

## Real Property—Bare-Bones Template

### Estates In Land

#### I. Present Possessory Estates

- A. Fee Simple Absolute      “To A and his heirs.” (CL)
- B. Defeasible Fees—Potentially infinite duration terminate at an event in future (use examples)
  - 1. Fee Simple Determinable (& Possibility of Reverter)
    - Automatically terminates at event
    - Goes back to grantor
    - “For so long as, while, during, until”
    - Ex: “To A for so long as no kegs are served on premises”
    - (Possibility of Reverter: A grants to B)
  - 2. Fee Simple Subject to Condition Subsequent
    - Grantor retains power to terminate (not auto)
    - Ex: “To B and her heirs, but if B has keg, then grantor may enter and terminate estate.”
  - 3. Fee Simple Subject to Executory Interest
    - 3<sup>rd</sup> person automatically vests if condition met
    - Ex: “To B and her heirs, but if B has keg, then to Pilgrim Lutheran Church.”
- C. Fee Tail—Abolished in most jurisdictions
  - To lineal descendants only
  - Ex: “To B and the heirs of her body.”
- D. Life Estates
  - Ex: “To B for life, then to C and his heirs.”
  - Ex: Per autre vie—for the life of another  
“To B for as long as his son C is alive.”

### Duties of life tenants (waste)

- Entitled to ordinary uses and profits of land
- Can't damage the remainder

## II. Future Interests

### A. Reversionary Interests—Future interest in Transferor

- Ex: Owner "To A for life." Owner has reversion in Fee simple (what comes back to O)

### B. Remainders—Future interest in Transferee

- Naturally occurs at end of estate
- Ex: Owner "To A for life, then to B." B remainder.

## III. Executory Interests (only two future interests in transferee: Remainders & Executory Interests)

### A. Shifting—Divests one transferee in favor of another

- Not naturally occurring
- Ex: "To A, unless she has a keg on premises, then to B."

### B. Springing—Divests transferor

- Ex: "To A when and if she marries B."
- Divests Owner if stated event occurs.

## **Rule Against Perpetuities**

Validity determined at time of creation of Interest—

- A. Must vest
- B. If at all
- C. Not later than 21 years after one or more lives in being

## **LL-T**

### I. Kinds of Leaseholds:

- A. Tenancies For Years
- B. Periodic Tenancies

### II. T Duties

- A. Waste
- B. Abandonment

### III. LL Duties

- A. Quiet Enjoyment—Actual, Partial, Constructive Eviction
- B. Implied Warranty of Habitability

### IV. Assignments and Subleases

--Obligations continue?

### V. Tort Liability

- A. LL
- B. T

### VI. Fixtures (general issue, commonly applied here).

## **Easements**

### I. Types: (vs. Licenses)

- A. Express
- B. Implied
- C. Prescriptive
- D. Necessity

### II. Scope of Easement

### III. Termination of Easement

## **Real Covenants (and Equitable Servitudes)**

### I. Requirements for Burden to Run

### II. Requirements for Benefit to Run

## **Adverse Possession**

### I. Requirements:

- A. Open & Notorious
- B. Actual & Exclusive
- C. Continuous
- D. Hostile
- E. Time (Disabilities & tolling)

## **Land Sale K's**

1. SoF
2. Damages—Specific Performance
3. Recording: Race/Notice

Who protected?