

2. Subsequent events can cause a future interest to change from contingent to vested or even destroy it. Consider $O \rightarrow A$ for life, then to B if B marries C. Initially, A has a life estate; B has a contingent remainder; and O has a reversion. If B marries C, though, then A has a life estate, and B has a vested remainder; O now has nothing. Or suppose that a year after the original grant is made, C dies without ever having married B. Now B can never fulfill the condition. This destroys B's contingent remainder. We would then say A has a life estate and O has a reversion. (We don't say that O has B's remainder, because the death of C just destroyed B's remainder; it wasn't transferred to O. Rather, the reversion was created in O at C's death.) Note of course that there could be interpretive issues in a grant like this. For example, what if B, a non-US citizen, enters into what state law deems a valid marriage with C, a US citizen, while A is alive, but B is then convicted of violating federal law based on evidence that the marriage was entered into for the purpose of securing US citizenship?

The Doctrine of Destructibility of Contingent Remainders (DDCR)

Contingent remainders were subject to the DDCR at common law. Today you would need to ask in any given state whether the doctrine was in effect. In most states it has been abolished. In a few states it has not. **You are not responsible for knowing how to apply the DDCR.**

Remember that it is the Doctrine of Destructibility of *Contingent Remainders*. It is not the Doctrine of Destructibility of Executory Interests, nor is it the Doctrine of Destructibility of Contingent Remainders and Executory Interests. Executory Interests are not subject to the Doctrine of Destructibility of Contingent Remainders. Where the DDCR is in effect, it is important to distinguish between contingent remainders and executory interests.

There are two ways the DDCR can destroy contingent remainders.

1. The life estate ends because the life estate holder dies, and the contingent remainder is not ready to take effect. Then the contingent remainder is destroyed.
2. The life estate ends before the person holding the life estate dies, and the contingent remainder is not ready to take effect.

No. 27 $O \rightarrow A$ for life, then to B and her heirs if B marries C.

Assuming the state has the DDCR, we would say that A has a life estate, and B has a contingent remainder in fee simple. O has a reversion in fee simple. B could lose out in either of two ways:

1. A dies and B hasn't gotten around to marrying C. O gets it back and keeps it in fee simple. B's contingent remainder is destroyed.
2. X, a developer, buys A's life estate and O's reversion, and gets a fee simple through merger. (Merger means that the present possessory estate plus the next vested estate (i.e., one certain to become possessory someday) will merge into a fee simple.) B's contingent remainder is destroyed.

The Rule in Shelley's Case and the Doctrine of Worthier Title

As the Casebook explains (CB 353-354), these two rules, like the DDCR, were created by the common law courts to destroy certain contingent remainders. **You are not responsible for knowing the Rule Shelley's Case or the Doctrine of Worthier Title.**