



PROPERTY
Practice Question 3

This is the Cover Page. Don't read the Practice Question that follows until you're ready to write an answer to it.

- ***Topic Coverage: III.C, III.D, III.E.***
- ***Time: 45 minutes.***
- ***Format: Closed book recommended.***
- ***I would suggest you spend at least 10 minutes outlining your answer before you begin to write it.***

Practice Question 3
(45 minutes)

Odin is a wealthy, long-time senior editor at a major U.S. publishing company. In 2021 he asks his long-time lawyer to draft a will for him. In the will Odin leaves Blackacre, an organic farm, “to Frasier for life, then to the first of Frasier’s children to become a published author.” Odin has also been good friends for many years with Alain for many years. The residuary clause in his will leaves everything else in his estate to Alain.

Upon signing his will he remarks to his lawyer, “I love books. They inspire, educate, entertain – the paper they use even sequesters carbon! I hope to induce the younger generation to continue the honorable tradition of fresh and creative published work it’s been my life’s mission to foster.” “Oh no, not the book spiel *again*,” thinks Odin’s lawyer to herself. “You’re so inspiring,” she tells him.

Odin dies in late 2022 and the will takes effect. Frasier, a widower who loves locally grown organic food, has two children, Yuri, 11 and Zoe, 13. Yuri spends all his time on TikTok. In 2025, Zoe, a Tolkien admirer who also loves cooking, discovers “Twitterature,” which took hold nearly two decades ago and peaked in popularity about ten years ago. Authors would tweet an entire novel over time in successive chapters of no more than 280 characters each. Inspired, Zoe posts the first installment of her own novel, “Lord of the Onion Rings,” on X: “Totally vulnerable, I writhe convulsively at the sight of each Panko-cruste onion ring. Come to me, my precious, and ravish me with your exquisite crispness. #twitterature.” Ina Garten, famed host of the American cooking show *The Barefoot Contessa*, retweets Zoe’s X post with the comment, “Trashy, yes, but still, sooo good. More tasty morsels ahead from this young new food novelist?”

A number of tweets later, Zoe has 890,000 followers on X. Alarmed by the language of her tweets, Frasier orders Zoe to shut down her account. “You can tweet whatever you want when you turn 18, young lady, but not now,” he says. Zoe is unhappy, but tells her friends, “At least I’m an author now.”

Frasier dies the next day when some mushrooms harvested from Blackacre turn out to be poisonous. Yuri and Zoe’s appointed guardian tells Zoe, “I’ve consulted with my lawyer. You now own Blackacre, Zoe. Think about *that*, Yuri, next time you while away your day watching TikTok videos! Anyway, Zoe, I’ll manage all your property until you turn 18, but you *are* the owner.”

“Well, your lawyer is wrong!,” says Alain, who has stopped by to offer condolences. “Blackacre is mine,” he exults.

Who owns Blackacre? Explain. Note: The state of Cania, in which these events take place, has abolished the Doctrine of Destructibility of Contingent Remainders. If there are other things you’d need to know about Cania law, say what they are and how they would matter.