

PROPERTY PRACTICE QUESTIONS

QUESTION 7

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Topic: Personal Property

Sub-topics: Inter Vivos and Causa Mortis Gifts

Type: Essay

Difficulty: Easy

Time: 30 minutes

On January 10, 2007, Nancy went to the doctor suffering from intense, endless headaches and found out that she had a brain tumor. Her surgery was scheduled for January 16 and Nancy had to stay in the hospital in the interim to be monitored. On January 16, right before being wheeled into the operating room, Nancy gave Sally the key to her safety deposit box and told her that the box was located in the First National Bank on Commerce Street. Nancy also told Sally that she was giving her the \$10,000 contained in the safety deposit box as a gift. Immediately after receiving the key, Sally drove to the First National Bank on Commerce Street and cleared Nancy's safety deposit box.

Nancy survived her surgery and lived for another six months. During those six months, Nancy never asked Sally to return the money. Nancy died in July of 2007. When Nancy's valid will was probated, it was discovered that Nancy had left the contents of the safety deposit box in the First National Bank on Commerce Street to her son Jack.

Jack now wants to recover the \$10,000 from Sally. What arguments will be advanced by each party? Will Jack win?