

3)

I. Present titles and interest in Havenwood

Elmo and Bobby

North half of Havenwood

**ADVERSE POSSESSION**

Adverse possession is the taking of real property by occupying the property (i) openly, (ii) continuously, (iii) notoriously, (iv) without permission by the owner, (v) for the length of statutory period for adverse possession.

Elmo according to the written deed validly conveyed by Andrew in 1988 owns the north half of Havenwood. From 1990 up to 2018, Bobby, without permission, cut the trees on the south side of Havenwood and used it for campsite for himself and other times he rented it and kept the rental profits. He did this openly, and did not even deny it when Dylan, in 2017 asked him about the land. Bobby has been doing this from 1990 until his death in 2018 continuously and he did not get the permission of Elmo. Therefore, if from 1990 until 2018, the statutory requirement has been met, Bobby will own Elmo's land by adverse possession.



Sam

**TENANCY IN COMMON**



Joint tenancy is severed if the owner of the estate wills it. The tenancy then becomes a tenancy in common.

Bobby willed his entire estate to Sam. By willing his estate, Bobby is no longer a tenant in common with Dylan and Carol and therefore Sam gets Bobby's state and has a joint tenancy with Dylan and Carol. If Bob owns Elmo's land because of adverse possession, Sam will also own Elmo's land.

Fred

Dylan owns the south of Havenwood because it was willed to him by Dylan. Dylan has a tenancy in common because by willing his estate to Fred, the tenancy became a tenancy in common.

Carol

#### JOINT TENANCY



A joint tenancy with right of survivorship means that one joint tenant dies, the other joint tenants will take that tenant's estate.

Carol's deed to herself as tenant in common is not valid in order to create a tenancy in common. Bobby and Dylan have already destroyed the tenancy in common by devising their estate, therefore Carol's state, by virtue of the fact that she no longer has a right of survivorship, has a joint tenancy estate.

#### 2. Claims against Sam

##### PROFITS



All profits including rents from the property owned by tenants in common must be shared equally among them. All tenants in common must pay for taxes.

##### TAXES

Profits made by Sam from the rentals must be shared equally by Carol and Fred because they are tenants in common and they also must share in the payment of taxes.

Question #3 Final Word Count = 419



**END OF EXAM**