

Chapter 7 Answer Key

1. d. A homestead is a legal life estate that ensure the home (or part of it) is protected from creditors during the occupants' lifetime. (120)
2. b. The highest interest in real estate recognized by law is the fee simple or fee simple absolute estate, wherein the holder is entitled to all rights of the property. (117)
3. c. When all or part of a structure illegally extends beyond the land of its owner, this is called an encroachment. (125)
4. d. The doctrine of prior appropriation usually applies in states where water is scarce. The landowner receives a permit to a specified amount of water and priority of water rights is usually determined by the oldest recorded permit date. (127)
5. b. A license is a personal right to enter the land of another for a specific purpose and can be terminated or canceled by the licensor. (125)
6. a. Freehold estates, which last an indeterminable length of time, include fee simple, defeasible fee, and life estates. (117)
7. c. One way of terminating an easement is when the owner of either tenement becomes the owner of both and the properties are merged under one legal description. (125)
8. b. A personal easement in gross is an individual's right to use someone's land and generally terminates on the death of the easement owner. (123)
9. d. Increases in the land resulting from the deposit of soil by the water's action is known as accretion, and the owner is entitled to that land. (127)
10. d. A conventional life estate is a freehold estate limited in duration to the life of the life tenant. (118)
11. c. The words "so long as" create a fee simple determinable that limits use of the property for medical purposes. The former owner retains the possibility of reverter. (118)
12. a. An estate in fee simple is the highest interest in real estate recognized by law. Fee simple ownership is absolute ownership: The holder is entitled to all rights to the property. (117)

13. c. Riparian rights are common law rights granted owners of land along the course of a river. (126)
14. a. A life estate based on the lifetime of a person other than the life tenant is known as “pur autre vie”. The daughter is the life tenant, but the measuring life is the mother’s. The daughter’s heirs will inherit the daughter’s life estate, but it will end when the mother dies. (119)
15. d. Navigable rivers are considered public highways with the state holding title to the submerged land. (126)
16. d. A license is a personal privilege to enter the land of another for a specific purpose and the right is given orally or informally. (125)
17. c. Your driveway is the parcel over which the property runs and is the servient tenement. The parcel that benefits the neighbors, is known as the dominant tenement. (122)
18. c. Creditors can force a sale and apply the proceeds to debts secured by the home, minus the statutory exemption. Any remaining funds will be applied to the unsecured debts. (120)
19. b. Quint’s parcel benefits from the easement and is the dominant tenement. Farley’s tract, over which the easement runs, is the servient tenement. (122)
20. b. An appurtenant easement is annexed to the ownership of one parcel and allows the owner use of the neighbor’s land. The easement transfers with the title and so provides the greatest protection for a prospective purchaser. (122)
21. a. A portion of the area or value of the property occupied as the family home is exempt from unsecured debts, but not debt secured by the property. (120)
22. b. Individual rights are subject to certain powers, one of which is police power, which is to preserve order, protect the public health and safety, and promote the general welfare of the community. (114)
23. b. Under the doctrine of littoral rights, an owner whose land borders an ocean would own the property up to the mean high water mark. Any land below this owned by the government. The homeowner could not block other people from walking along the water’s edge. (127)

24. d. An encumbrance is a claim, charge, or liability that attaches to real estate. It is a right or interest held by someone else other than the fee owner of the property that affects title to real estate. (121)
25. a. Legal life estates, such as a homestead estate, are not created voluntarily by an owner, but are established by state law. (120)
26. a. Under the right of eminent domain, the government can acquire privately owned real estate for public use, which is defined very broadly. (115)
27. b. When a life estate ends, it is replaced by a fee simple estate. The future interest Herta's son-in-law has in the fee simple estate that will convey to him when the life estate ends is called a remainder interest. (119)
28. d. Lonnie's future interest in the fee simple estate is called the reversionary interest, as ownership will revert to the original owner when the life estate ends. (119)
29. b. A fee simple defeasible is a qualified estate and one type is subject to a condition subsequent. This means that the new owner must NOT perform some action or activity. (118)
30. b. Utility easements are rights to use someone else's land and are called easements in gross. (123)
31. b. Condemnation is the process; eminent domain is the right of the government to acquire ownership of private land for public use. (115)
32. b. A fee simple estate is of unlimited duration and passes to the owner's heirs. (117)
33. d. An easement by necessity is created by court order based on the principal that owners have the right to enter and exit their land. (124)
34. b. If John's use of the land is visible and open, and if the owner must have been able to learn of it, he may be able to acquire an easement by prescription, depending on the time period required by state law. (124)
35. b. A spot survey show the location of all improvements on a property and whether they extend over the property lines. (125)