

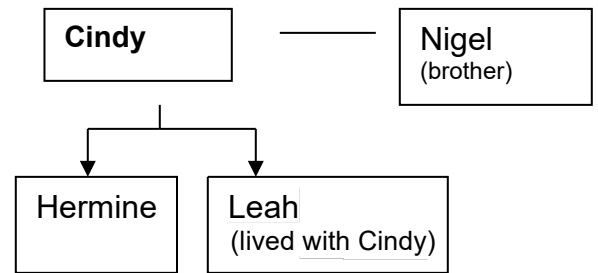
**Property Fall 2024**  
**Professor Schnably**

Briefing *Tapscott* and Hypotheticals

I. Tapscott v. Lessee of Cobbs: Facts

<b>Sometime before 1800:</b> T. Anderson has some property surveyed for a “patent.” This means it was land to be transferred by the government to an individual for the first time.	
<b>1800:</b> T. Anderson dies. Executors appointed (Rives, Harris, N. Anderson). In estate is pending land grant.	
<b>1802:</b> Estate gets “patent” showing ownership of tract. Then what?	
<b>Version A:</b>	<b>Version B:</b>
<b>Sometime between 1820 and 1825:</b> <b>Exec. --&gt; Rives at auction.</b> Why would they sell it to Rives? A little suspicious for Rives, an executor to buy, though it’s at auction. Rives now owes the executors money. How much? Unclear. Presumably no closing, no transfer of title.	<b>Sometime before 1825, maybe even before 1820:</b> <b>Exec. --&gt; Lewis,</b> for \$367.50. The executors would normally sell the property if the devisees didn’t want it, and then distribute the proceeds. She owes Exec. \$367.50. Lewis doesn’t seem to have paid, though we don’t know for sure. Or maybe paid \$150 and still owed \$217.50? But note the accounting in 1826. Presumably no closing, no transfer of title.
<b>Sometime before Sept. 1825 (but after 1820):</b> <b>Exec --&gt; Lewis, \$367.50.</b> Why sell it again? Not clear, but probably still trying to get the money. Maybe Lewis anticipated a deal with Rives. Lewis now owes exec. \$367.50. Maybe she paid nothing at the time; maybe she gave Rives \$150 as executor (and he just kept it).	<b>Sometime between 1820 and 1825:</b> <b>Exec. --&gt; Rives at auction.</b> Why would they sell it to Rives? Could be that it was because she didn’t pay. Rives now owes exec. money. How much? Unclear. Presumably no closing, no transfer of title.
<b>Sept. 1825:</b> <b>Lewis --&gt; Rives</b> (selling her dower interest in another piece of land to Lewis). He will pay Lewis for it by giving \$217.50 to the executors. That clears all but \$150 of her debt to executors – though it was alleged in 1826 that the executors never received anything.	
<b>Short time after Sept. 1825:</b> Lewis moves onto property, built house (w/o full price ever having been paid and so presumably without a deed/title to it).	
<b>Aug. 1826:</b> Item in accounting of estate indicating Rives owes entire purchase price; whole not yet collected, but Rives assumes liability.	
<b>1835:</b> Lewis dies.	
<b>1842:</b> Tapscott enters property	
<b>Dec. 1844:</b> has it surveyed wants to obtain a patent on it.	
<b>Feb. 1846:</b> [Lessee of] Cobbs brings action of ejectment against Tapscott.	

## II. Hypothetical



?: Cindy buys Coral Gables house, moves into it.

?: Leah moves into house with her mother Cindy.

2008: Cindy writes will, leaving house to Hermine.

2017: Cindy goes insane (according to Hermine)

2021: Cindy revokes 2008 will and writes new one, leaving house to Leah

2024: Cindy dies.