PROPERTY
PROFESSOR KRISTELIA GARCÍA

CLASS 14(A): CONSERVATION OF ESTATES
Class Outline

- Conservation of Estates
The Principle of Conservation

- Owners are presumed to transfer all of what they have, unless specified to the contrary. Anytime a grantor conveys less than her full interest, the principle of conservation kicks in.

- The Principle: All of the interests that a grantor grants and retains must add up to what the grantor started with. (So the last interest when it becomes possessory must be in fee simple.)

- In other words, everything must add up to a fee simple.

- *Nemo dat quod non habet* ("nemo dat"): “One cannot transfer what one does not have.”
“I, G.A. Williams, being of sound mind make this my last will and Testament: At my death I want Ida Williams, Mallie Williams, and Ethel Williams...to have my home farm...to have and hold during their lives, and not to be sold during their lifetime. If any of them marry their interest ceases and the ones that remain single have full control of same. I am making this will because they have stayed at home...and cared for their mother...and I do not want them sold out of a home. If any one tries to contest this will I want them debarred from any interest in my estate.”
Holographic Will

I hope that you are all fine, I am not feeling well. Everything I own goes to my sister, Norma.

XX 050

Betty Williams
City of Klamath v. Bell

Klamath Falls City Library (2014, built 1926)
Klamath County Library and Klamath County Museum, Klamath and Third, Klamath Falls, 1955

Klamath County Library, ca. 1975
KNOW ALL MEN BY THESE PRESENTS That Daggett–Schallock Investment Company, a corporation organized and existing under the laws of the State of Oregon, for and as a gift and without any consideration, does hereby give, grant and convey unto the City of Klamath Falls, Oregon, so long as it complies with the conditions hereinafter set forth, and thereafter unto Fred Schallock and Floy R. Daggett, their heirs and assigns, the following described parcel of real estate, in Klamath County Oregon, to-wit ***

To have and to hold the same unto the said City of Klamath Falls, Oregon (and to any other municipal corporation which may lawfully succeed it) so long as it complies with the conditions above set forth, and thereafter unto Fred Schallock and Floy R. Daggett, their heirs and assigns forever. ***
Deed in *City of Klamath Falls v. Bell*: City’s Position

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