1. **O conveys to A for so long as no alcoholic beverages are consumed on the premises.**
	* **Fee simple determinable in A. Possibility of reverter in O.**
	* **NOT a fee simple on condition subsequent – language:**
	* **O’s possibility of reverter is automatic – A possibility of reverter CAN be sold.**
	* **NOT a reversion – Reversion goes with a Life Estate:**
	* **Together, O and A could convey a Fee Simple Absolute to C.**
2. **A, owning Blackacre in fee simple, conveys it to B and his heirs, on the express condition that the premises are never to be used by B for the sale of liquor and in the event that they are so used, then A or her heirs may enter and terminate the estate hereby conveyed.**
	* **Fee simple on Condition Subsequent in B. Power of termination in A.**
	* **Why is B’s interest not a fee simple determinable?**
		1. **The key is that A’s future interest (power of termination) is NOT automatic – A must take some action to terminate the estate.**
	* **What interest do B’s heirs have?**
		1. **B’s heirs have no interest – “and heirs” is a throwback to old times when you had to use such terms.**
	* **The condition is perpetual – B may leave the estate to whoever he wishes upon his death, but the condition will remain.**
	* **In any fee simple on condition subsequent, the language will include something indicating that the grantor must “do” something in order to regain possession.**
	* **A power of termination CANNOT be sold during life – it is not alienable. The law doesn’t want people selling the right to sue. A power of termination CAN be passed through inheritance.**
3. **O conveys land to A church; provided, however, that if the premises shall ever cease to be used for church purposes, title shall pass to the American Heart Association.**
	* **Fee simple subject to executory interest in A. Shifting executory interest in American Heart Association.**
	* **Why is the AHA’s interest not a remainder?**
		1. **B/c remainders follow the natural expiration of life estates.**
	* **Key distinction b/w fee simple determinable and fee simple subject to executory interest?**
		1. **The involvement of a 3rd party (Fee simple subject to executory interest).**
4. **O, owning land in fee simple, conveys it (i) to A for life, or (ii) to A for 99 years.**
	* **(i) – Life estate in A. Reversion in O.**
		1. **Together A and O have fee simple absolute.**
	* **O to A for life, or 10 years, whichever comes first.**
		1. **Leasehold estate in A. Reversion in O.**
		2. **A life estate is measured by the natural expiration of a person’s life. If the estate could end before the person dies, it is NOT a life estate.**
	* **(ii) – Leasehold estate in A. Reversion in O.**
		1. **At the end of the 99 years, O has reversion.**
		2. **Any time that an estate terminates at some definite time in the future, it is a leasehold estate.**
5. **To A for life, and on A’s death to B.**
	* **Life estate in A. Vested Remainder in B. Nothing in O.**
	* **Why is B’s interest a vested remainder?**
		1. **It cannot be diminished or taken away, and there is no condition. B does NOT have to survive A. If B dies before A, B’s heirs will get the remainder when A dies.**
	* **Why is this a remainder and not an executory interest?**
		1. **A remainder follows the natural expiration of a life estate.**
		2. **An executory interest would cut the prior estate short. You could have an executory interest in a life estate, but it would have to be an interest that would cut the life estate short.**
6. **To A for life, then to A’s first-born son in fee. At the time of this disposition, A has no children. Two years later, A has a son, John.**
	* **At time of disposition – Life estate in A. Contingent remainder in A’s unborn first son. Reversion in O.**
		1. **Why is it a contingent remainder?**
			1. **It is an interest that may never vest – it is in an unborn or unascertained person.**
	* **After John is born – Life estate in A. Vested remainder in John. Nothing in O.**
		1. **Reversion in O is gone, b/c the condition has been met (A had a son).**
		2. **If John died before his dad, A, at the end of A’s life, the estate would pass to John’s heirs.**
		3. **Once A dies, John has fee simple absolute.**
7. **To A for life, and on A’s death to her children in equal shares. At the time of this disposition, A has no children. Suppose two years later a child, Bob, is born to A. Two years later another child, Ray, is born to A. Two years later Bob dies. Shortly thereafter, A dies.**
	* **At time of disposition – Life estate in A. Contingent remainder in A’s unborn children. Reversion in O.**
	* **After Bob’s birth – Life estate in A. Vested remainder subject to open in Bob. Executory interest in unborn children of A.**
		1. **Bob’s interest is vested, but it could be whittled down (if A has more children), so it is a vested remainder subject to open.**
		2. **The unborn children’s interest is now executory (rather than contingent remainder, which it was BEFORE any children were born), b/c it will whittle down Bob’s interest.**
		3. **O’s reversion is gone.**
	* **After Ray’s birth – Life estate in A. Vested remainder subject to open in Bob and Ray. Executory interest in A’s unborn children.**
	* **After Bob dies – Life estate in A. Vested remainder subject to open in Bob’s heirs. Vested remainder subject to open in Ray.**
	* **Final - Vested remainder in Bob’s heirs. Vested remainder in Ray.**
8. **Gift by will from T to my wife, Rowena, for life, and on her death to my children in equal shares. T is survived by Rowena and by three children.**
	* **Life estate in Rowena. Vested remainder in the three children.**
	* **Important to remember about wills – they do NOT become effective until death. (ambulatory document)**
	* **Why is it not a vested remainder subject to open?**
		1. **T is dead (since this is a will) – cannot be anymore children, so it is not a vested remainder subject to open.**
9. **To X for life, remainder to A and his heirs, but if at A’s death he is not survived by issue, to B and his heirs.**
	* **Life estate in X. Vested remainder subject to total divestment in A. Nothing in A’s heirs. Shifting executory interest in B.**
	* **A has an interest (so it is vested) but it could be taken away (if A has no children), so it is a vested remainder subject to total divestment.**
	* **B’s interest is NOT a contingent remainder, b/c it does not begin at the natural termination of a life estate. Rather, B’s interest cuts off A’s interest, so it is an executory interest.**
	* **Even if A has issue (children, grandchildren, great-grandchildren) when he dies, then A could’ve willed the estate to other people, not just his issue.**
10. **To A for life, then to B for life.**
	* **Life estate in A. Vested remainder in a life estate subject to total divestment in B. Reversion in O.**
	* **Why is B’s vested remainder subject to total divestment?**
		1. **B could die before A – if so, B could lose his future interest - since the remainder could be taken away, it is a vested remainder subject to total divestment.**
11. **To A for life, and on A’s death to B if B survives A.**
	* **Life estate in A. Contingent remainder in B. Reversion in O.**
	* **B’s interest is conditioned on B surviving A. Condition precedent to getting his interest – contingent remainder.**
	* **O retains reversion, b/c if B does not survive A, then title would go back to O.**
	* **If B survives A, then O has no reversion anymore, and B has fee simple absolute.**
12. **A conveys to B for life, then to C and his heirs if C survives B; if C does not survive B, then to D and his heirs.**
	* **Life estate in B. Contingent remainder in C. Contingent remainder in D. Nothing in A.**
	* **This situation is called Alternative Contingent Remainders. D’s interest is NOT executory, b/c it would not cut short C’s interest.**
13. **A conveys to B for life, then to C and his heirs, but if C marries D, then to E and his heirs.**
	* **Life estate in B. Vested remainder subject to total divestment in C. Shifting executory interest in E. Nothing in A.**
14. **To A for life, and on A’s death, to such of A’s children as survive her. At the time of this disposition, A is in poor health and has two adult children (B and C) who are very healthy.**
	* **Life estate in A. Contingent remainders in B and C. Reversion in O.**
	* **B and C’s interests are contingent upon a condition precedent – them surviving A.**
	* **If the deed had not said “A’s children as survive her” – then B and C’s interest would be a vested remainder subject to open.**
15. **To A and her heirs; but if B returns from Canada, then and in that event to B and his heirs.**
	* **Fee simple subject to executory interest in A. Shifting executory interest in B. Nothing in O.**
16. **To A for life, and one year after A’s death to B.**
	* **Life estate in A. Springing executory interest in B. Reversion in O. During the year between, O has a fee simple subject to executory interest.**