

PROPERTY PRACTICE QUESTIONS

QUESTION 19

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Topic: Real Property

Sub-topics: Support of Land

Type: Essay

Difficulty: Easy

Time: 30 minutes

Kelly and Nick owned contiguous lots on a beautiful mountain slope with great views. Kelly's lot was above Nick's lot. To support Kelly's land, Nick built a retaining wall. Shortly after building a retaining wall, Nick sold his house and moved away. Since then, Kelly built a gorgeous house on her lot, overlooking the city. However, to Kelly's dismay, she soon noticed that the walls of her house were cracking because the retaining wall was beginning to fall apart. Kelly's house was sliding down the mountain slope.

Kelly is now suing Olivia, who bought Nick's lot, alleging that she has a duty to maintain the retaining wall. Kelly has also sued Nick. Discuss all issues pertinent to these suits. What is the likely outcome of these suits?