

# FINAL EXAMINATION

## PROPERTY I

PROF. CHRISTIANSEN

FALL 2007

1. You have three (3) hours for this examination.
2. This is a **closed** book examination.
3. This examination contains two parts: multiple choice questions and essay questions.

**Part I** consists of twenty (20) multiple-choice questions. Correct multiple choice answers are to be marked on the separate ParSCORE test form using pen or pencil and following the instructions on that form. If you change your answer, place a clear “**X**” through the wrong answer and mark the correct answer. A machine will score the exam and any ambiguities will be counted as a wrong answer. I recommend you spend approximately 30 minutes on Part I.

**Part II** consists of one essay question. I strongly encourage you to spend at least 10-15 minutes outlining your answer before writing. I have allotted sufficient time for you to outline, write and review your answers. Read the questions carefully to ensure you address all the issues identified.

**NOTE:** The multiple-choice question section and the essay question have suggested time allotments that reflects their overall value in the scoring of the exam.

Part I – 60 minutes (40% of final exam grade)

Part II— 75 minutes (60% of final exam grade)

*You are likely to have far more time than you need for this exam.*

4. If you are handwriting the exam, use ink pen only (no pencils). Write legibly. Skip lines and writing on only one side of each page of the bluebook.
5. Write your student exam number on your exam envelope. Put your student exam number at the top of this page, each page of questions, each blue book, and the ParSCORE test form. **Do not** use your name, student ID number or Social Security Number on any exam materials.
6. At the conclusion of the exam, all examination papers—including the Part I ParSCORE test form, your answers for Part II, the examination questions, these

instructions, and all notes—must be placed back in the exam envelope. Failure to return all materials will result, among other sanctions, in a failing grade of “F” for the course. **Do not** seal the envelope.

Relax and have confidence in your abilities. Now, take a deep breath and begin.

**GOOD LUCK!**

**PART II**

**ESSAY QUESTION -- Suggested time: 75 minutes**

Andrew's grandmother Ophelia was an important civil rights lawyer. Andrew was her only grandchild and Ophelia cared for him very much (but did not always trust him) at the time of her death in 1985. At the relevant part in her valid will she devised "my farm and all real property interests therein to Andrew, so long as he never uses the property in violation of a federal civil rights act; but if he ever uses the property in violation of a federal civil rights act, then to Glorious State University School of Law (GSU) for the establishment of a civil rights clinic."

Andrew used the farm for a few years before realizing that it was not financially solvent as a working farm. In 1990, he converted it to Andrew's Farmstead Bed & Breakfast. It had been a large farm so he converted several building around the property into a collection of 30 rooms and cabins. The process of starting up the B&B was expensive and so Andrew sought advice from other nearby B&B and hotel owners. Andrew's neighbor suggested that he take advantage of local events to increase the number of guests at his B&B.

Each Spring (for the last four years) during the two weeks of the nearby Great Midwestern Lesbian Campout & Festival, Andrew prohibits all men and all straight women from renting rooms at the B&B. And each Fall (for the last two years) he houses attendees at the local, two-week Racial Purity League Annual Conference. For that period of time, he permits no people of color to stay at the B&B. Andrew lies to both groups and tells them he enforces the restrictions all year long (even though he actually harbors no discriminatory feelings).

Your client is GSU. The Dean wants to understand the legal status of GSU's interest and the likelihood that GSU will receive the property as a result of Ophelia's conveyance.

Please answer the following questions for GSU:

1) Describe the initial result of the conveyance to Andrew from his Grandmother Ophelia under the common law? Please also explain how your answer is affected by any relevant common law or statutory rules related to the conveyance?

2) Regardless of your determination in Question 1, also analyze whether Andrew has

violated his grandmother's condition that he never use the property in violation of a federal civil rights act.

**END OF PART II**