

# PROPERTY PRACTICE QUESTIONS

## QUESTION 5

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**Topic: Personal Property**

**Sub-topics: Adverse Possession, Bona Fide Purchaser**

**Type: Essay**

**Difficulty: Medium**

**Time: 45 minutes**

Annabel, a graduate music student at the Texas Tech University, bought her violin as a freshman in high school. She bought it from a private seller who claimed that he owned the violin. Annabel had to go to the seller's apartment to purchase the violin. The seller had no other instruments available for sale. Because Annabel played the violin well, she participated in many concerts and competitions. Both concerts and competitions were accessible to the general public.

Victoria, a graduate violin student from the University of Houston, met Annabel while participating in one of these music competitions herself. One day Victoria noticed that her initials, "V.J.", were engraved on the bottom of Annabel's violin. Victoria's mother had given Victoria a violin for her 16<sup>th</sup> birthday and had those initials engraved on the bottom of the violin. Victoria's violin was stolen from her when she was a freshman in high school. Victoria had never seen it since.

Immediately after the theft, Victoria filed a police report on her violin and put up flyers in her high school with an enlarged photograph of the violin on it. It has been 11 years since the theft and Victoria never ceased to keep her eyes open for her beloved

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violin. Although it was not terribly expensive, it was *her* instrument and she was attached to it.

The fact that the violin used to belong to Victoria is not in dispute but Annabel claims BFP and adverse possession defenses. Is Annabel likely to succeed?

What if Victoria just took the violin from Annabel without Annabel's permission. Would she be able to legally keep it?