

Property
Spring 2017
Prof. Ford

Take-Home Midterm Exam

This take-home midterm is worth 25% of your course grade. It will be distributed on **Friday, March 24**, and is due on **Wednesday, March 29 at 12:00 pm**. By that time, you must return **two printed copies** of your exam responses to the Registrar's Office. Late exams will result in a reduction of your **course grade by one-third letter grade per day**. Please do not include your name or any identifying info. Instead, place only your assigned exam number on the top right of your responses.

I expect all exam responses to be typed. **Format your responses similarly to this document: single-spaced, with 1.5-inch margins, and empty space between paragraphs.** Please print one-sided and staple each copy of your responses at the top left corner of the page. Use 12-point Century, Palatino, Constantia, Book Antiqua, Cambria, or another high-quality proportionally spaced body-text font; please do *not* use Times New Roman. Number your pages.

Because you have flexibility about when to complete the exam, other students may be completing this exam before or after you do so. Accordingly, you **must not discuss the exam with anyone, student or not, until I tell you that every student has turned in his or her exam**. Additionally, I will not be able to answer any questions about the exam while it is in progress. You may use any materials you wish while completing this exam.

This exam consists of **three questions**. Question 1 is worth 50% of the grade, while questions 2 and 3 are worth 25% each. This exam has strict time and word limits. You must not spend more than **four hours** completing this exam (I expect you will need much less time than that), and you must not use more than **1000 words total**. (I recommend, but do not require, that you allocate those words in proportion to the scoring.) Please list your total word count at the end of your exam.

As in legal practice, **writing, organization, and clarity count**, so spend some time outlining your responses and leave some time to edit. Follow standard practices of good writing: use topic sentences; break up your text into reasonably sized paragraphs, each focused on a single idea; use short, complete, grammatically correct sentences.

Please also type the following at the top of your exam:

I affirm that I have not discussed this exam with other students or anyone else during its administration. I further affirm that I understand and have complied with the word and time limits governing this exam.

Good luck!

Question 1 (50%)

After the events of question 1 of the practice midterm, Sandra decides to get away from buried tanks and litigious neighbors by leaving Exeter and finding a new picturesque New England town. She finds a cute little Victorian house in Chester, New Vermont, and buys it from the estate of Carol, who lived in the house for 27 years, much of it alone after her husband died.



Sandra closes on the house in early June and moves in a week later. The house had been cleaned out, but on the back desk she discovers an expensive “Big Green Egg” barbecue grill like the one shown above. Sandra asks her real-estate agent if Carol’s kids want the grill, and the agent says “oh I’m sure they don’t care; just keep it.” So Sandra does, grilling chicken, ribs, and other tasty food throughout the summer.

That winter, Sandra begins renovating the house, which hasn’t changed significantly in decades. She starts in the basement, where a workman tearing out a wall finds a hidden compartment. Inside the compartment is a lockbox that, when the workman pries it open, turns out to contain several pieces of gold jewelry, about two dozen gold and silver coins, and several small gold bars. The coins and bars show dates in the 1940s and 1950s. The workman gives the box to Sandra. She takes it to an appraiser, who estimates that the contents are worth about \$35,000.

About a year later, Sandra tells the story about her lucky finds at a neighborhood holiday party. One of her neighbors, Carol’s son Mike (who, it turns out, is Carol’s only heir), says “wait a minute, don’t those things belong to me?”

Mike sues Sandra, seeking to recover the value of the barbecue grill and the contents of the lockbox. How should the court rule?

Question 2 (25%)

O conveys, *inter vivos*, Purpleacre “to the Concord School District for as long as it is used for school purposes.” In a separate transaction executed five minutes later, O conveys his interest in Purpleacre “to A and her heirs.”

Upon the completion of both conveyances, what is the state of title?

These conveyances are valid under the common-law Rule Against Perpetuities. Why?

Question 3 (25%)

Other than ruling for Pierson or for Post, propose one way that the court could have resolved *Pierson v. Post*. Give one policy argument for, and one against, your proposed resolution.