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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 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 (not the character count) feature to check the length of each answer. The **character count** for the exam will be visible just above the formatting icons on your screen. By clicking on the document icon, you may view the **word count**. 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 created *before* the distribution of this exam. Obtaining any new information from anyone or anything *after* the exam is prohibited.

Complete Part I first, then Part II second.

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

Good luck!

Part I (50%)

Instructions: In the Kingdom of Encanto, all the people are fantastical and magical. Encanto follows all common law property rules and community marital property rules. The Kingdom of Colombia borders Encanto. Colombia follows all modern property rules and modern common law marital property rules.

Question #1

Abuela and Pedro are engaged to get married. They live in Colombia. Before the couple had even met, Pedro owned a candle, which he kept in his private storage unit. Pedro and Abuela purchase Blackacre on an installment contract. The total amount of the contract is \$10,000. Pedro and Abuela would make five payments of \$1,000 prior to the wedding, split evenly from their separate bank accounts; and after the wedding, the couple would make five payments of \$1,000. Before the wedding, Pedro and Abuela title Blackacre as a tenancy in common. Following the wedding, they make the five remaining payments from their joint bank account. After Abuela and Pedro make the final payment, the couple has triplets. At that point, Pedro wrote a will, in which he designated his three children as his sole heirs. Suddenly, Abuela, Pedro, and their children were forced to escape from Colombia. Pedro can only bring one belonging: his candle. On the road to Encanto, Pedro is fatally attacked. With his last breath, Pedro holds up his candle, and tells Abuela, “for you.” Then, Pedro dies. Abuela grabs the candle, and escapes with her children to Encanto. Soon, Abuela finds Pedro’s will, which she files in the Encanto Probate Court. The only assets in Pedro’s estate were the candle and Blackacre.

1. How should the Encanto Probate Court distribute the assets in Pedro’s estate?

Question #2

On appeal, a sharply-divided decision from the Supreme Court of Encanto awards the candle to Abuela. (This ruling should not affect your answer to Question #1.) After Abuela receives the candle, a miracle happens: the candle spontaneously lights on fire. This fire is magical; it continuously burns, but the wax never melts. Abuela learns that Pedro’s spirit keeps the candle burning. Soon, the miracle flame grants magical gifts to her three children. The candle gives the oldest child, Bruno, the power to predict the future. Abuela is furious that Pedro’s spirit granted gifts to the children, but not to her. Abuela files suit to quiet title on the flame, and Bruno’s magical gift.

2. How should the Encanto Trial Court resolve this dispute?

Question #3

In Encanto, Abuela purchases Whiteacre in fee simple, and builds a magical house known as the Casita.

Abuela and Bruno sign the following leasehold:

From Abuela to Bruno, a leasehold for Bruno's room in Casita, to continue during quiet enjoyment, for the amount of \$100 per month, until Abuela provides thirty days of notice to terminate. Bruno cannot assign or sublease his room under any circumstances.

Soon, Bruno's room becomes infested by rats. There are so many rats running around that Bruno cannot even sleep in his bed. Bruno pays an exterminator \$100 to remove the rats. Bruno then withholds one month rent. Abuela sues Bruno in the Encanto Trial Court to recover \$100 of unpaid rent. Bruno counter-claims that lease should be rescinded.

3. Discuss how the Encanto Trial Court should resolve this dispute.

Question #4

After the Encanto Trial Court resolves the status of the lease, Bruno befriends the rats, and they become roommates. Bruno moves back into his room. One day, Bruno has a prophecy. He predicts that in the future the Casita will fall apart. And with that prediction, Bruno created out of thin air a glass tile that depicted the Casita falling apart. Bruno did not want to share his prediction with anyone. His room on Whiteacre had a hole in the wall. Bruno placed the tile in that hole. Then, Bruno disappeared. Over time, dirt and cobwebs covered the hole, so that the tile was no longer visible. Many years later, cracks begin to form in the Casita, and the tile became visible. Mirabel—Abuela's granddaughter—found the tile. Mirabel asks if Bruno left that tile in the wall. Abuela replies, "We don't talk about Bruno." Abuela grabs the tile from Mirabel. Mirabel sues Abuela in the Encanto Trial Court to quiet title on the tile.

4. How should the Encanto Trial Court resolve this dispute?

Question #5

In a common law marital property jurisdiction, if a person dies intestate, the laws of intestacy ensure that his spouse and his children receive an interest in the decedent's estate. If the decedent wrote a will, which did not leave any assets to his family, his surviving spouse can request a modern elective share, but his surviving children cannot request an elective share. Why should the laws of intestacy protect surviving children, but the laws of the modern elective share do not protect surviving children?

Part II (50%)

Instructions: All of the instructions from Part I continue into Part II. Encanto and Colombia follow all natural and common law principles for acquiring fugitive resources. Encanto follows the American rule for water rights. Colombia follows the Western rule for water rights.

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Question #1

Pepa and Felix are married and reside in Colombia. They have three children, from oldest to youngest: Dolores, Camilo, and Tony. Abuela purchases Blueacre, which is located in Colombia. Abuela then makes the following conveyance:

Blueacre from Abuela to Pepa and Felix as tenants by the entirety, then to Pepa and Felix's youngest child, but if Pepa and Felix are no longer married, to Mirabel so long as she does not talk about Bruno, and in the event that she talks about Bruno, to Abuela for her life.

1. What are the present and future interests in Blueacre for Pepa, Felix, Pepa and Felix's youngest child, Mirabel, and Abuela?

Question #2

Julieta and Gus are married and reside in Encanto. They have three children, from oldest to youngest: Luisa, Isabela, and Mirabel. Abuela purchases Redacre, which is located in Colombia. Abuela then makes the following conveyance:

Redacre from Abuela to Julieta and Gus for their joint lives, then to Abuela and her heirs, but if Mirabel receives a gift from the Casita, to Julieta and Gus's middle child.

2. What are the present and future interests in Redacre for Abuela, Julieta, Gus, and Julieta and Gus's middle child?

Question #3

Abuela purchases Greenacre in fee simple. Greenacre is located in Colombia. Three conveyances are made.

Conveyance #1: Greenacre from Abuela to Dolores, Luisa, and Isabela as tenants in common.

Isabela becomes engaged to be married with Mariano, and executes the following conveyance:

Conveyance #2: Greenacre from Isabela to Isabela and Mariano as joint tenants.

However, that relationship soon falls apart, and Isabela and Mariano break up. But Mariano falls in love with Dolores. Isabela makes the following conveyance.

Conveyance #3: Greenacre from Isabela to Dolores.

3. Assess the present and future interests in Greenacre after Conveyance 1, Conveyance 2, and Conveyance 3.

Question #4

Mirabel runs away from the Casita to the Transnational Park, that stretches from Encanto to Colombia. She sees two caterpillars crawling in the dirt. Mirabel wants to keep the caterpillars as pets in her garden. She immediately starts to chase the caterpillars. At that same moment, Bruno's rats see the caterpillars as well. The rats like to eat caterpillars. Mirabel and the rats are about to catch the caterpillars when a strong wind comes through. The wind blows the caterpillars into the river that forms the border between Encanto and Colombia. The rats jump into the water and begin to swim after the caterpillars. Mirabel has a different idea. She creates a dam that blocks the flow of the river. Her goal is to capture the caterpillars. But neither plan works. The caterpillars hop out of the river, crawl up a tall tree, and they form cocoons. Mirabel and the rats cannot find the cocoons hanging off the branches. Three weeks later, the metamorphosis completes. The caterpillars transformed into butterflies, and they fly away. Mirabel and the rats see the butterflies in the sky, but they cannot fly after them. Once the butterflies land on a leaf, the rats catch them, and eat them. Mirabel sues the rats for the value of the two butterflies.

4. How should the court resolve this dispute?

Question #5

The law rewards those who mix their labor to create new inventions. But not everyone is equally talented. In Encanto, and elsewhere, some people are born with, or receive, certain gifts. Other people do not have those gifts. Why should the law reward people with talents that are not distributed evenly?