Property 2084

NSL

Pages: 310, 311

1. *H*’s will devises Blackacre "to my wife*, W*, for her use and benefit, so long as she remains unmarried." *H* devises the residue of his property to his daughter, *D*, a child by an earlier marriage. *W* does not remarry but moves into the apartments of her male friend, *A*. *W* subsequently dies, devising all her property to *A*. Who owns Blackacre?

***A* is the owner. *W* had fee simple determinable. *D* only received the possibility of reverter from *H* because he did not make it a life estate.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. *O* conveys Blackacre “to *A* and her heirs, but if Blackacre is used for any purpose other than agriculture purposes, then *O* has the right to re-enter and take possession of the land.”

What is the state of title in Blackacre at common law?

**After conveyance, *A* has a fee simple subject to condition subsequent and *O* has the Right of Reentry or the power of termination in fee simple absolute.**

1. Taking the facts of Problem 1, suppose that some years after the conveyance, *A* begins construction of several residences on Blackacre. *O* has died and devised her entire estate to *B*.

What is the state of title in Blackacre at common law?

**If right of entry is devisable by will, *B* has the right to reenter. If not, *O’s* heirs will have it, as right of entry is descendible in all states. *A’*s fee will remain in effect as long as no one exercises the right to reentry.**

1. *O* conveys Blackacre “to *A* and her heirs so long as Blackacre is used for residential purposes only.”

What is the state of title in Blackacre at common law?

***A* has a fee simple determinable and *O* has a possibility of reverter in fee simple absolute.**

1. Taking the facts of Problem 3, suppose that some years after the conveyance, *A* begins construction of a factory on Blackacre. *O* has died and devised her entire estate to *B.*

What is the state of title in Blackacre at common law?

**B will take the title in fee simple absolute.**

1. *O* conveys Greenacre “to the Finger Lakes Land Trust (a charitable organization) on condition that Greenacre remains forever undeveloped and in its natural condition; in the event Greenacre is ever developed, residentially, commercially, or otherwise, then the Land Conservancy (also a charitable organization) in fee simple absolute.”

What is the state of title in Greenacre at common law?

**After conveyance, Finger Lakes Land Trust has fee simple subject to executory limitation, and Land Conservancy has an executory interest in fee simple absolute.**

1. *O* conveys Wiseacre “to *A* and her heirs, and *A* promises, on behalf of her heirs and assigns forever, that Wiseacre shall be used solely for agricultural purposes.”

What is the state of title in Wiseacre at common law?

**After conveyance, *A* has fee simple absolute in Wiseacre. *A's* promise makes it a covenant that goes with the land. The covenant does not make the fee subject to either a condition or a limitation.**

1. Taking the fact of Problem 6, suppose that some years after the conveyance, *A* begins construction of a factory on Wiseacre.

What is the state of title in Wiseacre at common law when *A* begins construction?

What remedies does *O* have against *A*?

***A* has a fee simple absolute, however, *O* may bring an action against *A* for damages.**

1. *O* conveys Whiteacre “to *A* and his heirs; but if *A* ever drinks alcohol or alcoholic beverages, then to *B* and her heirs.” Later, *B* executes and delivers a deed purporting to convey her interest in Whiteacre to *C*. Later still, *A* drinks whiskey and gets drunk.

What is the state of title in Whiteacre at common law?

***A* has a fee simple subject to executory limitation. *C* has an executory interest via B*.* After *A* gets drunk, *C’s* executory interest vests in possessions a fee simple absolute. *C* does not need to take any action for this to happen,**