

**LAW 7122-03: PROPERTY I**

**MIDTERM EXAMINATION, FALL 2010**

**Prof. Tom W. Bell**

Tuesday, October 19, 1:15 p.m. to 2:30 p.m.

Please write your exam number here: \_\_\_\_\_ and turn in this exam with your answers. If you fail to turn in your exam you may forfeit some or all of your grade.

This exam consists of 10 multiple-choice questions and one essay question. The multiple-choice section is closed book and counts for 3/8ths of your grade for this exam. You have 18 minutes to complete that section, or an average of 1.8 minutes per question. Indicate the one best answer to each multiple-choice question by filling in your Scantron sheet as directed. Even if you finish the multiple-choice questions early, you may not start on the essay section until directed to do so.

The essay section is partial open book. You may use your casebook, any material that I or the academic fellow handed out for the course, and any notes that you or your study group prepared. You may not use other materials, such as nutshells or commercial outlines. The essay section counts for 5/8ths of your grade for this exam and you have 30 minutes to complete it. You may not begin working on the essay section until directed to do so. Before you begin writing any essay answer you should read the question carefully and note which issues you need to address. Good organization and writing may improve your grade.

Write on only one side of each page, on every other line. If you use more than one bluebook, number the booklets so that I can easily follow their intended sequence. Please write clearly. I cannot grade what I cannot understand.

Unless otherwise indicated, all events described below take place in a generic common law jurisdiction that has enacted the typical statutes. If you think it necessary to assume an unstated fact in order to answer an essay question you may do so, but you should clearly indicate that you are making an assumption and briefly explain why you consider it reasonable to do so. If you have any procedural questions about taking this exam, please contact the Registrar.

Do not turn the page until told to begin the exam.

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### **Multiple Choice Questions**

3/8ths of exam's total grade  
(maximum time: 18 minutes, or 1.8 minutes/question)

[redacted]

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### **Essay Question**

5/8ths of exam's total grade  
(maximum time: 30 minutes)

Mort lay on his deathbed, accompanied by his nurse, Wanda. He called his granddaughter, Dora, to his side and said, "I haven't got long to live and I want to give you something before I die." Mort gestured weakly toward his nightstand. "In that drawer you'll find a key. Take it out." Dora did so.

Mort continued with difficulty, "That key opens the safe in my closet, where you will find my will and other important documents. The safe also includes a ruby necklace, which I recently purchased to give to you for your upcoming birthday. I don't think I'll survive that long, and I didn't make provision in my will for the necklace to pass to you, so I'd like for you to have it now." Dora opened the safe, removed the necklace, put it on, and turned to embrace Mort in thanks. She found, however, that he had already died.

After recovering from her shock and sorrow, Dora reviewed the other contents of the safe. She discovered that the will said, in relevant part, "So that it will remain in the family, I leave my house and surrounding lands to my sole living descendent, Dora, and the heirs of her body, but if she dies without issue, I will that property to such of my collateral as survive her." Several such collateral were alive at Mort's death, at which time Dora had no children.

Not long thereafter, Dora ordered a survey of (what had been) Mort's house and surrounding lands. She thereby discovered that a wall dividing the property from that of a neighbor, Todd, had been placed 3 feet inside its proper boundary. When asked about the wall, Todd said, "That was already in place when I purchased the property 5 years ago. The prior owner, Addie, told me that she had it built some 20 years earlier, but swore that it marked the proper boundary between her land and Mort's. I guess she was wrong."

Discuss the disposition under property law not of Mort's estate in general, but only those parts of it specifically mentioned in the facts.