

MAX ATTACKS™: ULTIMATE PROPERTY REVIEW**PART I: CONCEPTS****1. Identify the Terms.™ Mind the clues.**

ALIENABILITY
[Clue: transferring/ selling]

FEE SIMPLE ABSOLUTE
[Clue: forever]

EQUITY 'IN PERSONAM'
[Clue: NOT in rem]

FEALTY
[Clue: oath]

FEE TAIL
[Clue: children]

STATUTE OF USES, 1536
[Clue: executory]

INCIDENTS OF TENURE
[Clue: obligations]

LIFE ESTATE
[Clue: lifetime]

DUKE OF NORFOLK, 1682
[Clue: Rule Against Perpetuities]

SOCAGE TENURE
[Clue: non-military]

WASTE
[Clue: alters property]

JOINT TENANCY
[Clue: equality]

SUBINFEUDATION
[Clue: subletting]

**'THE LAW FAVOURS
EARLY VESTING'**
[Clue: grantor's intentions]

TENANCY IN COMMON
[Clue: shares in estate]

***QUIA EMPTORES*, 1290**
[Clue: subinfeudation, alienation]

EQUITY
[Clue: flexibility]

LEASE
[Clue: exclusive possession]

RELIEF
[Clue: inheritance]

USE
[Clue: trust]

SEISIN
[Clue: two requirements]

***WILLS*, 1540**
[Clue: tenants' rights]

FEOFTEE TO USES
[Clue: trusted friend]

ESTATE FOR YEARS
[Clue: i.e. 7 years]

FREEHOLD ESTATES
[Clue: three types]

CESTUI QUE USE
[Clue: beneficiary]

PERIODIC TENANCY
[Clue: i.e. year to year]

TENANCY AT WILL
[Clue: nothing!]

LEASE ELEMENTS
[Clue: land interest vs license]

LANDLORD/ TENANT OBLIGATIONS
[Clue: lease term]

TENANCY AT SUFFERANCE
[Clue: overstaying]

LEASE ALIENABILITY
[Clue: subletting, limits]

LEASE TERMINATION
[Clue: notice]

2. Ad Hoc Material.™ Fill in the blanks.

WORD BANK: access, reasonable, mineral, lateral support, Magic Carrot©, riparian rights, emblements, fixture, riparian, flooding, trees, middle, middle, bank, water, extract, fish

- The _____ describes the principle: ‘Whoever owns the soil holds title all the way up to heavens and down to the depth of hell.’
- Rights to airspace aren’t indefinite; one owns airspace to a certain _____ point. Airspace disputes are two-fold: 1. Concern permanent stuff extending into air 2. Weird invasions super high up. Direct and substantial interference is more likely to occur with (CIRCLE DISPUTE)
- Rights below aren’t indefinite. The Crown may have _____ rights.
- NEYERS stated that *ad coelum* has three things: 1. _____ 2. _____ 3. _____. Thank God we went over that in Torts.
- A _____ describes title to personal property subsumed into realty. *Quicquid plantatur solo* means what’s attached to the soil becomes a part of the soil. Observe parties’ intentions.
- Crops, legally called _____, aren’t fixtures—they’re temporary in nature. However, _____ are usually part of the land because they’re rooted in the land longer! Talk about a tree buster. A neighbour has the right to cut overhanging branches.
- _____ ownership extends to the average high-water mark. For non-tidal waterways, riparian rights extend to the river _____ which includes the river bed. Where a river flows between two adjacent properties, each owner owns to the river _____. In Canada, no one cares about the tidal/ non-tidal distinction.
- People do care about the whole navigable/ non-navigable thing. If a river is non-navigable, ownership extends to the river _____.
- Riverbed ownership gives the owner a *profit a piscary*, a right to _____.
- Riparian owners don’t own the _____! Rights to water use, *usufructuary rights* are: 1. To _____ water for ordinary uses and 2. Prevent _____.

‘Water, water, I need water!’—Marco Rubio



3. Registration. Burn the four factual combinations into your mind. Then, identify the notice types.

FACT SCENARIO

Raphael and Marco register *Chevron Inc.*, a company incorporated under the *CBCA*. Their purpose is two-fold: 1. affirm rights 2. affirm valid title. The two don't read the worksheets posted on OWL; they keep on making registration mistakes regarding legal and equitable interests. Help them sort their **** out.

A. Raphael has a legal interest. He registers first; therefore, he is preferred by law. Marco is unsure of his interest. All he knows is that should Raphael sell *Chevron Inc.* to him, he will get nothing thanks to *nemo dat*. Raphael thinks Marco has an equitable interest. Marco insists he has a legal one. Who is correct?

ANSWER: _____

B. Raphael actually has an equitable interest in *Chevron Inc.* He forgets that Prime Minister Eminen, who is the Real Slim Shady, previously sold *Chevron Inc.* to Raphael first. Eminen later sold *Chevron Inc.* to Marco for a better deal. Marco is unaware of the first deal. If Marco has a legal interest, who does equity give title to? If Marco has notice of the deal with Raphael, who gets priority?

ANSWER 1: _____

ANSWER 2: _____

C. Suppose the two are actually in a mental state akin to automatism and completely get the facts wrong. In reality, Raphael gets a legal interest first and Marco gets an equitable interest. Raphael decides to commit a violent general intent offence against Marco's subsequent equitable interest triggering s.33.1 of the *Criminal Code*. Whose interest prevails?

ANSWER: _____

D. Both Raphael and Marco have equitable interests in *Chevron Inc.* There's no fraud. The first in time rule is triggered. Raphael gets his interest first. Whose interest is favoured?

ANSWER: _____

NOTICE TYPES

- Marco has real knowledge of Raphael's questionable relationship lifestyle choices _____
- Marco ought to have known about Raphael's dealings with Russia _____
- Agent Diego informed Marco, the principal of *Chevron Inc.*, of the dealings _____

WORD BANK: constructive notice, actual notice, imputed notice

4. Hurdle the Uncertainty.TM Circle the proper description of deed or title registration system.

- DEED/ TITLE – Simple and efficient registration benefiting lenders and buyers. Less expensive
- DEED/ TITLE – Creates record of all docs about parcel. Records enter public domain
- DEED/ TITLE – Three types: 1. Race (to register) 2. Notice 3. Race-notice
- DEED/ TITLE – Originates from Australia, based on merchant shipping
- DEED/ TITLE – Aims to minimize reliance on public record

5. Deed registration scenarios. State who gets priority

FACT SCENARIO

Wayne Gretzky, a talented Canadian hockey player with a lot of money, buys Tim Hortons. He mortgages it to Malcolm X, an American entrepreneur—the deal is unregistered. Gretzky → Malcolm X (unregistered)

Later, Gretzky mortgages with Clifford Sifton, Canada’s Minister of Interior. Due to Sifton’s stature, the deal is registered. Sifton has notice of the prior deal. Gretzky → Sifton (registered)

- A. Under the race system, _____ would get priority.
- B. Under the notice system, one must ask: did Sifton have notice of the prior deal? In our situation, _____ gets priority.
- C. Under the race-notice system, which is the most common system, priority is given to the party that 1. gets interest without notice 2. registers before. One needs both. If either is missing, the first interest prevails. In our situations, _____ gets priority.

6. Easements. Fill in the blanks.

WORD BANK: profit, different owners, have, do, ownership, grant, accommodation, dominant/ subservient tenement, easement, incorporeal hereditaments, consent

_____ are non-physical stuff you own. You must acquire it with _____. The term describes interest in land which you can inherit; yet, can’t exclusively possess. The broad category is divided into two parts:

- A. _____. This is a right enjoyed by a person over his neighbour’s property with no right of possession. For instance, light in *FONTAINEBLEAU* is an example. An easement has four requirements. First, _____. The DT is land gaining the easement benefit; the easement is appurtenant (benefits) to the DT. The ST is land subject to the easement. Second, _____. The new land must make land better. Third, _____. One can’t own both the DT and ST. Fourth, _____. Easements can’t be passed by possession; they must be subject to a grant. One must get consent to have an easement.

Easements have two limitations. First, an easement can’t be a right to _____ something done by another. It’s a right to _____ something/ not do something. Second, an easement can’t arise to land _____. *Copeland* states that a parked car isn’t yours!

- B. _____. This describes one’s right to take stuff from a neighbour’s property, such as turf, turkeys, wood, or fish.

INCORPOREAL HEREDITAMENTS

EASEMENT

PROFIT

LIMITATIONS

- 1. _____
- 2. _____
- 3. _____
- 4. _____

7. Extra information about easements and boundaries. See slides.

- An easement is a right of use over property of another. An easement is called _____ when it benefits the land. For instance, Rudy Giuliani (servient tenant) grants McLachlin J (dominant tenant) right to walk over ST from McLachlin’s party house to Highway 401. McLachlin J’s easement is _____ because privilege of crossing Rudy Giuliani’s property benefits her.
- However, an easement will be in _____ when it benefits a person. In that case, there is no DT but always a ST.
- Easements can be positive or negative. A positive easement allows McLachlin J (dominant tenant) to DO something to ST—doesn’t include right of removal. A negative easement prevents Rudy Giuliani (servient tenant) from doing something on ST. For instance, Rudy Giuliani can’t build a Statue on ST.
- Easement can be by _____: can use land for 21 years.
- Profits may be _____ to DT or in gross.

- When neighbours can’t determine boundary, use CONVENTIONAL LINE DOCTRINE
 - Land must adjoin, must have dispute, must have agreement, boundary recognition
- *Ad Medium Aqua* Rule
 - Owner of land through which non-tidal stream flows owns _____ of stream unless reserved
- ACCRETION Doctrine
 - Where boundary changes gradually, boundary shifts
 - Exception: _____ shifts. No changes

8. Match Them Covenants.™

COVENANT	Reaps promise benefits, person entitled. <i>The world takes a collective sigh of relief</i>
DOMINANT OWNER	Prevents use of land; i.e. can’t keep sheep on land; can’t build Trump Tower Servient owner can comply by <u>doing nothing</u>
SERVIENT OWNER	Subject to burden of covenant
COVENANTOR	Makes promise, person bound. <i>Joy promises to not walk around naked</i>
COVENANTEE	Personal covenants; don’t touch + concern the land
COVENANTS IN GROSS	Enjoys benefit of covenant
NEGATIVE COVENANT	Requires covenantor to <u>do</u> something; i.e. show me the ‘money’
POSITIVE COVENANT	Promise made by landowner to do/ not to do something in relation to land. Not enforceable at CL; restrictive covenants may be enforceable in equity (<i>TULK</i>)

9. *TULK* skit for memorization. Focus: benefits/ burdens on successors

T-DOG: Hey, E-Man, I'll sell you ma land bro. You just can't build no buildings on it.

E-MAN: Let's do it!

[*E-MAN suffers a disease of the mind and dies. E-MAN has successor, MOX-R 2000*]

E-MAN: Oh, I am slain!

MOX-R-2000: I? Won't build on the land? No freakin way!

Held: T-DOG wins. It's inequitable to allow MOX-R-2000 to build. Too bad, so sad.

Takeaways

- To bind successors, a covenant must: 1. _____ 2. _____ 3. _____
- Follow common-sense logic to modify covenants (i.e. have an agreement, own both tenements)

10. Indigenous perspectives. Identify the Terms.TM

ROYAL PROCLAMATION 1763



TREATY OF NIAGARA 1764

Affirmed in

LEGAL TRADITION

LAND TITLE

SUI GENERIS

DELGAMUUKW



TSILHQOT'IN

DUTY TO CONSULT

Applies

FIDUCIARY DUTY

11. Write It Off.™ Complete PART I of the Ultimate Review by writing an essay

Article 11 of UNDRIP recognizes the rights of Indigenous peoples to maintain and protect their unique cultures. Moreover, the Article further states that states shall provide redress to Indigenous peoples, which may include restitution. To what extent has Canada's gov't embraced the spirit of UNDRIP? Your essay must be nuanced in considering temporal, theoretical, and practical considerations.

PART II: DRILL BABY DRILL

WORDS OF PURCHASE

Identify.

O → A and his heirs

Allan → Beaver and his heirs

Anni → Lucas and his heirs

Matt → Ryan and his heirs

FEE SIMPLE ABSOLUTE

O → A and his heirs

O → A

Julie → Stephen

Maxim → Anna

FEE SIMPLE CONDITION
SUBSEQUENT

O → A on condition that land is used for Church purposes

Alec → Aiden on condition that land is used for LSD trafficking

Future interest: _____
Held by: _____

Joe → Donald on condition that land is used for capturing extremist groups

Future interest: _____
Held by: _____

WORDS OF LIMITATION

Identify.

O → A and his heirs

Allan → Beaver and his heirs

Anni → Lucas and his heirs

Matt → Ryan and his heirs

FEE SIMPLE DETERMINABLE

O → A and his heirs so long as land used for Church purposes

Jacob → Gabe and his heirs so long as land used for playing Hockey

Future interest: _____
Held by: _____

FEE SIMPLE EXECUTORY
INTEREST

O → A and his heirs, but if land ceases to be used for Church purposes, then to B and his heirs

Lauren → Elliot and his heirs, but if land ceases to be used for London Hall purposes, then to Sarah and her heirs

Future interest: _____
Held by: _____

Connor → Jesse and his heirs, but if land ceases to be used for Handmade Band purposes, then to Maxwell and his heirs

Future interest: _____
Held by: _____

FREEHOLD ESTATES:

1. _____

2. _____

3. _____

Susie → Bernie and his heirs so long as land used for campaign purposes

Future interest: _____
Held by: _____

Paul → Kyle and his heirs so long as land used for BYOB parties

Future interest: _____
Held by: _____

FEE TAIL

O → A and heirs of his body

Simon → Tim and heirs of his body

Future interest: _____
Held By: _____

David → Zach and heirs of his body

Future interest: _____
Held by: _____

Maxim → Dave and heirs of his body

Future interest: _____
Held by: _____

LIFE ESTATES

O → A for life
 O → A for life and then to B

Kyle → Jacob for life

Future interest: _____
 Held by: _____

Jenny → Wade for life and then to Andrew

Future interest: _____
 Held by: _____

ESTATE FOR YEARS

O → A for period of 10 years
 O → A for period of 10 years, and then to B

Juan → Diego for period of 10 years, and then to Rodrigo

Future interest: _____
 Held by: _____

Lee → Choi for period of 54 years

Future interest: _____
 Held by: _____

SCRABBLE

O → A for life.
 A has a _____. O retains a _____.
 A is _____.

O → A for life, then to B.
 A has a _____. B has a _____.

O → A for life, then to B for life.
 A has a _____. B has a _____ which will vest as _____ upon A's death. O retains _____.

O → A for the life of B.
 A has a _____ that naturally terminates on death of B. O's reversion vests in possession. B takes nothing.

O → A for the life of B, then to C.
 A has a _____ which also naturally terminates on death of B. O has not retained reversion, _____ is held by C. C's interest will vest in possession on death of B as _____.

RULE IN SHELLEY'S CASE

When deed/ will conveys interest to grantee and future interest to that grantee's heirs, RSC applies. Heir's interest instead goes to grantee. An intermediate interest blocks merger.

O → A for the life, then to A's heirs
 Interest: _____

O → A for the life, then to B for life, then to A's heirs
 Interest: _____

Ann → Bob for life, then to Bob's heirs
 Interest: _____

Ann → Bob for life, then to heirs of Bob's body
 Interest: _____

Ann → Bob for life, then to Cathy for life, then to Bob's heirs
 Interest: _____

Ann → Bob for life, then to Cathy for life, then to Cathy's heirs
 Interest: _____

Ann → Bob for life, remainder to Bob's heirs. It is my intent that RSC doesn't apply.
 Interest: _____

DOCTRINE OF WORTHIER

Grantor's heirs don't acquire interest. Instead, grantor retains interest as reversion.

O → A for the life, then to O's heirs

Ann → Bob for life, then to Ann's heirs
 Bob has a _____. Ann has _____ following the life estate, and her heirs will have _____.

Ann → Bob for life. Later, Ann conveyed her interest to her heirs following Bob's life estate.
 Application? YES/ NO

WASTE TYPES

WASTE causes injury/ damage to land. This harms future interests.

1. _____
Failure to act
2. _____
Changes character of property even if beneficial
3. _____
Affirmative axn (cutting timber, depleting mine)
4. _____
Severe form of malicious/ wanton destruction

WASTE TYPES

1. _____
Failure to act
2. _____
Changes character of property even if beneficial
3. _____
Affirmative axn (cutting timber, depleting mine)
4. _____
Severe form of malicious/wanton destruction

REVERTER

A possibility of reverter always follows FSD. Reverter automatically terminates FSD upon breach

O → A so long as property is used as animal shelter
O has a _____. Follows _____.

O → A so long as property is used as animal shelter
O has a _____. Follows _____.

Ann → Bob and his heirs so long as land is used as farm
Ann has a _____. Follows _____.

Julie → Adam and his heirs while land is used for school
Julie has a _____. Follows _____.

Jacob → Andrea and her heirs while land is used for hunting
Jacob has a _____. Follows _____.

Austin → Connor and his heirs while land is used for rocking out to indie music
Austin has a _____. Follows _____.

Kate → Moe so long as land is used for spaceship landings
Kate has a _____. Follows _____.

WASTE TYPES

1. _____
Severe form of malicious/wanton destruction
2. _____
Changes character of property even if beneficial
2. _____
Affirmative axn (cutting timber, depleting mine)
4. _____
Failure to act

RIGHT OF RE-ENTRY/
POWER OF TERMINATION

Follows FS subject to condition subsequent. Right of re-entry must be stated explicitly: **not automatic!**

O → A, but if property is not used as animal shelter, then O may re-enter
O has a _____. Follows _____.

Lindsay → Rachel for life, but if liquor is ever sold on land, Lindsay may re-enter and repossess
Rachel has _____. Lindsay has both _____ + _____.

Sarah → Justin for ten years, but if LSD is ever sold on the land, Sarah may re-enter and repossess
Justin has _____. Sarah has both _____ + _____.

Kyle → Adrian for seven years, but if cocaine is ever sold on the land, Kyle may re-enter and repossess
Adrian has _____. Kyle has both _____ + _____.

Is right to re-entry automatic?
YES/ NO

WASTE TYPES

1. _____
Changes character of property even if beneficial
2. _____
Failure to act
3. _____
Severe form of malicious/wanton destruction
4. _____
Affirmative axn (cutting timber, depleting mine)

REVERSION

Occurs when grantor hasn't conveyed all his interest in land. A contingent remainder is NOT a property interest*

O → A for life
O has _____ following A's life estate.

Ann → Bob for life, remainder to Cathy.
Ann doesn't have _____. After Bob's life estate terminates, Cathy will have _____.

Ann → Bob for life, then to Cathy if she survives Bob, otherwise to Dan.
Ann has a _____ because Cathy and Dan have only _____ which aren't property interests.

FUTURE INTERESTS
CREATED IN GRANTOR:

1. _____
2. _____
3. _____

INDEFEASIBLY VESTED
REMAINDER

Created in 1. Ascertainable person 2.
Not subject to condition precedent.
Applies to all vested remainders.

O → A for life and then to B
and his heirs
B's interest is vested in _____,
NOT vested in possession. During
A's life, B doesn't hold _____. On
A's death, B is _____ of land

Jack → Ann for life, then to
Bob.
Bob's remainder will become
_____ after Ann dies + remainder
will not divest Ann

Kim → Ron for life, then to
Sheego for life
Sheego has _____.

VESTED REMAINDER
SUBJECT TO DEFEASANCE

1. Ascertainable person 2. Condition
can make remainder go, 'Bye-Bye!'

O → A for life, then to B and
his heirs; but if B dies before
A, then to C and her heirs
B has _____.

Gillian → Clint for life, then to
Dave, but if Dave marries, to
Zabby
Dave has _____. Zabby has
executory interest.

Jacqui → Rory for life, then to
Mason if he survives Jacqui
Mason has _____.

Devanie → Ann for life; if Bob
survives Ann, then to Bob
Bob has _____.

VESTED REMAINDER
SUBJECT TO OPEN

Remainder given to class of people; at
least one class member is ascertainable
+ more can be added

O → A for life, then to A's
children
A's children have _____. A can
have more children.

Mark → Matt for life, then to
Matt's children
Matt's children have _____. Matt
can have more children.

Rebecca → Erin for life, then to
Erin's children
Erin's children have _____. Erin can
have more children.

CONTINGENT REMAINDER

Remainder is **either** 1. Unascertainable
2. Subject to condition precedent.
Either/ or.

O → A and then to B's heirs

O → A for life, then to B and
his heirs if B reaches age of 18
Unknown: _____.

O → A for life, then to B and
his heirs if B reaches the age of
19, but if B doesn't meet the
condition at time of A's death
then to C and his heirs
Have alternative _____ remainders.

Law favours early vesting.

Can't know living person's heirs

Can't have gap in seisin

Hafsah → Ann for life, then to
Bob if he survives Ann
Requirement met: _____

Sam → Ted for life; if Dale
survives Ted, then to Dale
Requirement met: _____

Gabe → Sia for life, then to
Cary if she survives Sia,
otherwise to Ben
Sia and Cary have _____
contingent remainders. Contrast with
vested remainder subject to
defeasance*

Anna → Bruno for life, then to
Arlen's children. Has no kids.
Arlen's children have _____.
Requirement met: _____.
When Arlen has child, future interest
becomes vested remainder _____.

SPRINGING EXECUTORY
INTERESTS

Unlike remainders, future interest cuts
short/ divests interests of grantor.

O → A and his heirs if he
graduates from Western Law

Keith → Harry when he turns 21
years

SHIFTING EXECUTORY
INTERESTS

Future interest cuts short/ divests
interests of grantee.

O → A and his heirs, but if C
gets married, then to C and her
heirs.

Keith → Harry for so long as
land is used for Star Wars
battles, then to Bryn.

EQUITY, USES, STATUTE OF USES1290 Statute of *Quia Emptores*

- Tenants must alienate land by substitution, not subinfeudation
- More revenue flows to Crown
- Uses substantially hit Crown's wallet! Less money!
- Crown wants to pass legislation to bring money back

1536 Statute of Uses

- Where any person is **seised** of lands to use, confidence or trust of any **other** person or corporation, the later person or corporation shall be deemed in lawful seisin, estate and possession of the lands for the same estate

1540 Statute of Wills

- Tenants got will rights
- Land can be devised
- Landowners can get *feoffees* to hold land for uses for their benefit during their life, then as written in will

USES

O → F+G to the use of A and his heirs
F+G are legal _____ to uses. A is _____. A holds an equitable FSA.

O → F+G to the use of A for A's life and then to B and his heirs

F+G are legal _____ to uses. F+G own legal _____. A holds _____ life estate. B holds equitable _____.

ACTIVE USE EXCEPTION

O → F+G to the use of A and his heirs such that F+G and their heirs shall collect rents and profits for benefit and use of A and his heirs.

F+G have active _____ in favour of A. Use not executed by statute. F+G remain legal _____. A has _____ FSA.

USES

Ariel → Brian and his heirs for the use of Carol and her heirs

Equity compels Brian to put land to Carol's ____.

A → B and his heirs for the use of C for life, and then for the use of D and his heirs if D survives C, or if D does not survive C, then to the use of E and her heirs.

- B has legal _____
- C has equitable _____
- D has equitable _____ remainder in FS
- E has alternative equitable _____ remainder in FS
- Without uses, A has equitable _____

1536 STATUTE OF USES

Cuts off use + transforms interest of *cestui* into that of legal owner.
Makes **executory interest** possible.

A → B and his heirs for the use of C and her heirs

- Statute gives seisin to _____
- Instead of B having legal FS and C having equitable FS, C has _____ FS

A → B and his heirs

- Before Statute, A has legal FS and B has _____ FS
- Now, B has _____ FS

A → B and his heirs for the use of C for ten years

- A has use for _____ following C's ten years

A → B for ten years for the use of C for ten years

- Statute _____ apply: B not seised to use of C
- Feoffee, B, must have a freehold estate

BLAST FROM THE RECENT PAST

A → B and his heirs for the use of C for life, and then for the use of D and his heirs if D survives C, or if D does not survive C, then to the use of E and her heirs.

- B has legal _____
- C has equitable _____
- D has equitable _____ remainder in FS
- E has alternative equitable _____ remainder in FS
- Without uses, A has equitable _____

O → F+G to the use of A for A's life and then to B and his heirs

F+G are legal _____ to uses. F+G own legal _____. A holds _____ life estate. B holds equitable _____.

RULE AGAINST PERPETUITIES

No interest is good unless it must vest, if at all, within **21 years** of some life in being at a time of creation of interest

Apply Rule to:

1. _____
2. _____

Say it again, Stephen:

1. _____
2. _____

A → B for life, then to B's children who reach 25

- Valid? _____
- Why? _____

A → grand kids when they reach 21

- Valid? _____
- Why? _____

A → B for life, remainder to B's children for their lives, and upon death of last of them, remainder to children who are living at time of B's death and their heirs

- Is gift valid when B dies? _____
- Why? _____
- Example uses _____ remainder

A → B for life, remainder to B's children for their lives, and upon the death of last of them, remainder to their children and heirs

- Death of last child may be _____ than 21 years after death of all lives
- B may have more children
- Is gift valid? _____
- Example uses _____ remainder

A → B and his heirs, but if liquor is ever sold, then to C and her heirs

- Is gift valid when B dies? _____
- Why? _____
- Example uses _____ interest

A → B and his heirs once my will is probated

- Is gift valid? _____
- Example uses _____

A → B for life and then to all his children when they reach 25. B has son who is now 25

- Is gift valid? _____
- _____ remainder used

O → A and his heirs so long as liquor is not sold on premises

- Does Rule apply? _____
- Why? _____

O → A and his heirs, but if liquor is ever sold, then to B and her heirs

- B's shifting executory interest valid? _____
- Cross out
- O has _____

O → A and his heirs so long as liquor is not sold on the premises, *but if it is*, then over to B and his heirs

- Cross out
- O has _____

O → Church of A in fee simple so long as the property is used for church purposes, and if it is no longer so used, then over to B

- Cross out
- O has _____

O → A for life, then to A's children jointly for their lives

- Children have _____ remainder

O → A and his heirs, but if C gets married, then to C and her heirs

- Any issues? _____

O → A for life, then to A's children jointly for their lives, then to those of A's grandchildren who are alive at the time of death of A's last surviving child

- A may still have more kids, may live _____ 21 years after others die
- Cross out

A → B for life, then to B's widow for her life, then to B's issue then living

- Works? _____
- Cross out

A → B 15 years from today if gravel pit still in operation

- Works? _____

A → grand children of B who reach 21. B is dead

- Works? _____
- Is B alive, works? _____

A → my descendants alive at death of X, Y, Z

- X, Y, Z function as measuring lives
- Works? _____

'Life in being' is human. Includes one conceived, not born. Doesn't include animals.

MISSION COMPLETED!

CONGRATULATIONS. You will do really well. Have an incredible summer. MB

SPACE FOR END NOTES

