

PROPERTY PRACTICE QUESTIONS

QUESTION 13

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Topic: Real Property

Sub-topics: Estates and Future Interests

Type: Essay

Difficulty: Easy

Time: 30 minutes

On January 1, 1964 Glenda handwrote and signed her will which reads as follows:

“I leave my property in Harris County, Houston, Texas on 114 Kirby drive, to my eldest daughter Amanda for 10 years and then to my son Ben and his heirs, but if Ben dies unmarried, then to my daughter Carol’s children who attain the age of 21.”

Glenda died in 1970. The will, which was left with Amanda, was admitted to probate. All of Glenda’s children are currently alive and are arguing about the interest each one of them has in their mother’s estate. Ben is still single.

Ben and Carol had a falling out and Ben insists that Carol’s children’s interest is void under the Rule Against Perpetuities. Is Ben correct?

What is the interest of each person involved in the grant? Explain your answers fully.