

Chapter 4: Interests in Real Estate

1. A statutory right that a family has in its residence is called
 - a. entirety.
 - b. survivorship.
 - c. curtesy.
 - d. homestead.

2. A person who has complete control of a parcel of real estate is said to own a
 - a. leasehold estate.
 - b. fee simple estate.
 - c. life estate.
 - d. defeasible fee estate.

3. A portion of Walter's building was inadvertently built on George's land. This caused an
 - a. accretion.
 - b. avulsion.
 - c. encroachment.
 - d. easement.

4. Many states determine the order of water rights according to which users of the water hold recorded beneficial use permits. This allocation of water rights is controlled by
 - a. accretion.
 - b. riparian theory.
 - c. littoral theory.
 - d. the doctrine of prior appropriation.

5. The purchase of a ticket for a professional sporting event gives the bearer
 - a. an easement right to park his car.
 - b. a license to enter and claim a seat for the duration of the game.
 - c. an easement in gross interest in the professional sporting team.
 - d. a license to sell goods and beverages at the sporting event.

6. Which of the following has an indeterminable duration?
 - a. Freehold estate
 - b. Less-than-freehold estate
 - c. Estate for years
 - d. License

7. If the owner of the dominant tenement becomes the owner of the servient tenement and merges the two properties
 - a. the easement becomes dormant.
 - b. the easement is unaffected.
 - c. the easement is terminated.
 - d. the properties retain their former status.

8. A decedent left a will giving his neighbor the right to use a well on the decedent's land as long as the neighbor lived. The neighbor's interest in the property is properly called a(n)
 - a. license.
 - b. easement in gross.
 - c. easement appurtenant.
 - d. life estate.

9. Homeowner Gurney acquired ownership of land that was deposited by a river running through his property by
 - a. reliction.
 - b. succession.
 - c. avulsion.
 - d. accretion.

10. A life estate conveys to the life tenant
 - a. a leasehold for life.
 - b. a reversionary interest.
 - c. a legal life estate.
 - d. ownership for life.

11. Janeen held fee simple title to a vacant lot adjacent to Mercy Hospital. She was persuaded to make the lot available to Mercy. She had her attorney prepare a deed that conveyed ownership of the lot to the hospital "...so long as it is used for medical purposes." After the completion of the gift, the hospital will own a
- a. life estate.
 - b. tenancy for years.
 - c. determinable fee estate.
 - d. periodic tenancy.
12. The type of real estate ownership that is most all-inclusive is a
- a. fee simple estate.
 - b. life estate.
 - c. conditional fee estate.
 - d. reversionary interest.
13. The water rights of an owner of property located along the banks of a river are called
- a. littoral rights.
 - b. prior appropriation rights.
 - c. riparian rights.
 - d. hereditaments.
14. A father conveyed the family home to his daughter by will as a pur autre vie estate for the life of her mother. If the daughter should die before the mother, who gains possession of the property?
- a. The daughter's heirs
 - b. The remainderman
 - c. The mother
 - d. The father's other children
15. All of the following are subject to real property ownership rights *EXCEPT*
- a. buildings located on the land.
 - b. air space above the land.
 - c. easements running with the land.
 - d. navigable rivers running through the land.

16. Joanne and Samuel are next-door neighbors. Samuel tells Joanne that she can store her camper in his yard for a few weeks until he needs the space. Samuel does not charge Joanne rent for the use of his yard. Samuel has given Joanne a(n)
- a. easement appurtenant.
 - b. easement by necessity.
 - c. estate in land.
 - d. license.
17. Your neighbors use your driveway to reach their garage which is on their property. Your attorney explains that ownership of the neighbors' real estate includes an easement appurtenant giving them the right to do this. Your property is the
- a. leasehold interest.
 - b. dominant tenement.
 - c. servient tenement.
 - d. license property.
18. Creditors suing homeowner Harry who enjoys the homestead exemption provided by state law
- a. can have the court sell Harry's residence and apply the full proceeds of sale to his outstanding debts.
 - b. have no right to sell the debtor's residence.
 - c. may request a court-ordered sale and have the proceeds in excess of the statutory exemption and exempted liens applied to the debts.
 - d. can force the debtor to sell the residence in order to pay the outstanding debts in full.
19. Quint owned two acres of land. He sold one acre to Farley and reserved an appurtenant easement for himself over Farley's land for ingress and egress. Quint's land
- a. is the servient tenement.
 - b. is the dominant tenement.
 - c. can be cleared of the easement when Quint sells the withheld acre to a third party.
 - d. is subject to an easement in gross.

20. Gina owns 50 acres of land with 500 feet of frontage on a desirable recreational lake. She wishes to subdivide the parcel into salable lots but she wants to retain control over the lake frontage while allowing lot owners to have access to the lake. Which of the following types of access rights would provide the greatest protection for a prospective lot purchaser?
- a. An easement in gross
 - b. An appurtenant easement
 - c. An easement by necessity
 - d. A license
21. A homestead exemption protects against judgments
- a. of unsecured creditors.
 - b. that result from unpaid taxes.
 - c. that result from foreclosure of a mortgage.
 - d. that result from the costs of improvements.
22. The main purpose of police power is to
- a. demonstrate the authority of the state.
 - b. ensure the health, safety, and welfare of the community.
 - c. set limits on the amount and kinds of businesses in a given area.
 - d. protect residential neighborhoods from encroachment by business and industry.
23. The owner of a secluded area adjacent to the Atlantic Ocean noticed that people from town walked along the shore in front of his property. The owner learned that the local citizens had been walking along this beach for several years. He went to court to try to stop people from walking along the water's edge in front of his property. The owner is likely to be
- a. unsuccessful because the local citizens have been doing this for years and thus have an easement.
 - b. unsuccessful because the owner's property extends only to the high-water mark and the public may use the land beyond this point.
 - c. successful because the owner's property extends to the middle of the water bed.
 - d. successful because the owner can control access to his own property.
24. A tax lien on the property can hinder the sale of a property because it is

- a. a monetary charge that the purchaser must satisfy.
 - b. an appurtenance that does not affect the title.
 - c. an encroachment.
 - d. an encumbrance.
25. Which of the following is an example of a legal life estate?
- a. A homestead estate
 - b. An estate conveyed by one party to a second party for the life of the second party
 - c. An estate created by a will
 - d. An estate conveyed to a second party subject to a condition
26. For land to be taken by the government under its right of eminent domain, which of the following must apply?
- a. The taking must be for a public purpose.
 - b. There must be a statutory dedication.
 - c. This must be an adverse action.
 - d. There must be constructive notice.
27. Herta conveys a life estate to her grandson and stipulates that upon her death the estate will pass to her son-in-law. The son-in-law has a(n)
- a. reversionary interest
 - b. remainder interest
 - c. estate for years.
 - d. legal life estate.
28. Lonnie conveys the ownership of his house to his mother and stipulates that upon her death he will recapture ownership. The interest Lonnie has in the property is a
- a. remainder interest.
 - b. curtesy estate.
 - c. legal life estate.
 - d. reversionary interest

29. A person who acquired ownership that can be inherited, with the provision that the land must always be used for recreational purposes, has which of the following?
- a. A fee simple estate
 - b. A fee estate subject to condition subsequent
 - c. A restricted estate
 - d. An estate that cannot be sold
30. A developer grants a local power company the right to install necessary transmission lines. This right is an example of a(an)
- a. license.
 - b. easement in gross.
 - c. easement by prescription.
 - d. conditional use permit.
31. The process by which government can acquire ownership of private land for public use is
- a. escheat.
 - b. condemnation.
 - c. eminent domain
 - d. doctrine of public acquisition.
32. A person wants to ensure that the ownership of real property can be willed to her children. Which of the following forms of ownership would the person want?
- a. A conventional life estate
 - b. A fee simple estate
 - c. A joint tenancy
 - d. A license
33. An owner divides a parcel into several lots, one of which is completely surrounded by other lots and has no street access. Which of the following is *TRUE*?
- a. The municipality must construct a street to create access.
 - b. The owner must create an easement by condemnation to provide access.
 - c. An easement by prescription should be granted.

- d. An easement by necessity should be created for the landlocked parcel.
34. The road to John's hunting cabin is windy and long, and the shorter, more direct route, is across Sam's land. John has never seen Sam and hopes to eventually gain an easement by
- a. necessity.
 - b. prescription.
 - c. condemnation.
 - d. license.
35. Which of the following is the *BEST* way to ensure that there are no encroachments and verify the boundaries of a parcel of land?
- a. Write a legal description
 - b. Get a spot survey
 - c. Find the monuments
 - d. Verify the benchmarks