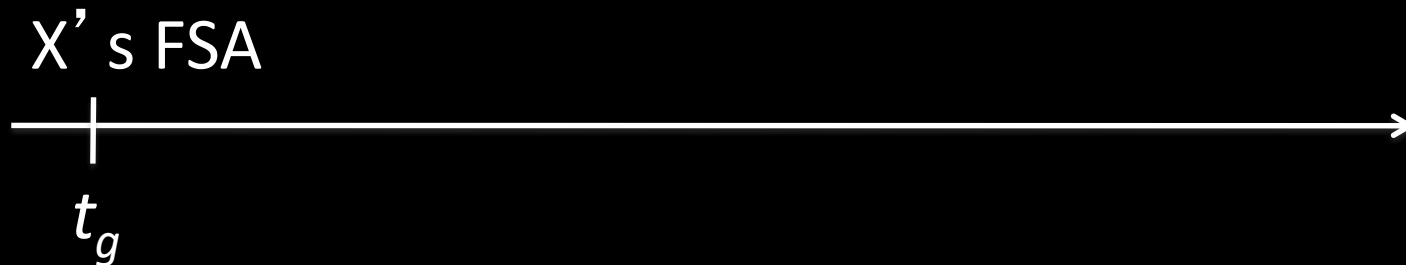


Fee Simple Absolute (FSA):

- Alienable
- Inheritable
 - Transfer upon death without a valid will
 - Die *intestate*
 - Goes to *heirs at law*
- Devisable
 - Transfer upon death with a valid will
 - Devisees

Fee Simple Absolute (FSA):

- Alienable
- Inheritable
- Devisable



Creation of a Fee Simple Absolute (conveyance/transfer):

- O conveys the land to A and her heirs

- Words of Purchase?
- Words of Limitation?
- Grantor/Transferor?
- Grantee/Transferee?

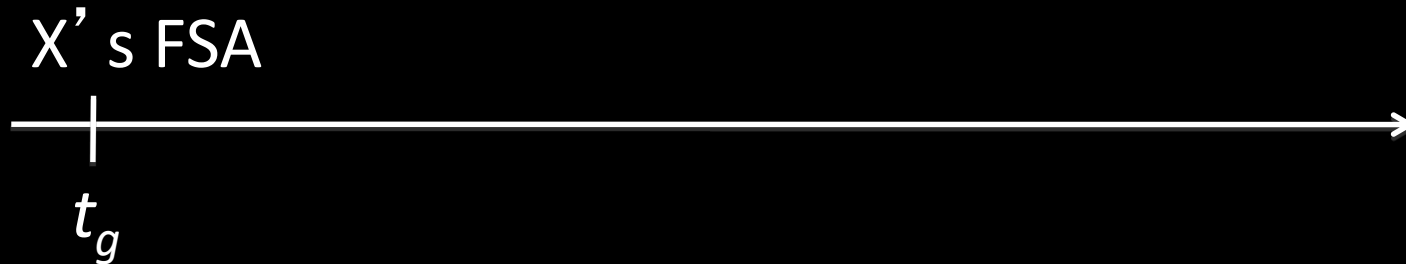
A' s FSA



What about:

- O conveys the land to A forever

Fee Simple Absolute (FSA) – FUTURE INTEREST



No Future Interest

- nothing left

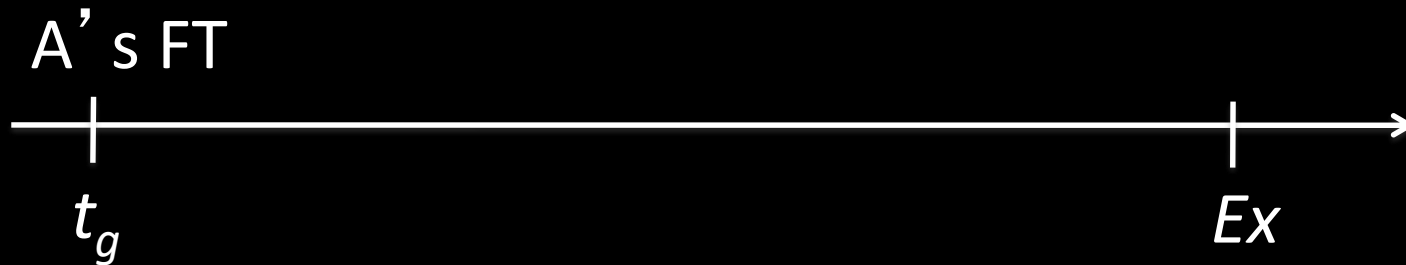
Fee Tail (FT):

- Not Freely Alienable
- Modified Inheritable
- Not Devisable



Creation of a Fee Tail:

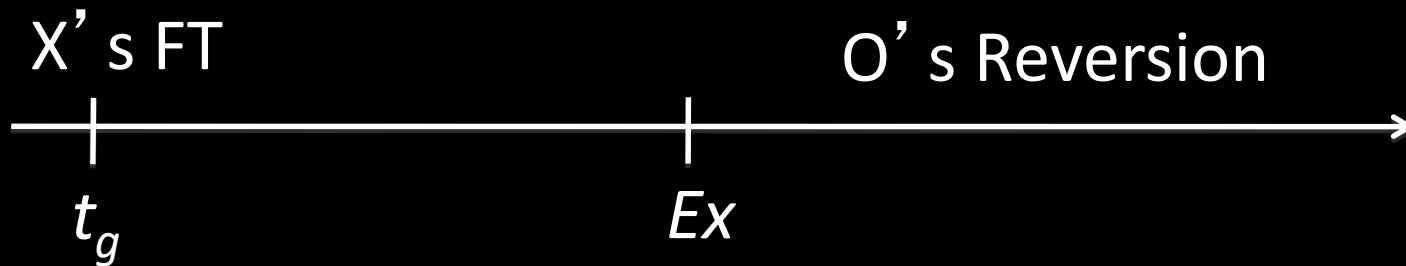
-O conveys the land to A and heirs of her body



What about:

- O conveys the land to A and male heirs of her body

Fee Tail (FT) – FUTURE INTEREST:

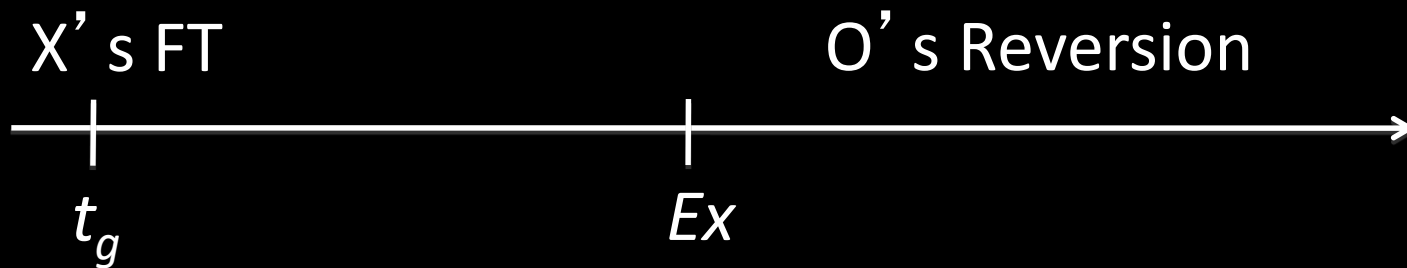


Reversion to Grantor

- inherent in conveyance

Reversion:

- Alienable
- Inheritable
- Devisable

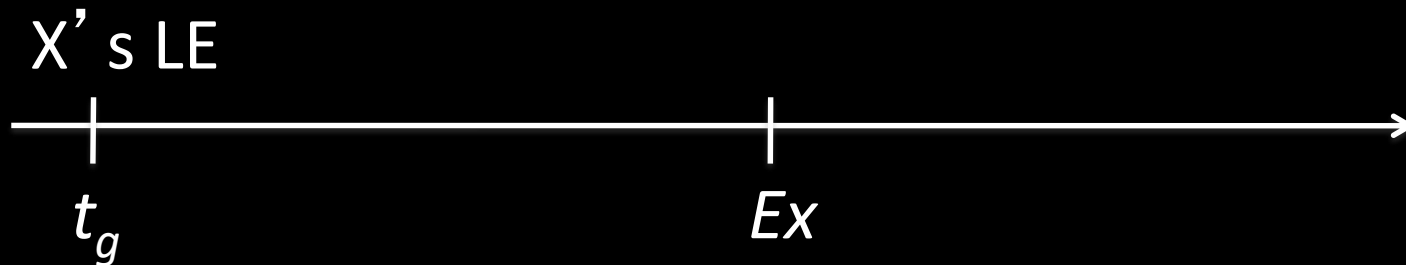


What does Reversion become?

- *Fee Simple Absolute*

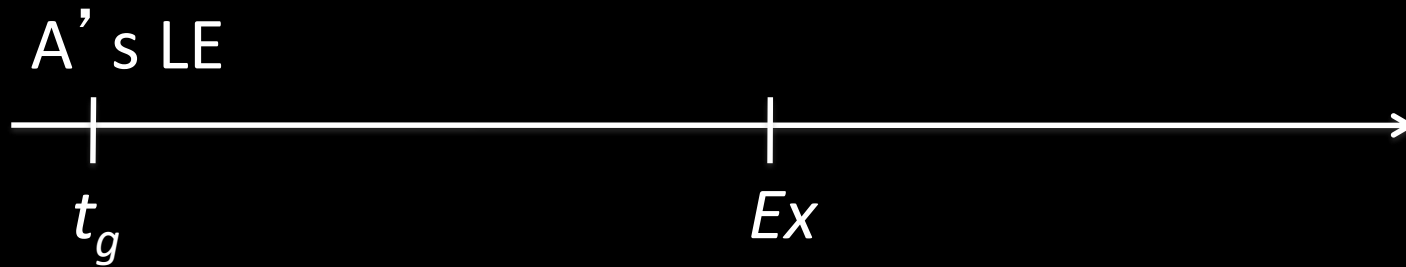
Life Estate (LE):

- Alienable
- Not Inheritable
- Not Devisable



Creation of a Life Estate:

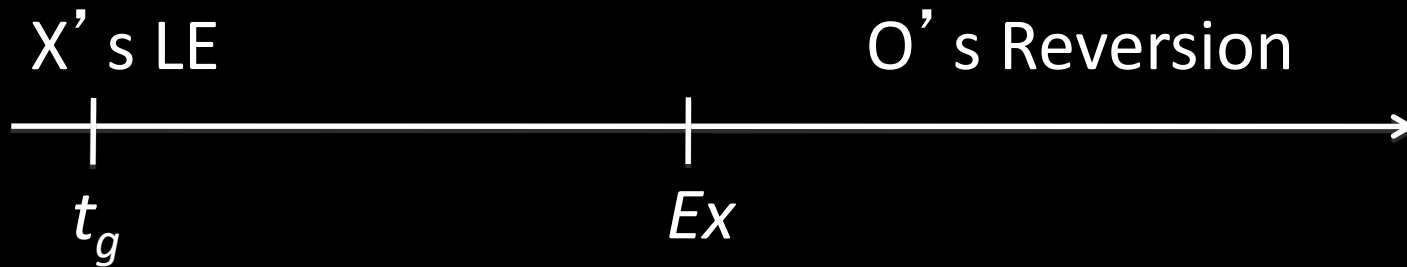
-O conveys the land to A for life



What about:

- O conveys the land to A

Life Estate (LE) – FUTURE INTEREST:

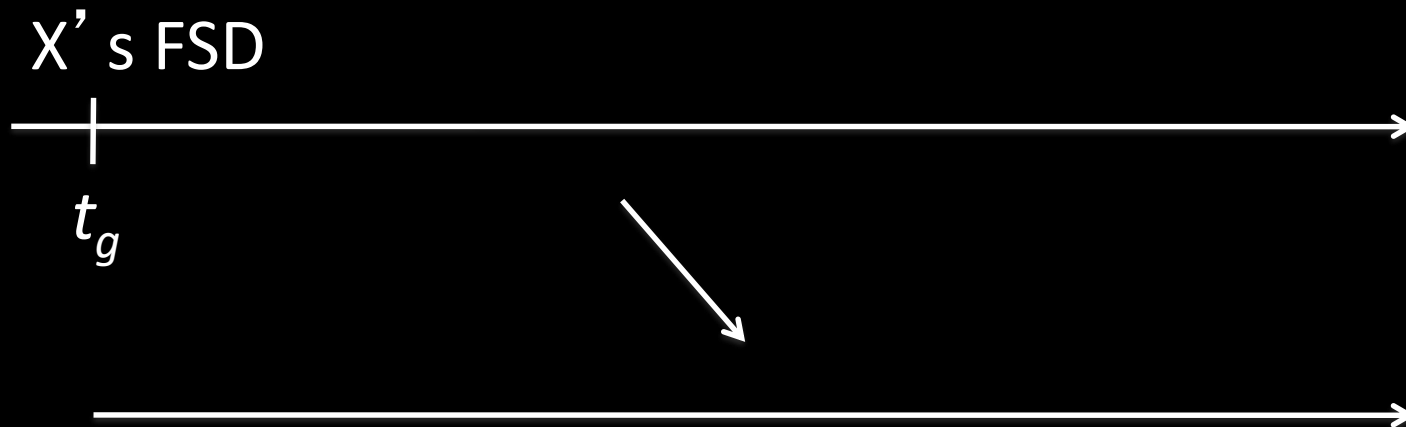


Reversion to Grantor

- inherent in conveyance

Fee Simple Determinable (FSD):

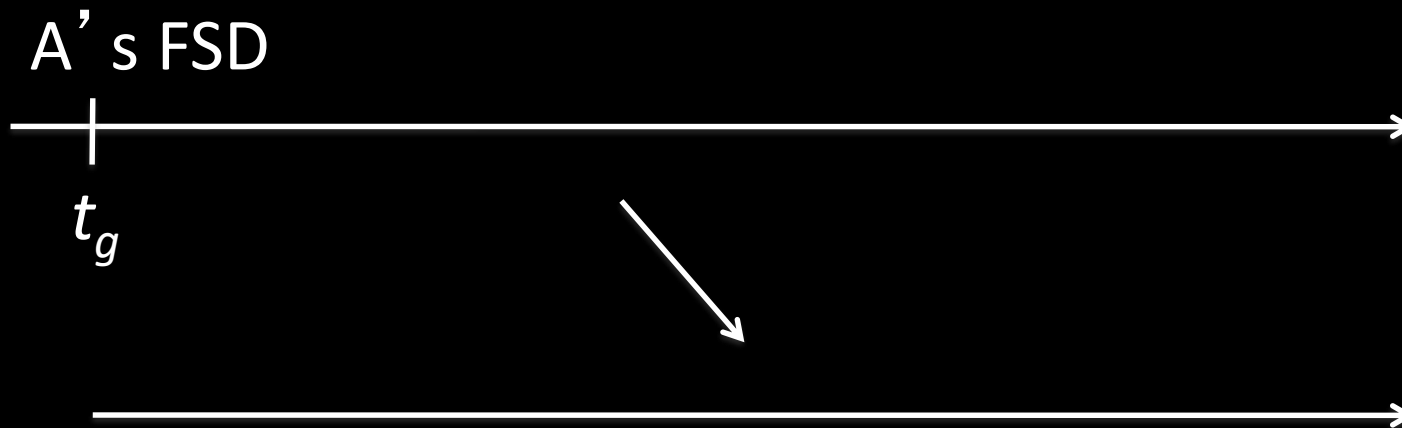
- Alienable
- Inheritable
- Devisable



- Automatic !

Creation of a Fee Simple Determinable:

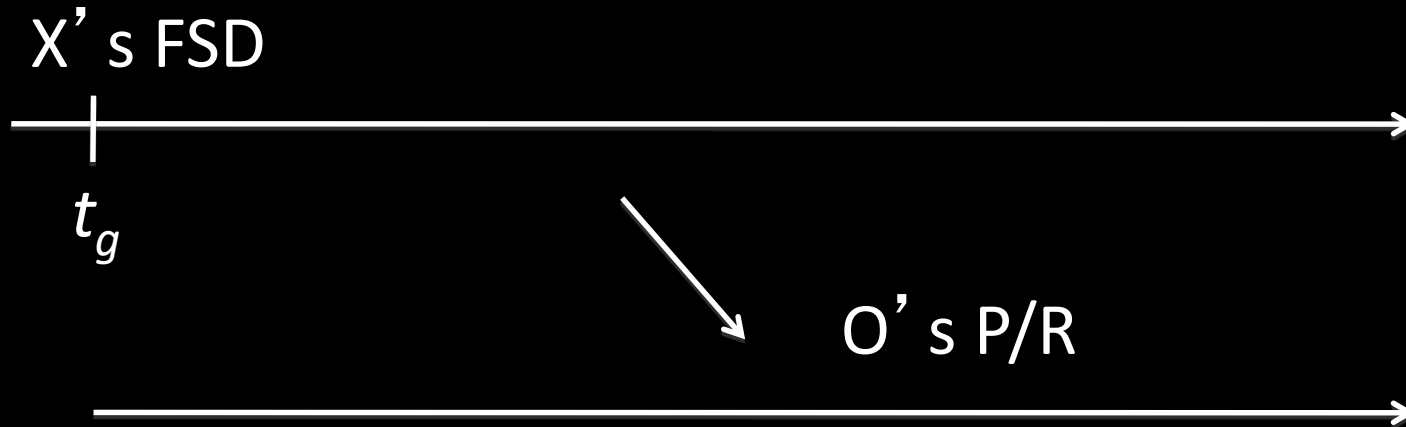
-O conveys the land to A and her heirs until the land is farmed



What about:

- O conveys the land to A until the land is farmed*
- O conveys the land to A and her heirs while the land is not farmed*

Fee Simple Determinable (FSD) – FUTURE INTEREST:

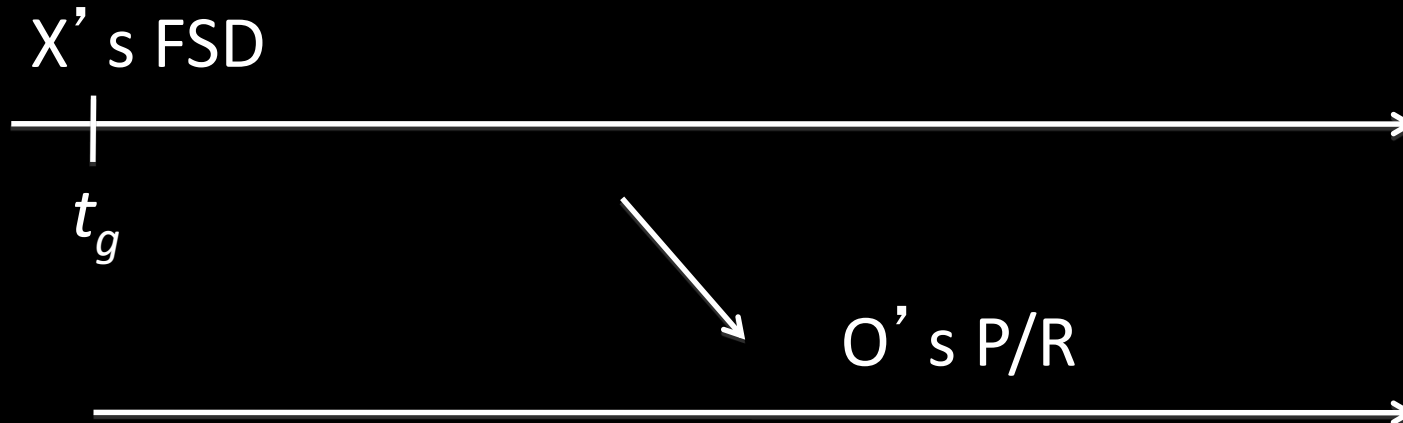


Possibility of Reverter (P/R) to Grantor:

- Inherent in grant
- Automatic

Possibility of Reverter (P/R):

- Not Alienable
- Inheritable
- (Most Likely) Not Devisable

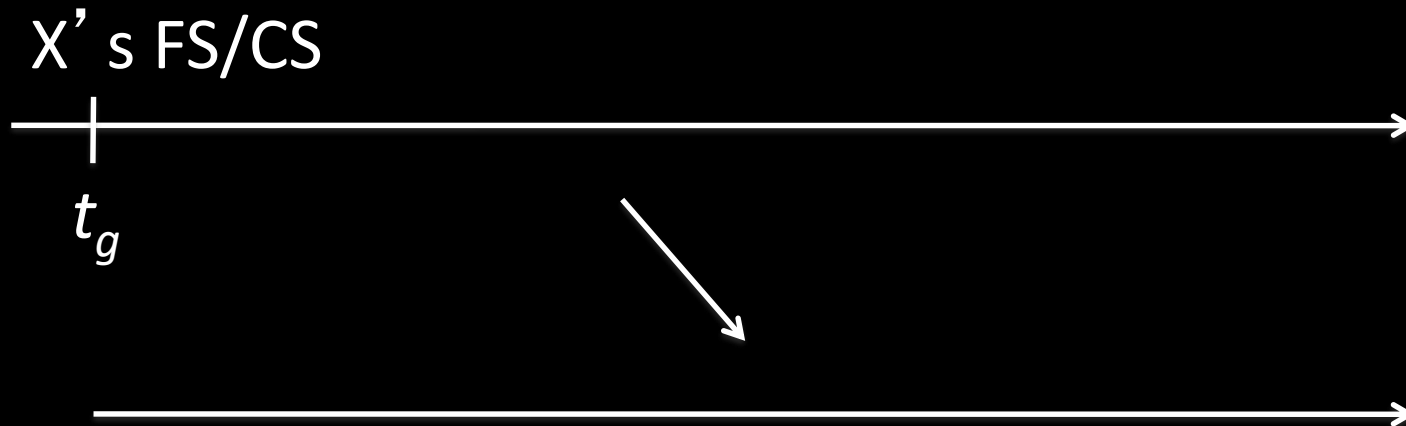


What does Possibility of Reverter become?

- *Fee Simple Absolute*

Fee Simple on Condition Subsequent (FS/CS):

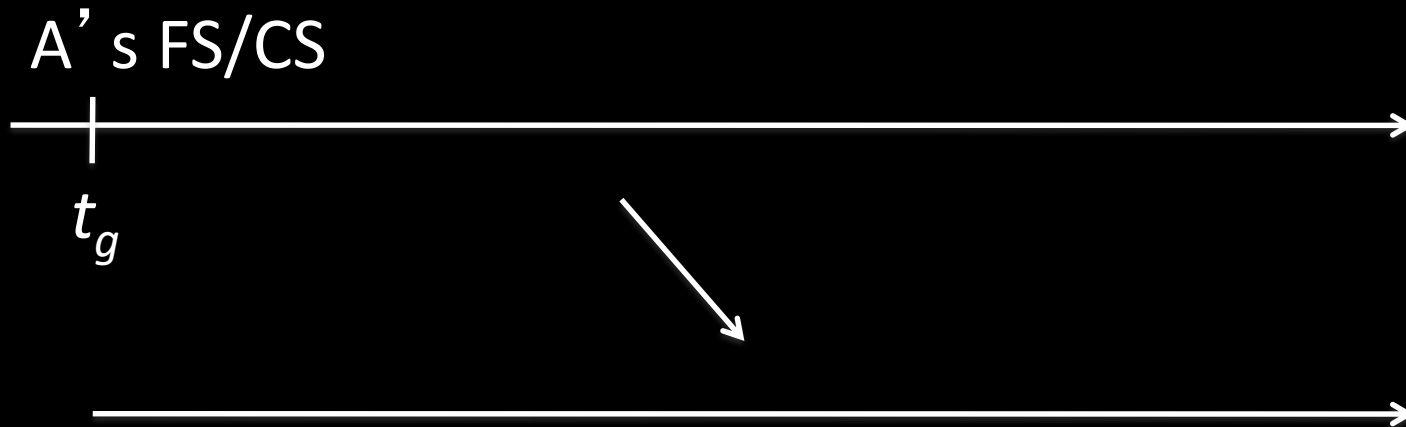
- Alienable
- Inheritable
- Devisable



- Requires Re-entry/Not Automatic !

Creation of a Fee Simple Condition Subsequent:

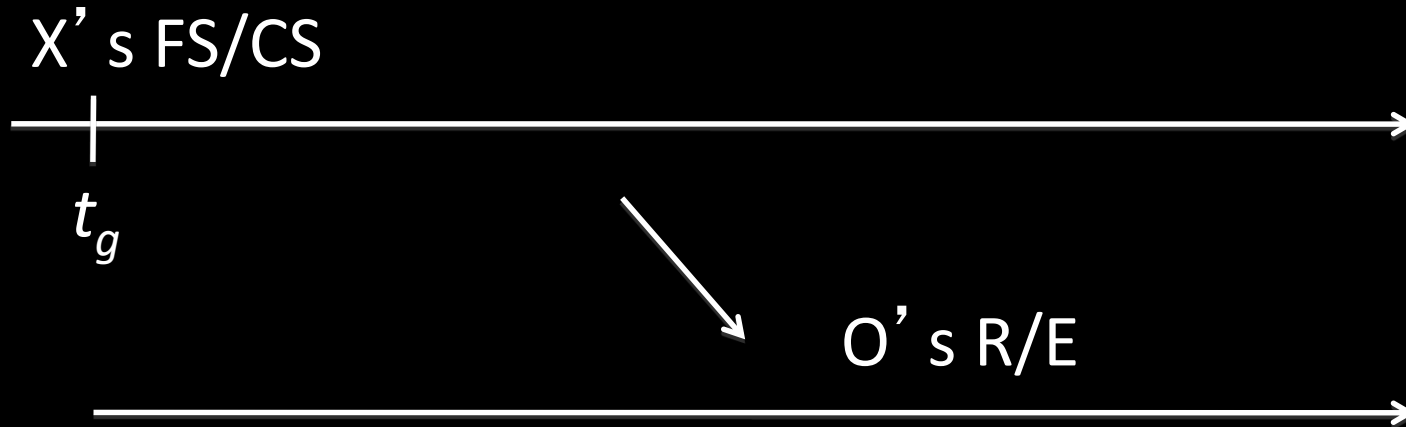
-O conveys the land to A and her heirs, but if the land is farmed, then O and her heirs may reenter and claim the land



What about:

- O conveys the land to A and her heirs as long as the land is not farmed

Fee Simple on Condition Subsequent (FS/CS) – FUTURE INTEREST:

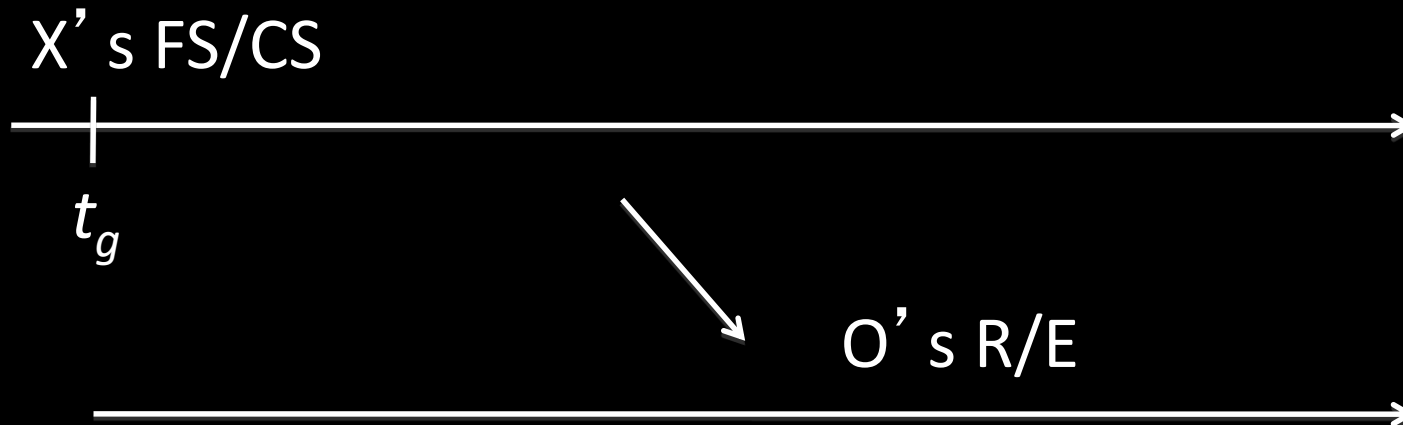


Right of Entry (R/E) to Grantor:

- Inherent in grant, but usually explicit
- Requires actual re-entry (*Power of Termination*)

Right of Entry (R/E):

- Not Alienable
- Inheritable
- Not Devisable



What does Right of Entry become?

- *Fee Simple Absolute*

Future Interest in Grantee:

Remainders:

1. Must follow an expirable estates;
2. Must be capable of taking effect immediately upon expiration of preceding estates; and
 - No Gap
 - No Springing Interests
3. Cannot take effect before expiration of preceding estate.
 - No Cutting Short
 - No Shifting Interests

- *O-→ A for life, then to B and her heirs*

- *O-→ A and her heirs as long as A mines the land, then to B and her heirs*

- *O-→ A and her heirs, but if A stops mining the land, B and her heirs can enter and claim the land*

- *O -> A for life, then to B and the heirs of her body*

- *O -> A for life, then four years later, to B and his heirs*

- *O -> A for life, but if B is 18, to B and her heirs*

Classifying the Remainder:

Vested Remainder

1. Remainderman is born and ascertainable; and
2. No condition other than expiration of preceding estate

-Otherwise-

Contingent Remainder

The Remainder:

Vested Remainder:

- Alienable
- Inheritable
- Devisable

Contingent Remainder:

- Not Alienable
- Inheritable
- Devisable

- *O-→ A for life, then to B and her heirs*
- *O-→ A for life, and then to B 's heir and her heirs*
- *O-→ A for life, and then if B is 21 or older, to B and her heirs*
- *O-→ A for life, but if B is 21 or older, then to B and her heirs*

Future Interest in Grantee:

Remainders:

1. Must follow an expirable estates;
2. Must be capable of taking effect immediately upon expiration of preceding estates; and
 - No Gap
 - No Springing Interests
3. Cannot take effect before expiration of preceding estate.
 - No Cutting Short
 - No Shifting Interests

Classifying the Remainder:

Vested Remainder

1. Remainderman is born and ascertainable; and
2. No condition other than expiration of preceding estate

-Otherwise-

Contingent Remainder

- *O→ A for life, then to B and her heirs*

- *O→ A for life, and then to B 's heir and her heirs*

- *O→ A for life, and then if B is 21 or older, to B and her heirs*

- A LE

- B CR/FSA

- O Reversion

- *O→ A for life, but if B is 21 or older, then to B and her heirs*

- A FSA

Gifts to a Class

Vested Remainder Subject to Open

0->A for life, then to A's children and their heirs

- A LE

- A's Childrens' VR/STO/FSA

0->A for life, then to T's grandchildren and their heirs

- A LE

- T's grandchildren's VR/STO/FSA

One More Present and Future Interest:

O-> A and her heirs, but if A does not mine the land, then to B and her heirs

- B/4 1536 – A FSA – invalid remainder
- After 1536
 - A has a ***Fee Simple on Executory Limitation***
 - B has an ***Executory Interest in Fee Simple***

Present and Future Interests:

Fee Simple on Executory Limitation (FS/EL):

- Alienable
- Inheritable
- Devisable

Executory Interest (EI):

- Not Alienable
- Inheritable
- Devisable

Executory Interest:

- No Such Things as Vesting
- Not Destroyable
- Automatic
- *O -> A and her heirs as long as A mines the land, then to B and her heirs*
 - A FS/EL
 - B EI/FSA

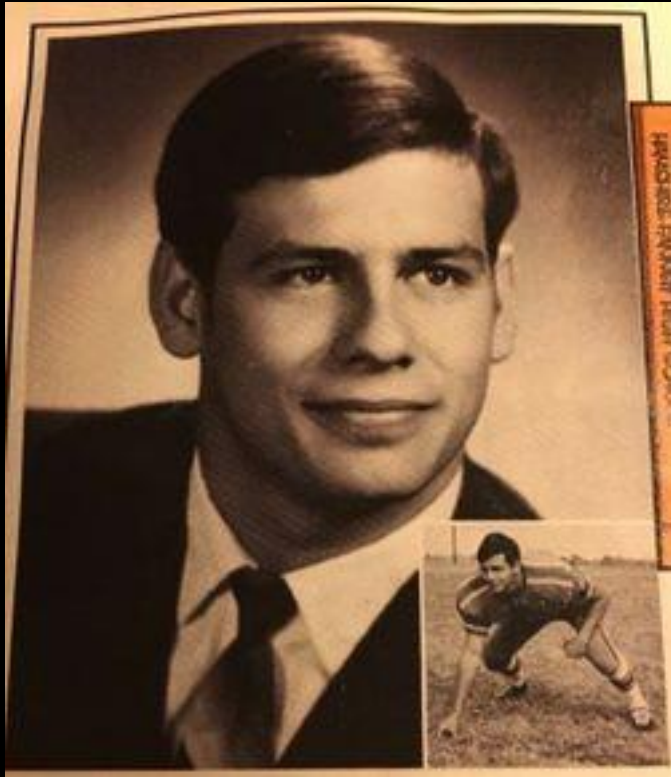
• *O -> A for life, then four years later, to B and his heirs*

- A LE*
- O Reversion
- B EI/FSA
- **Springing Executory Interest**

• *O -> A and her heirs, as long as the land is not use for commercial purposes, then to B and his heirs*

- A FS/EL
- B EI/FSA
- **Shifting Executory Interest**

1. O, owner of a fee simple absolute in Blackacre, conveys Blackacre “to A for life, then to B for life.” (Assume that both A and B are alive at the time of the grant.) What is the state of title in Blackacre?
 - a. What will be the state of title if A dies, survived by B and O?
 - b. What will be the state of title if B dies, survived by A and O?
 - c. What will be the state of title if O dies, then A dies, then B dies?
2. What will be the state of title if, while O, A, and B are still alive, B conveys her interest to C?
 - a. What will be the state of title if, after B conveys her interest to C, A dies, survived by B, C, and O?
 - b. What will be the state of title if, after B conveys her interest to C, C dies, leaving D as his heir, and is survived by A, B, and O?
 - c. What will be the state of title if, after B conveys her interest to C, B dies, survived by A, C, and O?



Last Will & testament
Debbie gets everything till
she dies.
Being of sound mind & this
is my w. last will & testament.
I leave to my Wife Daphne
Craigien all p. real & personal
property.

12-17-99 *Dalton Craigien*



Last Will & testament

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Debbie' s FSA



Last Will & testament

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property.

12-17-99 *Dalton Craigen*

- Presumption in favor of largest estate
- Presumption against intestacy

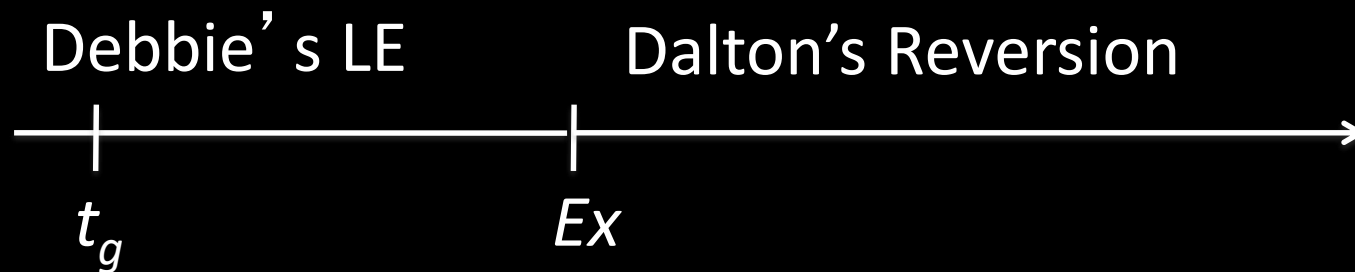
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12-17-99 *Dalton Craigien*

- Presumption that express clause controls later, subsidiary provisions
- Presumption against disinheritance of children

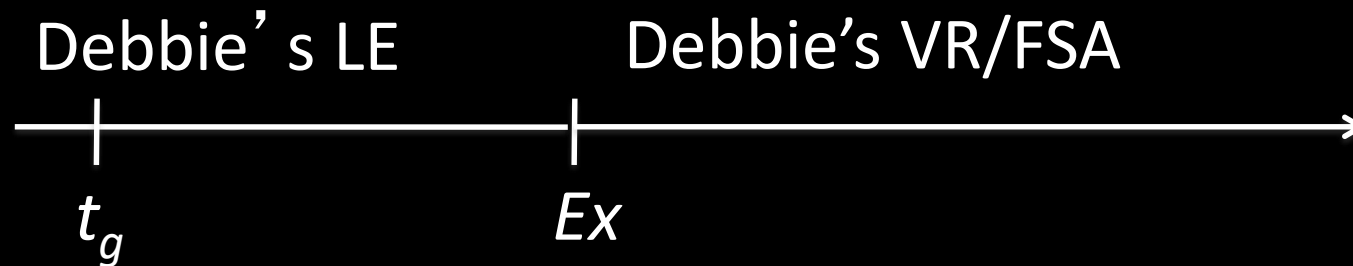
Last Will & testament

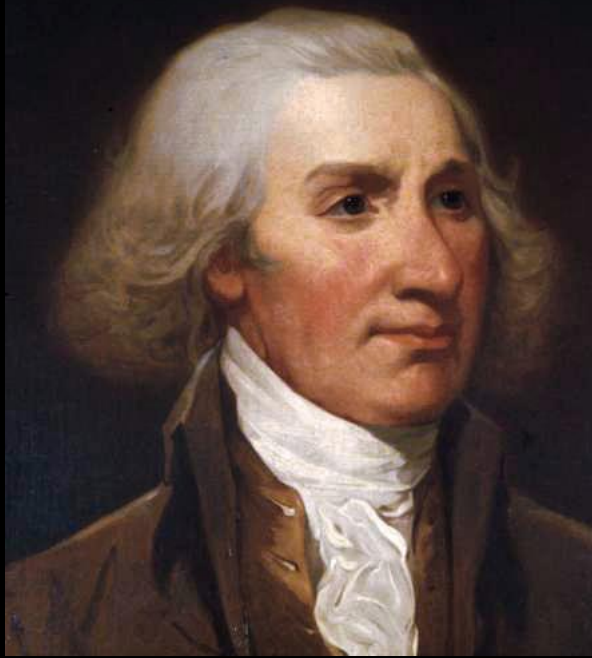
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12-17-99 *Dalton Craigien*





Brownson's LE

Jackson's VR/FSA



- What type of waste alleged?
 - Majority's rule?
 - Dissent's rule?
- Voluntary Waste (Affirmative)
- Permissive Waste (Passive)
- Both Objective

