

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: Future Interest in Grantor)
 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.”
 - (Right of Entry: Future Interest in Grantor)
 3. Fee Simple Subject to Executory Interest
 - 3rd 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
- Other obligations: Reasonable repair, pay tax & interest (to extent of profits)

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.

IV. Concurrent Estates

A. Joint Tenancy (Right of Survivorship)

B. Tenancy in Common (No Right of Survivorship)

Rule Against Perpetuities

Validity determined at time of creation of Interest (many future interests violate rule)—

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

Rule In Shelly's Case, Doctrine of Worthier Titel

LL-T

I. Kinds of Leaseholds:

- A. Tenancies For Years (SoF)
- B. Periodic Tenancies
- C. At Will

II. T Duties

- A. Waste—Damage Premises, Keep “Wind and Water” tight
- B. Abandonment—LL do nothing or repossess (T off hook, if accepts)

III. LL Duties

- A. Quiet Enjoyment—Actual, Partial (no rent), Constructive Eviction
- B. Implied Warranty of Habitability—Reasonably Suited

IV. Assignments (All transferred) and Subleases (something retained)

--Obligations continue? If Assignment, New T in Privity of Estate

V. Tort Liability

A. LL CL: Concealed Danger, Modern: General Duty

B. T: Tort

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

Incorporated into structure or not

Easements

I. Types: (vs. Licenses—Can terminate, if K ok's)

A. Express (SoF)

B. Implied—2 tracts

C. Prescriptive

D. Necessity—Access to public road

II. Scope of Easement

III. Termination of Easement

Real Covenants (and Equitable Servitudes)

I. Requirements for Burden to Run (Intent, Notice, Horiz & Vert Priv)

II. Requirements for Benefit to Run (Intent, Vertical)

Adverse Possession

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

Land Sale K's

- I. SoF
2. Damages—Specific Performance
3. Recording: Race/Notice (Actual OR Constructive)
 - Who protected? BFP's
4. Mortgages
 - A. Security Interest In Property
 - B. Contract to Pay Debt