

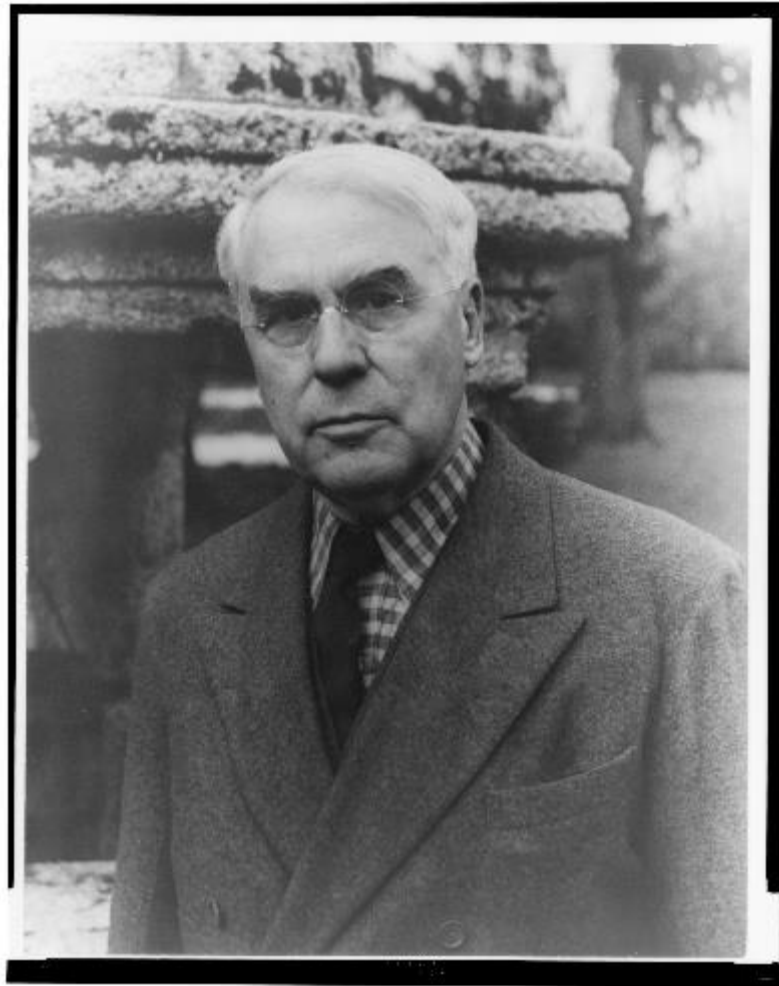
# Chapter 3

Estates and Future Interests

Student Slides

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# E. Dead Hand Control



# Discussion Questions (p. 199)

- *The Barnes Collection:*
  - Should the Foundation have been allowed to deviate from the trust?
  - For how long into the future should the artwork be subject to the control of the deceased Dr. Barnes?
- *The vices and virtues of testamentary gifts*
  - Testamentary freedom vs. limited dead hand control?
  - Does inheritance have any negative consequences?
  - How does the common law restrict dead hand control?
  - How *should* property law respond to this tension?

# F. Drafting Savings Clauses

# Savings Clauses

- Age requirement > 21: “To A for life, then to A ’s first child who turns 30.” A has one child, B, who is 2 years old. (Ex. 31, p. 188)

# Savings Clauses

- Timeless condition and/or nonhuman entity: “To the City, but if it ceases to use the property for educational purposes, to A and his heirs.” (Ex. 32, p. 189)

# Savings Clauses

- Unascertained persons—unborn widow problem: “To A for life, then to A’s widow for life, then to the heirs of A’s widow.”  
A is 80 and married to wife, B. (Ex. 33, p. 190)

# Savings Clauses

- Class gift—all or nothing rule: “To A for life, then to A ’s children who reach 30.” A has one child, B, who is 30. (Ex. 34, p. 190)



# Savings Clauses

- Class gift--testator: “To *A*’s children who reach the age of 30. At *T*’s death, *A* is still alive and has two children: *B* (30) and *C* (5). (Ex. 35, p. 191)