

PROPERTY I QUIZ: ESTATES

Prof. Bell

NOTE: Choose the one best answer to each question, applying the majority rule of property law. As on the MBE, you have 1.8 minutes/answer.

Question 1

Ollie died leaving a will that said, in relevant part, "I leave my Hollywood house to my niece, Ally, so that she can pursue her dream of becoming an actress without worrying about a place to live." Having decided on a career in law, Ally does not move into the house but instead puts it up for sale. What best describes the result?

- (a) Ally forfeits the house because she failed to comply with a condition Ollie imposed on her ownership.
- (b) Although she did not comply with the provisions of Ollie's will, Ally still takes the house as Ollie's heir.
- (c) Ally owns the house in fee simple because the will did nothing more than describe Ollie's motive.
- (d) Ally owns the house in fee simple because Ollie's condition is invalid as a restraint on alienation.

Question 2

Duke died leaving a will that said, in relevant part, "I hereby bequeath the family home and grounds to my son and the heirs of his body, but if any of them should try to sell the property, I bequeath it to my daughter." What best describes the result?

- (a) Duke's son takes the property in fee tail.
- (b) Duke's son takes the property in fee simple.
- (c) Duke's son takes the property in fee simple subject to a condition subsequent.
- (d) Duke's daughter takes the property

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1. We have here language that merely describes Ollie's motive, rather than imposing a condition.
 - (a) is thus wrong.
 - (b) is wrong because we have no reason to think Ally would take as an heir.
 - (c) is correct.**
 - (d) is wrong because this is not a restraint on alienation.

2. Under the majority rule, language that in times past would have created a fee tail instead now create a fee simple. Also, although not as roundly condemned as a disabling restraint, the sort of forfeiture restraint Duke tried to create is void.
 - (a) is thus wrong.
 - (b) is thus right.**
 - (c) is wrong because the attempted condition is void.
 - (d) is wrong because (b) is right.