

Chapter 7

Textbook Rationales

1. b The right is eminent domain; the process by which the right is exercised is condemnation. Escheat and police power are other examples of government limitation on rights of private ownership.
2. a Fee simple is an absolute ownership—an inheritable interest “with no strings attached.” A life estate is noninheritable; fee on condition subsequent and determinable fees are both estates involving another person with an interest called “possibility of (either reverter or) reentry.”
3. c A determinable fee estate has a special limitation and may end automatically if there is noncompliance with that stipulation. Language such as *as long as* or *while* characterize this estate. The hospital’s ownership of the lot would come to an end if the property were to be no longer used for hospital purposes, and the lot would immediately become the property of the woman or her heirs.
4. c Your driveway is on the property over which the easement runs and is the servient tenement. The adjacent property owned by the neighbors is known as the dominant tenement.
5. c A *license* is a personal, revocable right of use. It is temporary in that it can be withdrawn at will by the one who issued it.
6. d An easement appurtenant can only be created if the adjacent properties have different owners. This easement *runs with the land* and transfers with the deed.
7. c Many states whose water is in relatively short supply have passed statutes authorizing a system of *prior appropriation* in which owners downstream do not necessarily have to wait for “what’s left” after those upstream have drawn their fill. Priority—who is allowed to appropriate water first—is established, instead, by the date of approved filing and continued conformity with any rules and limitations on use imposed by the jurisdiction.
8. a The four governmental powers that limit private rights on land are represented by the acronym PETE (police power, eminent domain, taxation, and escheat). *Dedication* is the voluntary transfer of ownership of land from a private party to a government.
9. b An *easement* is a right of use or passage, not of ownership—nor is it an example of encroachment or the exercise of police power.
10. c Homestead rights are granted by statute in some states to provide some protection to debtors and their families against the execution of judgment liens on their homes by the action of unsecured creditors.
11. b Until the owner dies, the church will have a remainder interest. The owner reserved for herself a life estate. The church may legally sell its future (remainder) interest, even during the lifetime of the life tenant.
12. b To build over a property line is to *encroach*.
13. c Homestead rights are granted by statute in some states to provide some protection to debtors and their families against the execution of judgment liens on their homes by the action of unsecured creditors.

- 14. d Such permission given to an individual is personal, nontransferable, and can be withdrawn.
- 15. d The leasehold interest held by a tenant is not revocable like a license and lasts for a fixed period. It is less than a life estate and so is not a freehold. And, unlike an easement, it gives its holder the right to possess the land.
- 16. b Unpaid real estate taxes are a lien on the property because they are a charge against the property that provides security for a debt or an obligation of the property owner.
- 17. a *Easements in gross* are individual rights to use someone's land, as in the case of the utility company. An easement in gross can be assigned, conveyed, and inherited.
- 18. c Riparian rights are common law rights granted owners of land along the course of a river.
- 19. a An *easement by necessity* arises when there is no ingress or egress (entry or exit) from one piece of property without crossing over a parcel of land owned by another. An easement of necessity is not merely for convenience or imposed to validate a shortcut.
- 20. d. An easement is terminated when the owner of the dominant tenement releases that right to the owner of the servient tenement.