PROPERTY PRACTICE QUESTIONS
ANSWER 10B

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1. **G: "To A and his heirs so long as A does not drop out of law school."**

   A. **A has a fee simple determinable**
      ➢ "so long as" is determinable language

   B. **A's heirs have nothing**
      ➢ Words of limitation; they indicate that it is a fee simple

   C. **G has a possibility of reverter**
      ➢ This is what the grantor retains when he grants a fee simple determinable

   D. **Once A graduates from law school, he will have a fee simple absolute**
      ➢ After A's graduation the condition can no longer occur

2. **G: "To A and his heirs but if A gets divorced, then the grant shall be void." (A is currently married)**

   A. **A has a fee simple subject to a condition subsequent**
      ➢ "if…then" construction

   B. **A's heirs have nothing**
      ➢ Words of limitation; they indicate that it is a fee simple

   C. **G has the right of reentry / power of termination**
      ➢ This is what the grantor retains when he grants a fee simple subject to a condition subsequent

3. **G: "To A and his heirs to use as a school, but if premises are used for something other than a school, then to C and his heirs."**

A. A has a fee simple subject to an executory limitation

➢ After the occurrence of the condition the estate goes to the third party instead of the grantor.

B. A's heirs have nothing

➢ Words of limitation; they indicate that it is a fee simple.

C. C has an executory interest in fee simple absolute

➢ After the occurrence of the limitation (i.e., premises being used for something other than the school), the estate will go to C.

4. **G: "Due to my love for parks and wildlife, I this day deed, transfer and convey a certain parcel of land to A so long as A maintains a national park on the aforesaid parcel of land."**

A. A has life estate determinable

➢ Life estate → there is no "to A's heirs" language;

➢ Determinable → "so long as" language

B. G has a possibility of reverter and reversion

➢ Possibility of reverter → this is what the grantor retains when he conveys a determinable interest and will get if the condition occurs

➢ Reversion → if A's life estate terminates without the condition occurring, the estate will revert back to G

5. **G: "I grant this parcel of land to A for 10 years, but if A stops drilling for oil during these 10 years, the grant will pass to B." A is currently drilling for oil."**

A. A has a term of years subject to an executory limitation

➢ Term of years → indicates the number of years

➢ Subject to an executory limitation → after the nonoccurrence of the condition the estate passes to a third party and not the grantor

B. B has an executory interest in the term of years

➢ Because after the nonoccurrence of the condition (A is no longer drilling for oil) the estate will pass to B

C. G has nothing during 10 years and reversion after 10 years

➢ Nothing during the 10 years because he did not retain a right of reentry / power to termination. If condition occurs, estate goes to B

➢ Reversion after 10 years because if the condition does not occur during 10 years, the estate will not pass to B and will revert back to G

6. **G: "I grant blackacre to X and his heirs to have and to hold while X continues to work as a nurse."**

   A. **X has a fee simple determinable**

   ➢ "While" is determinable language

   B. **A's heirs have nothing**

   ➢ Words of limitation; they indicate that it is a fee simple

   C. **G has a possibility of reverter**

   ➢ This is what the grantor retains when he grants a determinable interest

7. **G: "I grant this land to my daughter Linda for so long as she continues to live in Texas, but if Linda moves out of Texas, the land will belong to my son Josh and his heirs."**

   A. **Linda has a life estate subject to an executory limitation**

   ➢ Life estate → she cannot "live in Texas" after her death

   ➢ Executory limitation → after the occurrence of the condition, the estate passes to a third party (Josh), not the grantor

   B. **Josh has an executory interest in Linda's life estate**

   ➢ After the occurrence of the condition (Linda moves out of Texas) the estate will pass to Josh

   C. **G has reversion after Linda's life estate terminates**

   ➢ Provided the limitation did not occur during Linda's life time (i.e., Linda stayed in Texas), the estate will revert back to G

8. **G: "I grant my parcel of land to my nephew George and his heirs until George starts smoking."**

   A. **George has fee simple determinable**

   ➢ "Until" is determinable language

   B. **George's heirs have nothing**

   ➢ Words of limitation; they indicate that it is a fee simple

    C. G has a possibility of reverter

> ➤ This is what the grantor retains when he conveys a fee determinable interest

9. G: "To Sally for Peter's life, but if Sally does not graduate from high school, G may reenter and claim the property."

    A. Sally has life estate *pur autre vie* subject to a condition subsequent

> ➤ Life estate → there is no "her heirs" language

> ➤ *Pur autre vie* → the life estate is not based on Sally's life, but that of Peter. Thus it is based on the life of another.

    B. Peter has nothing

> ➤ He is just the measuring life

    C. G has right of reentry / power of termination

> ➤ This is what the grantor retains when the grantor conveys an interest subject to a condition subsequent

    D. After graduating from high school Sally will have life estate for Peter's life

> ➤ The condition did not occur – Sally graduated

    E. After Sally graduates from high school, G will have reversion

> ➤ Because Sally only has a life estate, the estate will revert to G after Sally's life estate terminates

10. G: "I grant this land to my children and their heirs, but it can only be used for organic farming."

    A. There is no legal limitation imposed on G's children's use of land

> ➤ The grant does not include any limitation language

> ➤ "but it can only be used for…" is precatory language

    B. Grantor did not retain anything

> ➤ Language "and his heirs" is present → this is a fee simple absolute