

# Table of Contents

|  |           |
|--|-----------|
| ABOUT THE AUTHOR .....                               | V         |
| INTRODUCTION.....                                    | VII       |
| <b>Chapter 1. Captured and Found Property .....</b>  | <b>1</b>  |
| Captured and Found Property Review .....             | 1         |
| Captured and Found Property Checklist.....           | 9         |
| Illustrative Problems .....                          | 15        |
| Problem 1.1 .....                                    | 15        |
| Analysis .....                                       | 16        |
| Problem 1.2 .....                                    | 17        |
| Analysis .....                                       | 18        |
| Points to Remember .....                             | 19        |
| <b>Chapter 2. Gifts .....</b>                        | <b>21</b> |
| Gifts Review.....                                    | 21        |
| Gifts Checklist .....                                | 30        |
| Illustrative Problems .....                          | 35        |
| Problem 2.1 .....                                    | 35        |
| Analysis .....                                       | 35        |
| Problem 2.2 .....                                    | 36        |
| Analysis .....                                       | 37        |
| Points to Remember .....                             | 38        |
| <b>Chapter 3. Present and Future Interests.....</b>  | <b>39</b> |
| Present and Future Interests Review .....            | 39        |
| Present and Future Interests Checklist .....         | 66        |
| Illustrative Problems .....                          | 77        |
| Problem 3.1 .....                                    | 77        |
| Analysis .....                                       | 81        |
| Problem 3.2 .....                                    | 87        |
| Analysis .....                                       | 87        |
| Problem 3.3 .....                                    | 87        |
| Analysis .....                                       | 88        |
| Points to Remember .....                             | 90        |
| <b>Chapter 4. The Rule Against Perpetuities.....</b> | <b>93</b> |
| Rule Against Perpetuities Review.....                | 93        |
| Rule Against Perpetuities Checklist.....             | 110       |
| Illustrative Problems .....                          | 120       |
| Problem 4.1 .....                                    | 120       |
| Analysis .....                                       | 120       |

|   |            |
|---|------------|
| Problem 4.2 .....   | 126        |
| Analysis .....  | 126        |
| Problem 4.3 .....   | 135        |
| Analysis .....  | 137        |
| Problem 4.4 .....   | 150        |
| Analysis .....  | 150        |
| Problem 4.5 .....   | 153        |
| Analysis .....  | 153        |
| Points to Remember .....                                      | 153        |
| Appendix: The Validating Life Method .....                    | 155        |
| <b>Chapter 5. Co-Ownership.....</b>                           | <b>159</b> |
| Co-Ownership Review .....                                     | 159        |
| Co-Ownership Checklist .....                                  | 173        |
| Illustrative Problems .....                                   | 185        |
| Problem 5.1 .....   | 185        |
| Analysis .....  | 186        |
| Problem 5.2 .....   | 187        |
| Analysis .....  | 187        |
| Problem 5.3 .....   | 187        |
| Analysis .....  | 188        |
| Points to Remember .....                                      | 188        |
| <b>Chapter 6. Landlord and Tenant .....</b>                   | <b>191</b> |
| Landlord and Tenant Review .....                              | 191        |
| Landlord and Tenant Checklist.....                            | 204        |
| Illustrative Problems .....                                   | 232        |
| Problem 6.1 .....   | 232        |
| Analysis .....  | 233        |
| Points to Remember .....                                      | 236        |
| <b>Chapter 7. Real Estate Transactions .....</b>              | <b>239</b> |
| Real Estate Transactions Review.....                          | 239        |
| Real Estate Transactions Checklist .....                      | 249        |
| Illustrative Problems .....                                   | 270        |
| Problem 7.1 .....   | 270        |
| Analysis .....  | 272        |
| Problem 7.2 .....   | 274        |
| Analysis .....  | 274        |
| Points to Remember .....                                      | 277        |
| <b>Chapter 8. Recording Acts and Adverse Possession .....</b> | <b>279</b> |
| Recording Acts and Adverse Possession Review .....            | 279        |
| Recording Acts and Adverse Possession Checklist .....         | 290        |
| Illustrative Problems .....                                   | 298        |
| Problem 8.1 .....   | 299        |

|   |            |
|---|------------|
| Analysis .....  | 299        |
| Problem 8.2 .....   | 300        |
| Analysis .....  | 301        |
| Points to Remember .....                                    | 302        |
| <b>Chapter 9. Easements, Profits, Real Covenants, and</b>   |            |
| <b>Equitable Servitudes.....</b>                            | <b>305</b> |
| Easements, Profits, Real Covenants and Equitable Servitudes |            |
| Review .....  | 305        |
| Easements, Profits, Real Covenants and Equitable Servitudes |            |
| Checklist.....  | 335        |
| Illustrative Problems .....                                 | 352        |
| Problem 9.1 .....   | 352        |
| Analysis .....  | 354        |
| Problem 9.2 .....   | 355        |
| Analysis .....  | 356        |
| Problem 9.3 .....   | 357        |
| Analysis .....  | 359        |
| Points to Remember .....                                    | 360        |
| <b>Chapter 10. Takings .....</b>                            | <b>363</b> |
| Takings Review .....  | 363        |
| Takings Checklist.....                                      | 382        |
| Illustrative Problems .....                                 | 388        |
| Problem 10.1 .....  | 388        |
| Analysis .....  | 390        |
| Problem 10.2 .....  | 391        |
| Analysis .....  | 391        |
| Points to Remember .....                                    | 393        |
| <b>Chapter 11. Master Checklist for Issue-Spotting on</b>   |            |
| <b>Essay Exams .....</b>                                    | <b>395</b> |
| Master Checklist Template.....                              | 398        |
| Real and Personal Property Concepts.....                    | 398        |
| Claim: Trespass or ejectment/eviction action by             |            |
| landowner.....  | 398        |
| Defenses .....  | 398        |
| Claim: Conversion of personal property.....                 | 398        |
| Defenses .....  | 398        |
| Landlord and Tenant Law .....                               | 398        |
| 1. Claim: Rent owed to landlord .....                       | 398        |
| Defenses/Counterclaims.....                                 | 398        |
| 2. Claim: Eviction action by landlord against a tenant      |            |
| or subtenant in possession .....                            | 399        |
| Defenses/Counterclaims.....                                 | 399        |

|  |            |
|--|------------|
| 3. Claim: Damages owed to landlord for breach of lease covenant .....                                | 400        |
| Buying and Selling Real Estate.....  | 400        |
| 1. Disputes between buyer and seller over enforcement/rescission of real estate sales contract ..... | 400        |
| 2. Disputes by grantee after closing of real estate sales contract.....                              | 401        |
| 3. Disputes over superior title to real property (quiet title action) .....                          | 401        |
| Claims: Present and future interests/Rule Against Perpetuities issues.....                           | 401        |
| Claims: Common ownership issues .....  | 401        |
| 4. Recording act claims against a first purchaser .....  | 402        |
| Land Use Disputes .....  | 402        |
| 1. Disputes among landowners of adjacent properties ....   | 402        |
| 2. Disputes over government regulation impacting owner's title or use of the land.....               | 403        |
| <b>Chapter 12. Practice Exam #1.....</b>   | <b>405</b> |
| Question 1 .....   | 406        |
| Question 2 .....   | 407        |
| Question 3 .....   | 407        |
| Question 4—Part 1 .....  | 408        |
| Question 4—Part 2.....   | 409        |
| Answer to Question 1 .....   | 411        |
| Answer to Question 2 .....   | 414        |
| Answer to Question 3 .....   | 414        |
| Answer to Question 4—Part 1 .....  | 415        |
| Answer to Question 4—Part 2.....   | 418        |
| <b>Chapter 13. Practice Exam #2.....</b>   | <b>419</b> |
| Question 1 .....   | 420        |
| Question 2 .....   | 420        |
| Question 3 .....   | 425        |
| Answer to Question 1 .....   | 429        |
| Answer to Question 2 .....   | 430        |
| Answer to Question 3 .....   | 435        |