## **Contents**

Preface

Acknowledgments	xix			
▶ 1: Introduction to the Study of Estates and Future Interests				
Reminders from This Chapter Study Questions	5 5			
▶ 2: Possessory Estates				
The Nature of the Possessory Estate The Fee Simple The Fee Tail The Life Estate The Term of Years What Can the Owner of a Fee Simple, a Fee Tail, a Life Estate, of a Term of Years Convey? What If the Conveyance Has No Words of Limitation? What Happens to the Land When an Inherently Limited Estate Ends? Reminders from This Chapter Study Questions and Practice Exercises	10 11 12 14 15 or 16 18 18 19			
▶ 3: Limitations Added to Possessory Estate	es			
No Added Limitations Added Limitations Recognizing the End of One Estate and the Beginning of Another The Determinable Estate	23 25 26 27			
Estates Subject to a Condition Subsequent	29			

xvii

**xii** CONTENTS

	Defeasible Estates that Violate the Law	34
	Non-Fee Simple Estates with Added Limitations	36
	<del>_</del>	30 37
	Two Reminders About Using the Chart	37
	Memory Work	
	Study Questions and Practice Exercises	37
<b>▶4:</b>	Future Interests Retained by the Grantor	
	No Future Interest Follows a Fee Simple Absolute	41
	The Grantor's Future Interest Following an Estate That Ends	
	Naturally (a Reversion)	43
	The Grantor's Future Interest Following a Determinable	
	Estate (a Possibility of Reverter)	44
	The Grantor's Future Interest Following an Estate Subject to a	
	Condition Subsequent (a Right of Entry)	46
	Identifying the Durational Nature of the First Future Interest	48
	Reminders from This Chapter	50
	Study Questions and Practice Exercises	50
<b>▶</b> 5:	Estates Followed by Remainders	
	Remainders	53
	Vested and Contingent Remainders	58
	Ascertained Person	59
	Class Gifts	60
	Review of the Requirement That the Holder Be Ascertained	60
	Condition Precedent	61
	Placement of Limitation	62
	Remainders That Are Contingent for More Than One Reason	63
	Adding "Vested" and "Contingent" to the Chart	63
	Reversions Paired with Contingent Remainders	64
	Alternative Contingent Remainders	66
	Memory Work	68
	Reminders from This Chapter	68
	Study Questions and Practice Exercises	68
<u> </u>	Fetatoe Followed by Evocutowy Intoracte	
<b>▶6:</b>	Estates Followed by Executory Interests	
	A Determinable Estate Followed by an Executory Interest	73
	Estates Subject to an Executory Limitation	77
	Two Future Interests Held by the Second Grantee	81
	A Note About Interpretation	81
	Reminders from This Chapter	82
	Study Questions and Practice Exercises	83

CONTENTS xiii

	7: Accounting for Additional Future Interests, Class Gifts, and Subsequent Divesting		
Additional Future Inte	rests	87	
Vested Remainders Subject to Divestment		93	
Describing a Vested Remainder Subject to Divestment		95	
Vested Remainders Su	•	97	
Reminders from This Chapter		97	
Study Questions and P	•	98	
▶8: Shifting ar	nd Springing Executory Int	erests	
Review of Shifting Executory Interests		103	
Springing Executory I	nterests	103	
Study Questions and P	ractice Exercises	106	
	Future Interests in a Secondatates They Follow	nd Grantee	
Remainders		109	
<b>Executory Interests</b>		110	
Vested Remainders Su	ıbject to Divestment	110	
Examples		111	
Study Questions and Practice Exercises		112	
► 10: What Is th	e State of the Title?		
Optional Practice		116	
▶ 11: Post-Conv	eyance Factual Developme	nts	
Deaths		118	
Removal of Continger	cies	119	
Subsequent Vesting o	f a Contingent Remainder	121	
Conveyance of a Fee	Гail	121	
Subsequent Conveyance of a Reversion or a Remainder		122	
Future Interests Moving into Possession		123	
Merger		124	
	Conditions: Destructibility of Continge	ent	
Remainders		126	
Reminders from This Chapter		128	
Study Questions and Practice Exercises		128	

▶ 12: More Efforts to Further Alienability			
	The Rule in Shelley's Case	133	
	Shelley's Case and Merger	135	
	The Doctrine of Worthier Title	137	
	Worthier Title and Merger	138	
	Reminder from This Chapter	140	
	Study Questions and Practice Exercises	140	
▶ 13: The Infa	mous Rule Against Perpetuities		
	Preparing to Study the Rule	141	
	Vested Interests vs. Contingent Interests	141	
	Closed Interests vs. Interests Subject to Open	142	
	When a Will Is Effective	143	
	The Fetus (Gestation) Rule	143	
	Alternative Reproductive Technologies	143 143	
	The Fertile Octogenarian The Unborn Widow	143	
	The Rule's Purpose	144	
	The Rule's Meaning	147	
	Calculating the Permitted Time Period	147	
	Deciding How Long an Interest Might Remain Contingent	147	
	Validating Life	149	
	An Example of an Interest That Violates the Rule	149	
	A Step-by-Step Approach for Applying the Rule	150	
	Reminders from This Chapter	153	
	Study Questions	154	
▶ 14: Applying	g the Rule Against Perpetuities		
	Danger Signs	155	
	Examples	156	
	Analyzing Various Kinds of Future Interests	161	
	What to Do If There Is an Invalid Interest	166	
	Study Questions and Practice Exercises	167	
▶ 15: Relief fro	om the Rule Against Perpetuities		
	The Effect of the Destructibility of Contingent Remainders		
	Doctrine	171	
	The Charitable Exemption	172	
	Reforming Invalid Interests—Cy Pres	173	
	Statutory Modifications of the Rule Against Perpetuities	173	

CONTENTS XV

Wait for the Common Law Time Period Wait for 90 Years Saving Clauses Study Questions and Practice Exercises		173 175 176 <i>177</i>	
 ▶ 16: Putti	ng It All Together		
Study Question	ns and Practice Exercises	182	
Appendix A:	An Alternative Outline of Estates and		
	Future Interests	185	
Appendix B:	Vocabulary	189	
Appendix C:	Answers to Study Questions and Practice		
	Exercises	195	
Appendix D:	Practice Exercises for Use in Class	233	
Appendix E:	Collection of Outlines and Summary Boxes	239	
Index		253	