

PROPERTY PRACTICE QUESTIONS

QUESTION 9

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Topic: Personal Property

Sub-topics: All

Type: Multiple Choice

Difficulty: Moderate

Time: 1 hour

1. Intangible property is also known as:
 - A. A fixture
 - B. A Chose in Possession
 - C. Chattel
 - D. A chose in Action

2. When you die without a valid will you are said to be:
 - A. Testate
 - B. Lucky
 - C. Intestate
 - D. *Sans* will

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3. An object in limbo between real and personal property that started as moveable chattel and became affixed to real property is called:
- A. A chose in chattel
 - B. A fixture
 - C. An affixment
 - D. Intangible property

4. What are the 5 theories of property?

5. What are the 5 types of found property?

6. Which of the following types of property is NOT recognized in Texas:
(You can choose more than 1)

- A. Lost Property
- B. Abandoned Property

- C. Treasure Trove
 - D. First Occupant Property
 - E. Misplaced Property
7. What is the “term of art” for property of which the owner has intentionally relinquished possession?
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8. Generally in cases of lost property who will have superior rights of possession over all but the true owner:
- A. The second finder
 - B. The finder
 - C. The bailee
 - D. The landowner on which the property was found
9. While cleaning the waiting room at the Doctor’s office, the privately contracted janitorial service found a wallet on the end table near the front door. The nurse took the wallet from the janitor who found it and put it in the break room. Later the receptionist found the wallet in the break room on the counter and put it in her purse. Who has superior right to the wallet over all but the true owner provided that the doctor was running his own business?
- A. The janitor
 - B. The nurse
 - C. The receptionist
 - D. The doctor
 - E. No one
10. Some elements of a valid bailment include:
(You can choose more than 1)
- A. Rightful possession of real property
 - B. Possession by the true owner
 - C. Possession by someone who is not the true owner
 - D. Rightful possession of personal property

11. The standard of care for a bailment for the sole benefit of the bailee is:

- A. Ordinary
- B. High
- C. Substandard
- D. Low

12. If Jim asks to borrow Bob’s car to get to work, and Bob agrees provided that Jim has the oil changed in the car. This is a:

- A. Bailment for the sole benefit of the bailee
- B. Bailment for mutual benefit
- C. Bailment for the sole benefit of the bailor
- D. Bailment for the benefit of bailor

13. Name the four main elements of a valid bona-fide purchase under the UCC:

14. What are the three requirements you must meet to be a “buyer in the ordinary course of business?”

15. You would have bona-fide purchaser protection if you bought a converted car from your neighbor, who is a jeweler, so long as you were a buyer in the ordinary course of business. T / F

16. If a jurisdiction recognizes adverse possession of personal property, what are the three normal elements?

17. Accession is a mistaken improvement to someone else's property. T / F

18. What are the two approaches used to determine who gets the property that was mistakenly improved?

19. An *inter vivos* gift is irrevocable, even if made under duress. T / F

20. The elements of a valid *inter vivos* gift include:
(Circle all that apply)

- A. donative intent
- B. consideration
- C. acceptance
- D. delivery
- E. contemplation of impending death

21. If the donor transfers an *inter vivos* gift by way of deed of gift, is this a valid delivery? And, if so, what kind of delivery would it be considered?

22. Actual physical delivery is always preferred in a gift scenario, however other methods of delivery are acceptable, including;
(Select all that apply)

- A. Constructive
- B. Delivery to a third party not within the donor's control
- C. Symbolic
- D. Productive

23. The gift *causa mortis* contains the same essential elements of an *inter vivos* gift except that the gift *causa mortis* must be made in contemplation of an impending and imminent death.

T / F

24. The *inter vivos* gift is revocable upon good cause.

T / F

25. The modern view on the revocability of gifts *causa mortis* says that:

- A. They are irrevocable
- B. If the donor survives the peril and lives for a reasonable amount of time, than the gift is revoked
- C. They are only revocable by the heirs of the donor
- D. If the gift is not revoked within a reasonable time after the donor survives the peril, than it becomes irrevocable
- E. The gift is automatically revoked if the donor survives the peril

26. In order for a gift to qualify as an engagement gift, it must be jewelry

T / F

27. Which of the following statements are true of the traditional/fault-based approach to the revocability of engagement gifts:

(Chose all that apply)

- A. If the donor breaks off the engagement, the donee keeps the gift

- B. In cases of mutual break-up the donee keeps the gift
- C. If the donee dies the donor can retrieve the gift
- D. In cases of mutual break-up the donor keeps the gift
- E. If the donor dies, the donee must return the gift to the donor's estate

28. What is the modern approach to the revocability of engagement gifts?

29. Under the traditional/fault based approach to engagement gifts, if the donee breaks off the engagement he/she must return the gift to the donor unless:

- A. The donor was unfaithful to the donee
- B. The donor lied about his/her financial status
- C. The donor was already married
- D. The donor and donee cannot get along
- E. The donor lied about his/her gender

30. A person who takes by will is an heir. T / F

31. A person who dies without a valid will is said to be _____.

32. A woman who executes, and dies with a valid will is called a:

- A. Testator
- B. Testrix
- C. Testamentor
- D. Testatrix
- E. Testatriss

33. A gift of money in a will is called a _____.

34. A gift of real property in a will is called a devise T / F

35. Which of the following two types of wills are recognized in Texas?
(Circle all that apply)

- A. homeopathic
- B. attested
- C. holographic
- D. nuncupative
- E. electronic

36. William, a 16 year old sophomore in a Texas high school, suffers from a life threatening illness. He is currently under treatment but in contemplation of the worst he drafts a short will leaving what little property he has to his parents, his younger brother and his best friend Ted. William's neighbors and girlfriend witnessed the will execution. Which statement is most correct about William's will?

- A. William's will can be probated by his parents after his death so long as it is signed and dated.
- B. William's will cannot be probated by anyone because he lacked testamentary intent.
- C. William's will could be probated if his parents could prove that he was of sound mind.
- D. William's will cannot be probated because he lacks legal capacity.
- E. William's will can be probated if the witnesses testify as to its formalities.

37. The oral will in Texas can only be used to dispose of real property. T / F