

# PROPERTY

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CLASS 14(B): NUMERUS CLAUSUS

# Class Outline

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- *Numerus Clausus*
- Dead hand control
- Restraints on alienation
- The rule against perpetuities

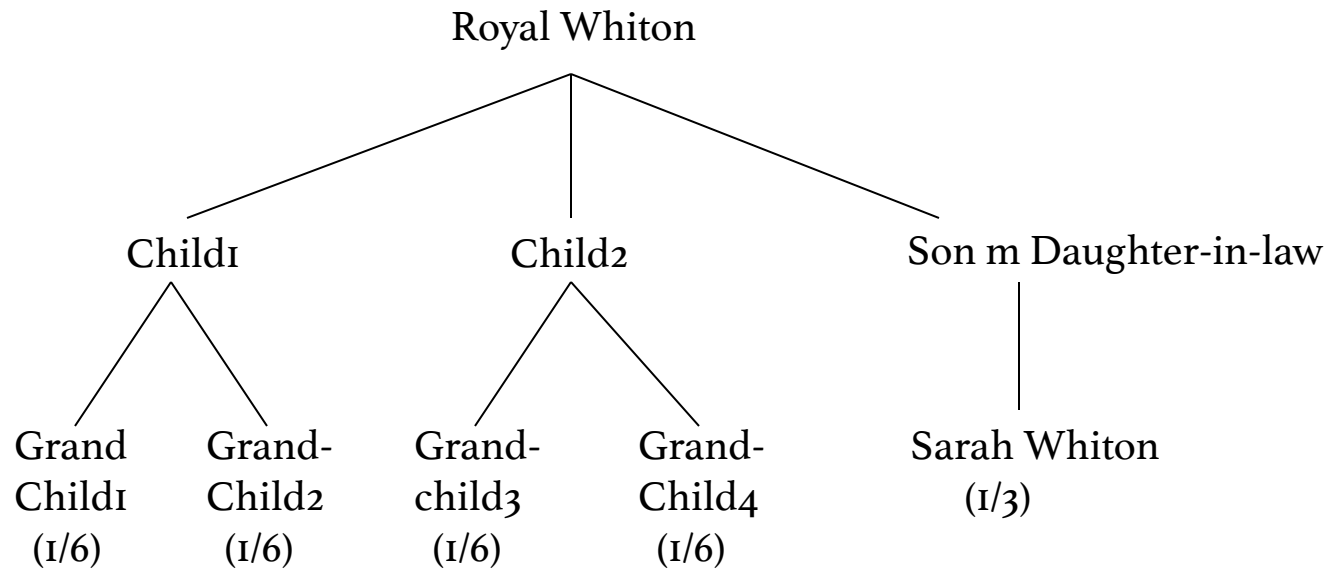
# *Numerus Clausus*

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→ Property, unlike contract, forces people to use a standardized set of property forms or types.

These types of property come from a fixed menu, and major changes to the menu – especially additions or removals of whole items – are channeled to the legislature and away from courts.

# *Johnson v. Whiton*



# *Johnson v. Whiton* (cont.)

1. Life estate in Sarah, remainder in the heirs on her father's side.
2. Fee simple determinable. "To Sarah in fee simple so long as she does not die intestate."
3. Fee simple subject to an executory limitation. "To Sarah in fee simple, but if she dies intestate, then to the heirs on her father's side."

# *Johnson v. Whiton* (cont.)

Best:

“To Sarah in fee simple, but if she owns the property on her death and dies intestate, then to the heirs on her father’s side.”

# Garner v. Gerrish

“Lou Gerrish has the privilege of termination [sic] this agreement at a date of his own choice” (handwritten).

