

**PROPERTY I
FINAL EXAMINATION: ESSAY COMPONENT**

1. This final examination is broken into two (2) parts: 1) a multiple-choice section (15 questions) worth 30% of your final grade for the course and 2) an essay section, worth 70%.
2. All exam questions are to be turned in with your answer sheets. Write your exam number in the upper right hand corner of this page. Write your exam number on the cover of each exam book too, or if you type your exam, put the number at the top of each page.
3. The directions for the multiple-choice component of the exam have been provided in a separate instruction sheet. This essay component is a limited open-book exam. For the essay component of the exam, **you MAY consult ONLY:** your casebook; your course syllabus; any handouts from class; and any materials prepared by you or by a group in which you were an active participant, including your notes and outlines. **You MAY NOT** consult any other materials, including, but not limited to, hornbooks; treatises; or commercially prepared materials. You may not access any information in electronic form through your laptop or other technology for this exam. Except solely for use of ExamSoft, laptops, cell phones, hand-held computers or similar technology are strictly prohibited.
4. There are two (2) essay questions. Question I is worth 60% of the essay grade and is estimated to take 90 minutes. Question II is worth 40% of the essay grade and is estimated to take 60 minutes. You have 2 ½ hours to complete the essay portion of the exam.
5. You have up to 3 hours total to complete this exam: ½ an hour for the multiple-choice section and 2 ½ hours for the essay portion. Returning the exam late will result in your receiving NO points for the exam.
6. This essay portion of the exam is four (4) pages long (including these instructions). **Make sure that your copy is not missing any pages.**
7. If any pertinent facts appear to have been omitted, or if you are convinced there is an error, make reasonable assumptions, state them, and proceed with your answer.
8. **You MAY NOT consult with, or in any way receive assistance, from anyone during this exam.** Per the student code of conduct, if you witness or are have knowledge of anyone who violates this rule, you have an obligation to report such violation to the proper authorities at the law school.

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9. Please write as legibly as possible. Write on **every other line** of the exam book and on the **front side only** of each page. You may use as many exam books as you deem necessary.

10. Take time to think through and briefly outline your answers before you begin to write. Grading will be based on your responsiveness to the questions asked, the ideas and information contained in your answers, application of doctrines and rules to the facts, as well as organization, clarity, and the careful nature of your analysis. Assume for all questions that the cases assigned this semester are all equally binding precedent for your evaluation, unless the question specifically directs you to do otherwise.

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ESSAY I

Beatrice owned a beautiful tract of land in the mountains. She had been an avid smoker for 30 years. However, years ago, Beatrice finally quit smoking and was now a strong anti-smoking advocate. She feels strongly that the “slow withdrawal” method—where you reduce smoking over time until you finally quit—is doomed to failure. Beatrice’s own theory as to how to successfully quit is that you must quit all at once, remove yourself from the presence of other smokers, and engage in hard physical labor to get your mind off of it. Over the internet, she joined many support groups where she befriended others who were trying to quit and tried to help them do so. To this end, Beatrice started inviting people who were trying to stop smoking to come to her mountain home. On her mountain property, Beatrice has a large house where she resides and 5 other small cabins that each have beds for three occupants. Cabin occupants must share a large bathroom with multiple facilities. Beatrice began running what was essentially a kind of boot camp to help smokers quit. To be entitled to stay at her place and participate in the “program,” Beatrice imposed the following conditions: 1) Smoking cigarettes (or anything else!) was completely banned on her property; 2) Each cabin occupant must physically work Beatrice’s land for at least 3 hours a day (she assigned the tasks, like clearing weeds, etc.); 3) Each participant’s maximum stay is six weeks in the program; and 4) if any person ever smokes on her property, upon Beatrice’s demand, they must vacate the property within one hour. Beatrice created and maintained a website of her own inviting participants into her program. Between her website and the other support groups she belonged to, word about this opportunity quickly spread. At one point, a Jewish man named Sigmund contacted Beatrice to ask if he could come participate in her program so he could quit smoking cigars. She never had liked cigar smokers, so she declined his request.

A man named Reginald joined the program and in no time at all, he was a great success story: he gave up his 3-pack-a-day habit. He and Beatrice hit it off. Provided Reginald promised never to smoke on the property, they agreed that he would stay and help her run the camp, working at least 8 hours a day, 6 days a week. Accordingly, on top of a modest salary paid monthly, Reginald was assigned sole occupancy of the best cabin. Beatrice felt enforcement of the smoking ban was essential, so she would barge into the cabins unexpectedly to monitor whether anyone was smoking. Because he was now an important part of implementing the program, Beatrice stopped by Reginald’s cabin unannounced several times a week. She also regularly searched his cabin for cigarettes when she knew he was not there.

One day, Reginald discovered that Beatrice had secretly placed a videocamera in his cabin that was on 24 hours a day since he moved into his cabin. Poor Reginald had nowhere else to go, so he stayed. He stopped working for Beatrice and demanded that she immediately remove the videocamera and that she stop all unannounced visits to his cabin. At Reginald’s request and because they also objected to Beatrice’s unannounced visits to their cabins, the group participants then in Beatrice’s program also refused to work her land. Reginald was very stressed out by all of this and took up smoking again. After a few days, Beatrice found Reginald smoking. She was furious about the entire situation and demanded that everyone (Reginald and all the other cabin occupants) leave immediately.

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QUESTION I: Assume that you are an associate at a law firm and that you represent Beatrice. Assume that Reginald wants to stay and that he wants Beatrice to “pay” in some way for her behavior. Write a memo to the senior law partner who supervises your work and share with her your legal analysis of these circumstances. As always, discuss all relevant and applicable law, even if you conclude that your client will not necessarily prevail. **DO NOT DISCUSS** the Federal Fair Housing Act or constitutional law.

NOTE: Estimated time allocation is 90 minutes (60% of the essay grade).

ESSAY II

Celia was a teacher all of her life, but never had children of her own. When she died she left her property as follows:

“I leave my land called Greenacre to my niece Neela, so long as the property is used for school purposes.

“I leave my property called Blueacre to my nephew Fred, but then to Widener University if the property is not used for school purposes.”

Assume that you have been hired as the lawyer to administer Celia’s estate and to advise the family as to their legal rights in the state of Delvania, a (fictional) state that maintains a traditional approach to property law. Neither Neela nor Fred have any desire to use the property they receive from Celia as a school. Neela is thinking that if she is stuck with the restriction, she will at least open up a for-profit children’s day care center on the property rather than a traditional school. Or maybe she can open one of those stores that sells educational materials for children.

QUESTION II: Explain to Fred and Neela how a court in Delvania would likely rule on these issues. Next, assume that after this case was resolved under existing Delvania law, the controversy it created caused the state legislature to start rethinking its approach to the law on these issues. Because of your expertise here, the legislature has hired you as consultant: please advise them as to what alternatives there are (or might be) to traditional law and describe what the rationales, strengths and weaknesses of the current system are and do the same for any alternative approaches. Be sure to consider a more basic point as well: Does the law need to regulate these kinds of transactions at all? Why? Why not? What approach do you recommend that the legislature adopt?

NOTE: Estimated time allocation is 60 minutes (40% of the essay grade)

**END OF EXAMINATION
HAPPY HOLIDAYS!**

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