

Property Practice Exam

1. This is an open-book exam. You may consult any inanimate materials you like, except for the Internet and your classmates.
2. This exam^{***}, worth 75 points total, has two sections, and you have three hours to complete it. The questions are not all of equal weight, however, so you might consider allocating your time accordingly:
 - a. Section I consists of forty-five (40) multiple-choice questions worth 40 points, or 1 point each.
 - b. Section II consists of two (2) essay questions—one classic, long-form issue spotter (worth 25 points), and one shorter, theory/policy question (worth 10 points)—for a total of 35 points.
3. Instructions for each section are at the beginning of that section.
4. Please identify yourself only with your student ID number. Please do not put your name or other identifying information on any page.
5. You may use scratch paper, but it will not be graded (or even seen). You must return the exam questions to the proctor, and surrender all scratch paper, at the end of the exam.

Good luck!

***** - Please note that these instructions represents the instructions you will see on your Final Exam. This Practice Exam, however, has only 10 multiple choice questions and 1 essay (issue spotter) question.**

Section I: Multiple Choice (40 Questions; 1 point each for a total of 40 points)

Instructions:

1. For each of the multiple choice questions, identify the best answer.
2. Each question has only one answer.
3. Answers written on the exam booklet itself or on scratch paper will not be considered (or even seen).
4. The best answer is the answer that reflects cases, statutes, and other materials read for this class or discussed in class, even if there may be arguments for changing existing law or policy.
5. You will receive one point for each correct answer.
6. No deductions will be made for incorrect answers, so it is always in your best interest to guess.

1. Jay-Z conveys 99 acres in rural Brooklyn as follows: “ $\frac{2}{3}$ to Beyonce for life and $\frac{1}{3}$ to Blue Ivy for life, remainder to my fans.” Assuming both Beyonce and Blue Ivy are alive upon Jay-Z’s death, which of the following is true?
 - (A) Beyonce has a life estate.
 - (B) Blue Ivy has a life estate.
 - (C) The conveyance violates the conservation of estates.
 - (D) (A) & (B).
 - (E) None of the above.

2. Just before his death at age 99, Jay-Z has a son and names him Poison Ivy. On his death bed, he calls his lawyer and dictates the following amendment to his will: “Upon my death, I give all of my property to Poison Ivy, so long as he does not marry a Kardashian.” Then he takes his last breath. Which of the following is false?
 - (A) Poison has a present possessory interest.
 - (B) The conveyance is void under the Statute of Frauds.
 - (C) The conveyance does not violate the conservation of estates doctrine.
 - (D) The conveyance may violate the Rule Against Perpetuities.

3. Jay-Z holds title to an abandoned crack house in Morrissey. In 2015, he decides to move to Colorado to become a professional snowboarder. He figures it will take him about a year. He tells you that he wants to place the property in the capable hands of Beyonce while he’s away. He mentions that if it turns out he’s Olympics material, he may stay in Colorado for the rest of his life, in which case he will decide what he wants to do with the Morrissey property at that point.

As Jay-Z’s lawyer, which of the following conveyances would you draft to best represent his intent?

- (A) “Jay-Z grants the property to Beyonce until the end of Jay-Z’s snowboarding career.”
- (B) “Jay-Z grants the property to Beyonce as tenant in common.”

- (C) “Jay-Z grants the property to Beyonce on the condition that Jay-Z stays in Colorado.”
- (D) “Jay-Z grants the property to Beyonce, but if Jay-Z asks for its return, then to Jay-Z.”
- (E) “Jay-Z grants the property to Beyonce for life, then to Jay-Z.”
4. Jack White moves to Boulder to open an organic, eco-friendly, sustainable, and gluten-free used record store. The theme of the store is “zero waste,” and as such, Jack does not need the two trash bins that come his unit. In exchange for free tofu dogs, he tells his neighbor, VeggieLife Café, that they can use his trash bins. As business picks up, VeggieLife expands its café into a new space on the other side of the existing store, even though the new space does not come with any trash bins. After discovering that kids these days prefer to stream music, Jack turns his record store into a Mac repair shop, and wants his trash bins back. What is VeggieLife’s best argument for retaining use of the bins?
- (A) They have a license.
- (B) They have acquired the trash bins by adverse possession.
- (C) They have acquired use of the binds via easement by estoppel.
- (D) They have acquired use of the bins via easement by necessity.
- (E) None of the above.
5. In 2016, Kanye West wrote a will stating: “I hereby give Yeezacre to my daughter, North, but if North ever films a sex tape, then in such case I give Yeezacre to my son, Saint.” In 2036, North sells all of her property to Blue Ivy for \$500,000, which she uses to pay for college. Kanye dies in November 2037. North has not filmed a sex tape. Who owns the present possessory interest in Yeezacre?
- (A) Kanye West
- (B) Blue Ivy
- (C) Saint West
- (D) North West
- (E) None of the above

6. Professor Garza attends a One Direction concert. At the door, the attendant insists she check her “Zayn 4 Life” backpack, and gives her a claim ticket. Approximately one song in, Professor Garza begins to tear up. Soon, she is crying hysterically and screaming “Why, Zayn, why?” at the top of her lungs. When her crying becomes loud enough to disturb other concertgoers, an attendant approaches Professor Garza and asks her to quiet down. When she refuses, the attendant has her physically removed.

True or false: Professor Garza has no claim against the theater.

(A) True

(B) False

7. Thelonious Monk is a law student at CU. When he gets to campus in August, he attempts to rent the one slightly affordable house on The Hill, but is rejected despite having a perfect credit score and glowing references. “Is it because I’m black?” he asks the landlord. “No, of course not,” the landlord replies. “Is it because I dig a funky groove?” he asks the landlord. “Um...no,” replies the landlord, “it’s because you’re a student, and me and my fellow homeowners don’t rent to stinking students. I signed a covenant.” Thelonious approaches you for advice. Which of the following do you recommend?

(A) Rely on self-help measures.

(B) Hold a series of jazz concerts on the sidewalk in front of the house such that its value is increased threefold, then claim possession by accession.

(C) Sue to have the restrictive covenant will be stricken as contrary to public policy.

(D) (A) & (C).

(E) None of the above.

8. The Village of Boulderado wants to protect a natural glacier located in the town’s water reservoir. How can it do so?

(A) Via zoning.

(B) Via a conservation easement.

(C) (A) & (B)

(D) Via easement by estoppel.

(E) None of the above.

9. The doctrine of eminent domain:

(A) Calls for just compensation.

(B) Is an example of a liability rule.

(C) Applies equally to the federal and state governments.

(D) Requires due process.

(E) All of the above.

10. A liability rule regime makes the most sense in the context of unique goods.

(A) True

(B) False

Section II: Essay (2 Questions: 25 points + 10 points, respectively, for a total of 35 points)

Instructions:

1. This is a test of your ability to read carefully, understand what you've read, identify legal issues in the area of property law, apply the relevant law thoughtfully and correctly, and describe your analysis in a logical, clear manner.
2. When you are asked to assess or discuss a legal issue, please include all plausible arguments and responses on either side of that issue. If there are other facts that would be relevant to a legal issue, but are not stated in the question, please state what they are. If you believe there is an error, inconsistency, or omission in a question, state your assumption(s) about the issue in your answer.
3. While there is no word limit for this section, I urge you to take the time to think, organize, and prioritize carefully before you write. You will waste both of our time (and will not receive any credit) for restating the question or facts in your answer. You will also not receive any credit (and may lose points) for irrelevant and tangential discussions or analysis not directly related to the question to which you are responding. Likewise, as this is an open book exam, recitation of all of all the elements of easement by estoppel, for example, will not impress where the question asked directs you to discuss only one.
4. Where relevant, you must cite relevant statute sections, case law, etc., in order to receive full credit. These citations do not have to be in Bluebook format (or any particular format for that matter), nor do they need to be full and proper citations (e.g., "State v. Shack" is fine).

Question 1

In March 2022, Sookie Stackhouse is hired by Hilary for President 2024's campaign to run its headquarters in Bontemp, Louisiana. Initially, she hopes to run the campaign out of her home office, and so she posts a "Hilary for President 2024" sign in her front yard. The next day, she receives a strongly worded letter from Vampire Bill, the Chief Ninny & HOA president, referring her to the covenant in her deed that prohibits political paraphernalia in yards.

Frustrated but not defeated, Sookie decides to purchase office space downtown that she will use as the new, official headquarters. She promptly orders and hangs a banner across the front of the storefront with Hilary's red, white, and blue campaign logo. The next day, a letter arrives from the city commissioner ordering her to remove the sign as it is in violation of the City of Bontemps' zoning regulation that limits the colors permitted in the downtown commercial area to purple and gold, in keeping with the Mardi Gras theme of the city. "But the mark is federally registered!" Sookie cries in exasperation.

Following a particularly deflating afternoon of taking down her banner, Sookie decides to take to the streets and register some voters. She stations herself outside of the sandwich shop next door and proceeds to solicit people as they enter the shop. One of the people she stops, Vampire Eric, tells her he isn't much into democracy himself, but offers instead to sell Sookie his vote, which she can cast however she sees fit. He gives her his card, and tells her to call if she's interested.

A year later, the Hilary for President 2024 Bontemp headquarters begins experiencing a series of leaks that are eventually traced to the sandwich shop next door. During the course of the leak investigation, it is revealed that the Hilary for President 2020 lobby extends 4 inches into sandwich shop's property.

Six months later, the city of Bontemp declares the area where Hilary 2024's headquarters are located to be residential. "Oh, calamity!" cries Sookie.

The next morning, when she gets to the headquarters, she notices that sandwich shop customers have taken over all of her parking spaces. "It must be the new breakfast sammies!" she exclaims. When she complains to the manager, he tells her that the previous owner of the headquarter space – a bike co-op – allowed them to use the parking spaces because they didn't need them.

While Sookie and the manager are speaking, one of the sandwich shop's customer's cars is stolen from directly in front of the Hilary for President 2022 headquarters. The customer shakes a fist and threatens to sue Sookie, saying she let it happen.

Unable to bear the mounting pressure, Sookie engages you for legal advice on her various problems. In a memo to your client, please identify the relevant property law issues, state the applicable rules, engage in an analysis that includes potential claims and counterclaims, as well as possible defenses, and offer a reasoned course of action.

Good luck with finals!

Go forth & fight ninnies wherever you find them!

