

Anonymous Grading Number: _____

American University Washington College of Law
Spring 2024 Final Examination
LAW-518-002 Property Law

Professor Name: **Charles Duan**

Date: **May 3, 2024**

Instruction Page

1. The length of the examination: 4 hours
2. This exam consists of 4 pages including the instruction sheet(s). Please be sure your exam is complete.
3. This exam is open book. Students are permitted to access materials stored on their computer hard drives, but are not permitted to access the internet.
4. Multiple Choice: Please use the scantron sheet to mark your answers.
5. Additional instructions: See the next page.

WCL Exam Policies

1. You must use your Spring 2024 Anonymous Grading Number (AGN). Write it on the blue book, exam questions, and any scrap paper. **Do not use your name, student ID number, or social security number.**
Do not contact your professor about the exam until after grades have been released.
2. No corrections will be made once the exam is distributed. If there is a typo or ambiguity in a question, state your assumption and answer accordingly. **Please note: Proctors are not allowed to answer questions about the examination.**
3. All materials, including the **questions, handwritten answers (if applicable), and scratch materials**, must be placed inside the exam envelope and returned to the proctor at the end of the exam.
4. Students are permitted to use one electronic device (laptop or compatible tablet). The use of additional electronic devices (cell phones, mp3 players, smart watches, tablets, etc.) is prohibited during the exam.
5. Graduating Students: Please check graduating at the top of your exam envelope.
6. You are reminded that the WCL Honor Code applies to this examination.

General Instructions

The following are general instructions for writing this examination:

- **Word and Time Limits.** The times given for each problem are just suggestions; you may allocate time on this exam as you wish. The word limits are mandatory. They are also very generous, and an excellent answer would contain about half as many words.
- **Address All Issues.** Even if you think a particular issue is dispositive, do not stop your analysis. For example, even if you think a property interest is defective, you should continue to consider its application assuming that the interest is valid, so long as there is a plausible argument that the interest is valid.
- **Duplicative Analyses.** If a certain legal analysis is useful in multiple places within your exam answer, you do not need to repeat the text of the analysis, but may write it once and refer to it in other parts of your answer.
- **Answer Quality.** Credit on this exam will be given for clarity, organization, and conciseness in writing. You are highly encouraged to use font styles and paragraph breaks to make your answers as clear and readable as possible.
- **Jurisdiction.** This exam is **non-jurisdictional**, meaning that your analysis should assume that the facts might take place in any state in the United States or the District of Columbia. Where the course covered legal rules in different jurisdictions that are incompatible with each other, you should note the situation, and then you may choose one of the rules to apply. However, do not apply a rule that was clearly described as a minority or disfavored approach in the textbook. This paragraph does not apply where a question on the exam states otherwise.
- **All Interests Available.** In view of the non-jurisdictional nature of this exam, you should assume that all property interests are potentially available, even if they could not be both available in one jurisdiction. For example, you should consider both community property and tenancy by the entirety as available property interests even though a state would provide for only one or the other.
- **Doctrinal Scope.** Only rely on doctrines, cases, and other sources of law discussed in the textbook or in class. You will not receive credit for citing or analyzing doctrines beyond the scope of this course. You may (and should) use general principles of law, including those you learned in other courses, as part of your analyses.
- **Technical Facts.** You must accept as true any technical fact stated in this exam, even if that fact is not true in reality.
- **Statutes of Limitations.** Where a legal rule refers to a statutory time period or statute of limitations (e.g., adverse possession), that time period is 20 years unless otherwise stated.

Essays

(20 minutes for reading and review)

The axolotl is a type of salamander, typically around 9 inches long, native to Mexico. It is irresistibly cute. Leucistic axolotls in particular are pale pink with tiny wide-set eyes, a permanently smiling mouth, and bright red frilly external gills. Stuffed axolotls are on sale at Build-A-Bear Workshops, the Pokémon Wooper is based on an axolotl, the computer game Minecraft added axolotls in 2021, and by popular vote the Girl Scouts of America chose the axolotl as their mascot for 2023 cookie sales.

In 2021, Alice is hiking through an unowned marshland when she spots a flash of pink under the water. It's a tiny axolotl! Entranced by its feathery gills, Alice scoops the axolotl up in her bag and brings it home.

Home, for Alice, is a two-story row house on Zephyr Road. Alice bought the house with her brother Bob in 1994, per a deed that conveyed the house to the two of them as joint tenants with rights of survivorship. Alice, delighted with her new axolotl friend, takes over the first floor creating a beautiful axolotl habitat.

Bob had been using the first floor as a home gym and bookbinding studio, but Alice's axolotl habitat crowds Bob's space out. After a series of heated arguments, Bob vacates the row house in a huff in 2022. Certain he will never return, Bob texts with his nephew Charlie as follows:

B: Hey Charlie, you want my half of the Zephyr Road house? I'm never going back to that place again

C: Umm . . . sure?

B: Great, it's yours. Consider this the deed. [*Here Bob pastes the statutory text of a quitclaim deed.*] Signed, Bob. You can print it out if you feel like. Enjoy!

C: Thanks uncle!



Figure 1: Two axolotls. Picture by Kyn-godev, https://commons.wikimedia.org/wiki/File:Axolotl_happy.jpg.

Charlie already is living elsewhere so does not move in, and neither Bob nor Charlie tells Alice about the transaction. Bob tragically dies the next day; his will leaves all his property to the Red Cross.

In January 2023, Alice needs to take a two-year work trip out of the country. With Bob no longer in the house, Alice finds Dave to rent the house while Alice is away. For a discount on the rent, Dave also agrees to take care of the axolotl. Right before leaving, Alice gives Dave the keys to the axolotl habitat, six months of axolotl food, and instructions on how to care for an axolotl.

In July 2023, Eve walks across the backyard of the Zephyr Road house to pick some daisies from the garden. Eve has been picking daisies since the 1980s, well before Alice and Bob bought the house. Alice occasionally saw Eve picking the daisies and yelled at Eve to stop trespassing. But Alice never really took any action to stop Eve, and Eve figured that she could get away with picking daisies as long as she wanted.

On that July day, though, as Eve was gathering a bunch of daisies, she sees the most adorable little eyes and pink smile staring at her through the window. Eve snaps a picture

of the axolotl and puts the picture up on her Instagram account. Within days, hundreds of people are outside the Zephyr road house, all hoping to catch a glimpse of the axolotl.

Two months later, in September 2023, disaster strikes. A hopeful axolotl viewer steps on a hose outlet outside the Zephyr Road house, breaking the water pipe. The first floor of the house becomes an unlivable, flooded mess. Dave is confined to living on the top floor, and has to wade through water and mud to enter, leave, and care for the axolotl. He emails Alice about the flooding, but she is too busy and does not respond.

Three weeks into living in the still-flooded house, Dave is on the first floor feeding the axolotl. He slips on the watery floor and breaks the axolotl's glass enclosure. The axolotl escapes! Dave frantically searches the house, but the axolotl is nowhere to be found.

At this point, the government gets involved. The U.S. Fish and Wildlife Service determines from Eve's Instagram post that the axolotl in question is a rare variant that is important to pharmaceutical research. Federal agents descend upon the house. They tear out the garden of daisies, anticipating that the axolotl may have burrowed itself around there, and install several large axolotl monitoring devices where the daisies used to be. Quite a lot of trouble that axolotl has caused, you might say. But you know, it's really, really cute.

Essay 1. (65 minutes, 30% of grade, 2600 words maximum.) Who has a cause of action against the government relating to the Zephyr Road house? Identify what those causes of action are, and analyze the arguments and likely outcomes of each. (Hint: consider *all* the property interests in the house.)

Essay 2. (35 minutes, 20% of grade, 1500 words maximum) What causes of action lie between Alice and Dave? Provide your analyses of each of them.