

## DIAGNOSTIC TEST

1. The term situs, or place where something is situated, refers to
  1. uniqueness.
  2. area preference.
  3. immobility.
  4. scarcity.
2. Which of the following is a physical characteristic of land?
  1. Indestructibility
  2. Scarcity
  3. Permanence of investment
  4. Situs
3. The owner of a life estate in property
  1. does not pay real estate taxes.
  2. is entitled to possession of the property.
  3. may not receive income from the property.
  4. is not responsible for all repairs to the property.
4. Three individuals own a motel as tenants in common. One of the individuals decides to sell all of her assets. She may legally
  1. sell, because a tenant in common may sell her portion of assets if a majority of the co-owners also agree to sell.
  2. not sell, because a tenant in common's interests always remain encumbered.
  3. sell, because a tenant in common has an undivided interest in real property that is transferable.
  4. not sell, because there is a right of survivorship.
5. Which of the following statements is *FALSE*?
  1. Fixtures that are purchased, paid for, and installed after the execution of a mortgage are subject to liens of the mortgage.
  2. When a landowner tears down a fence, with the intention that it be permanently removed, and piles the material on the land, such material is real property.
  3. Generally, trade fixtures that were installed by the tenant are personal property.
  4. A hot-water heater installed on the property becomes a fixture.
6. Specific liens would *NOT* include which of the following?
  1. Mortgage liens
  2. Judgments
  3. Real estate taxes
  4. Mechanic's liens
7. A farmer purchased land with no access to a street or public way. After an unsuccessful attempt to gain access through negotiation he was able to gain access through an
  1. easement appurtenant.
  2. easement in gross.
  3. easement by necessity.
  4. easement by prescription.
8. A woman built a fence that extended beyond the boundary of her property onto her neighbor's property. This is an example of
  1. laches.
  2. an easement by necessity.
  3. an encroachment.
  4. an appurtenant easement.
9. A grandmother owned a life estate measured by her own life in residence. She leased the property for five years using a standard lease contract. Shortly thereafter, she died. The lease was
  1. valid only as long as she was alive.
  2. valid for five years.
  3. invalid because she, as an owner of a life estate, cannot lease property.
  4. valid for up to one year after her death.
10. An electrician did some rewiring in a home for which he has not yet been paid. One month after the work was completed, the electrician drove by the home to discover a For Sale sign on the property. The electrician should
  1. file a mechanic's lien.
  2. offer to purchase the house.
  3. obtain injunctive relief.
  4. sue the listing broker.

11. A tenant failed to remove her trade fixtures prior to the expiration of her lease, which resulted in the landlord acquiring title to the trade fixtures. Acquiring property in this way is known as
  1. accession.
  2. novation.
  3. laches.
  4. partition.
12. Included among the legal requirements of taking title to real property as tenants in common is that
  1. ownership interest must be equal.
  2. each co-owner's interest may be conveyed separately.
  3. a co-owner cannot will his interest in a property.
  4. the last survivor owns the property in severalty.
13. A homeowner employed a contractor to build a swimming pool on his property. Upon completion of the swimming pool, the contractor filed a lien to receive payment of the contract fee. Such filing could be considered any of the following *EXCEPT*
  1. a specific lien.
  2. an encumbrance.
  3. a general lien.
  4. a mechanic's lien.
14. A family buys a 40-year-old house, and the broker tells them the garage was built 30 years ago. Because the buildings are located on a "postage-stamp-sized" lot, the family hires a surveyor who tells them the garage extends six inches onto the neighbor's lot. Because the husband has taken a real estate course, he realizes that this might be a prescriptive easement and through court proceedings could become
  1. a dominant easement.
  2. a license.
  3. a servient easement.
  4. adverse possession.
15. A man has an unrecorded claim affecting the title to another man's property. The owner has been trying to sell the property, and the man with the claim is concerned about the possibility of it selling before a judgment of some kind is obtained. To protect himself, the man with the claim should
  1. file a lis pendens, which means litigation pending.
  2. publish a notice in the newspaper.
  3. bring a quick summary proceeding.
  4. notify the owner that any attempt to sell the property will be considered fraud.
16. X and Y own adjoining parcels of real estate. X has granted Y an easement over his property for ingress and egress. If Y decided to sell his land to Z, which of the following would be *TRUE*?
  1. The status of the dominant and servient tenements will not change.
  2. The easement will be terminated, for Y no longer is the owner of the property.
  3. X may sell the easement to the new owner.
  4. To be valid, the deed of conveyance of Y to Z must specifically mention the easement.
17. Legal seizure of property to be held for payment of money pending the outcome of a suit to enforce collection is
  1. a lis pendens.
  2. an attachment.
  3. a writ of execution.
  4. an abstract of judgment.
18. Two individuals bought a building and took title as joint tenants. One of the owners died testate. The remaining owner now owns the building
  1. as a joint tenant with rights of survivorship.
  2. in severalty.
  3. in absolute ownership under the law of descent.
  4. subject to the terms of the deceased owner's will.

19. A husband and wife own property as tenants by the entirety. The husband dies and his will names their son as inheritor of the property. Which of the following statements is *CORRECT*?
1. The son and his mother own the property as tenants in common.
  2. The son owns the property in severalty.
  3. The son and his mother own the property as joint tenants.
  4. The son has no interest in the property.
20. Two brothers may take title to income property in unequal shares under which of the following?
1. Severalty
  2. Tenants by the entirety
  3. Joint tenants
  4. Tenants in common
21. A contractor builds an addition to a house for a contract price of \$52,000 and records his mechanic's lien notice. Before making any payment, the owner has the house jacked up and put on a platform prior to moving it to another location. The contractor should
1. have his attorney prepare and record a covenant.
  2. file an encroachment notice.
  3. record an attachment.
  4. have his attorney prepare and record a notice of lis pendens.
22. Legal descriptions may *NOT* be based on
1. the government survey.
  2. metes and bounds.
  3. a street address.
  4. a survey.
23. A land description that begins at a specific point and proceeds around the boundaries of a parcel by reference to linear measurements and directions is based on
1. metes and bounds.
  2. the rectangular survey.
  3. a subdivision plat.
  4. a survey.
24. In the government survey system
1. base lines run east and west.
  2. principal meridians run east and west.
  3. base lines run north and south.
  4. a township contains 26 sections.
25. A section contains
1. 43,560 square feet.
  2. 640 acres (more or less).
  3. 160 square rods.
  4. 320 square rods.
26. You and your sister own a house. Your sister would like to sell her interest in the house to her cousin. You and your sister own the house under which of the following?
1. Tenancy by the entirety
  2. Tenancy at will
  3. Tenancy in common
  4. Estate for years
27. A plumber sells his home, in which he has installed washerless faucets. After the contract has been executed, he decides to replace the faucets with standard faucets. Which of the following is *TRUE*?
1. The plumber may remove the faucets at any time.
  2. Standard faucets are a good replacement.
  3. The plumber can be held liable for removing the faucets because they are fixtures that were in place before the contract was signed.
  4. This question should be decided by the broker who took the listing.
28. Which of the following forms of ownership may only be held by a wife and husband?
1. Tenancy in common
  2. Tenancy by the entirety
  3. Tenancy at will
  4. Joint tenancy
29. R sold his house; it included a water softener, which he had bought the previous year. R's water softener would be classified as
1. chattel.
  2. personalty.
  3. a trade fixture.
  4. a fixture.

30. You bought a property that measured  $\frac{1}{2}$  mile by  $\frac{1}{2}$  mile. How many acres did you purchase?
1. 17.78 acres
  2. 36 acres
  3. 92.83 acres
  4. 160 acres
31. You are traveling directly from Section 6 to Section 36 of the same township. You are traveling
1. northeast.
  2. southwest.
  3. northwest.
  4. southeast.
32. *B* holds a life estate in a house measured against his life. *B*'s life estate is
1. an estate of inheritance.
  2. an example of a future interest.
  3. limited in duration to the life estate owner's life.
  4. a non-freehold estate.
33. A man and woman own their house as tenants by the entirety. Which of the following statements would *NOT* correctly describe the status of their ownership?
1. Each owner has the right of survivorship.
  2. The owners must be husband and wife.
  3. Either owner may convey a one-half interest in the house to a third party.
  4. Title may be conveyed only by a deed signed by both parties.
34. The county zoo holds title to its land with the condition that if it charges admission fees, the title will revert to the original grantor of the estate. This is an example of a
1. fee-simple estate.
  2. defeasible fee estate.
  3. legal life estate.
  4. conventional life estate.
35. An owner purchased a lot two blocks away from other homes that were built around a lake. The owner's deed cited an easement across another lakeside lot to gain entry onto the lake. What type of easement describes this situation?
1. Easement by necessity
  2. Easement in gross
  3. Contiguous easement appurtenance
  4. Noncontiguous easement appurtenance
36. A farmer purchased a parcel of agricultural land described as the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  and the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$ . How many acres are in this legal description?
1. 10 acres
  2. 80 acres
  3. 160 acres
  4. 320 acres
37. Before getting married, a husband bought an apartment building. After he became married, he decided to sell the building. The buyer's attorney required the husband's wife to sign a quitclaim deed. What interest of the wife did the attorney want released?
1. Inchoate dower
  2. Common law
  3. Antenuptial
  4. Community property
38. Which of the following is *NOT* an advantage of wood frame construction?
1. Wood is renewable.
  2. Wood is fire resistant.
  3. Wood is easy to renovate.
  4. Wood is economical for small buildings.
39. Which of the following is *NOT* an advantage of brick construction?
1. Brick is resistant to moisture and mold.
  2. Brick is maintenance free or low maintenance.
  3. Brick is durable.
  4. Brick construction is easy to renovate.

## MATCHING QUIZ

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The column on the right contains brief memory links to important terms in Chapter 3.  
Write the letter of the matching term on the appropriate line

- |                           |   |
|---------------------------|---|
| A. Trade fixtures         | 1. _____ Incomplete or a right not yet perfected  |
| B. Situs                  | 2. _____ Revocable permission to use another's land   |
| C. Township               | 3. _____ A commercial tenant's removable fixtures   |
| D. Specific Lien          | 4. _____ No right of survivorship where the heirs inherit the deceased person's percentage of ownership   |
| E. Servient Tenement      | 5. _____ Contractual substitution of obligations from one party to another  |
| F. Appurtenance           | 6. _____ Latin for "litigation type action" is pending  |
| G. Dominant Tenement      | 7. _____ Joint tenancy with the right of survivorship   |
| H. Prescriptive Easement  | 8. _____ Something "in addition to," such as a right of way across someone else's property  |
| I. License                | 9. _____ Money or commodity used in a contract  |
| J. Escheat                | 10. _____ An easement created by open, notorious, hostile, and continuous usage   |
| K. Remainderman           | 11. _____ Easement is placed on this tenement   |
| L. Inchoate               | 12. _____ No heirs, therefore the government becomes owner  |
| M. Tenancy in Common      | 13. _____ Favorable site or preferred location  |
| N. JTWRORS                | 14. _____ 36 sections with each section having 640 acres  |
| O. Datum                  | 15. _____ Tenement easement user  |
| P. Valuable Consideration | 16. _____ The person to whom a life estate goes upon the death of the life tenant   |
| Q. Novation               | 17. _____ Doctrine that says if you fail to exercise a right within a reasonable time you could lose your right to act at a later time; the basis for statute of limitations laws |
| R. Laches                 | 18. _____ A special assessment  |
| S. Lis pendens            | 19. _____ Elevation benchmark   |
| T. Meridians              | 20. _____ Parallel vertical lines (N and S) six miles apart   |

## ANSWER KEY: DIAGNOSTIC TEST

1. (2) Situs is used interchangeably with area preference. (21)
2. (1) Scarcity, permanence of investment, and situs are economic characteristics of land. (21-22)
3. (2) The life estate owner is responsible for paying real estate taxes and is entitled to all income and profits as well as being responsible for all repairs on the property. (25)
4. (3) Tenants in common have the right to sell their interest in a property without the consent of the other co-owners. (26-27)
5. (2) The fence material has been severed from the real estate and returned to personal property status. This is called severance. (21)
6. (2) Judgments are general liens; mortgage liens, real estate taxes, and mechanic's liens are specific liens. (23)
7. (3) An easement by necessity is acquired when the property is landlocked. An easement appurtenant requires two parcels, a dominant and a servient tenement. An easement in gross involves one parcel. Buried utility lines are examples of easements in gross found on a single parcel. (23-24)
8. (3) *Laches* refers to the inability to enforce a right because of undue delay in asserting it. Easements are rights to use the land of others. An encroachment is the unauthorized use or intrusion onto the property of another. (23-24, 31)
9. (1) A life estate may be leased, but that interest is forfeited upon the death of the life tenant or the person whose life is the measurement. (25-26)
10. (1) The electrician cannot prevent the property from being sold; however, he can file a mechanic's lien to protect himself from not being paid. (23)
11. (1) Novation involves a transfer of liability from one debtor to another. Partition is a court procedure to divide co-tenants' interests in real property when parties do not agree to terminate. (21)
12. (2) The other answers are legal requirements of joint tenancy. (26-27)
13. (3) A mechanic's lien is a specific lien and an encumbrance. A general lien would apply to all of the homeowner's property. (23)
14. (4) A prescriptive easement is similar to adverse possession in that if one uses another's property for a statutory period of time, one may acquire a real property interest. The difference is that a prescriptive easement gives one the right to use, while through adverse possession the courts can grant ownership of the land that has been adversely occupied. (24, 26)
15. (1) The claimant cannot prevent the property owner from selling his property. A *lis pendens* will provide public notice that a lawsuit affecting title to the property has been filed in court. (31)
16. (1) An appurtenant easement has been created and is considered a real property interest. Once created, the status of the dominant and the servient tenement remain the same. The easement runs with the land and therefore is not considered separate from the property. As a result Z acquires the easement. (23-24)
17. (2) *Lis pendens* was described above. A writ of execution is a court order directing the county sheriff to seize and sell the property of a debtor. An abstract of judgment is a summary of judgments that have become public record. (30)
18. (2) The remaining owner automatically takes title to the property under the right of survivorship. The joint tenancy is effective only until one owner remains; the surviving owner then holds title in severalty. (26-27)

19. (4) Tenancy by the entirety is characterized by the right of survivorship. The husband has no right to transfer his interest by will. The wife will hold an interest in severalty. (27)
20. (4) Severalty refers to one owner while tenancy by the entirety requires the owners to be husband and wife. Joint tenancy requires equal shares of ownership. (26-27)
21. (3) An attachment places an encumbrance (lien) upon debtor's property held as security for a possible judgment obtained by an attaching creditor. (30)
22. (3) A street address does not tell a surveyor how large the property is or where it begins and ends and, therefore, is not acceptable as a legal description. (23)
23. (1) Metes and bounds is an accepted method of legal description. (22)
24. (1) Principal meridians run north and south, while a township contains 36 sections. (22)
25. (2) A section is one mile square and contains 640 acres (more or less). The reason for the "more or less" is that every 24 miles from the original base line and 24 miles from the principal meridian are correction lines and guide meridians. On either side of these lines the acres are either more or less. An acre contains 43,560 square feet. (22)
26. (3) Tenants by the entirety must be husband and wife. Tenancy at will and estate for years are types of leases. (26-27)
27. (3) Unless otherwise agreed, the faucets are considered fixtures that would be included in the selling price. (21)
28. (2) Tenants in common and joint tenants do not have to be related. A tenancy at will is not a form of ownership. (27)
29. (4) The water softener is a fixture or real property. The other answers are personal property. (21)
30. (4)  $2 \times 2 = 4$   
640 acres  $\div$  4 = 160 acres (22-23)
31. (4) Section 6 is in the upper left hand corner and section 36 is in the lower right hand corner. (22)
32. (3) A life estate is a freehold estate that terminates upon the death of the owner of the life estate. (25)
33. (3) Tenants by the entirety may not convey their property unless they both agree and sign the deed. (27)
34. (2) A defeasible fee estate may be terminated upon the violation of a condition found in the deed. (25)
35. (4) The two lots don't touch; therefore, they are noncontiguous, and because the easement involves two parcels, it is an easement appurtenant. An easement in gross involves only one parcel of land. (23-24)
36. (3) The solution requires an understanding of the word *and*. *And* means "addition." In this problem we have two legal descriptions that need to be added together: N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  AND S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$ . To find the solution, multiply the denominators and divide the results into 640 (total number of acres in a section).  $2 \times 4 = 8$ ; 640 divided by 8 = 80; AND  $2 \times 4 = 8$ ; 640 divided by 8 = 80. The answer is  $80 + 80 = 160$ . (22-23)
37. (1) When the husband sold the property, the wife had an inchoate dower interest. By signing the quitclaim deed, she relinquished her future dower interest. If the husband predeceases his wife in death, then her inchoate interest would be removed and replaced with her actual dower rights. The attorney didn't want the wife to be able to come back in the future and claim any dower rights. (26)
38. (2) Brick is fire resistant while wood is combustible. (29)
39. (4) Wood is easy to renovate while the solid construction of brick can pose problems for renovation. (29)

## TEST SCORE

PROPERTY OWNERSHIP		
	Range	Your Score
Good = 80% to 100%	31-39	Total Number 39
Fair = 70% to 79%	27-30	Total Wrong -
Needs improvement = Lower than 70%	26 or less	Total Right _____

Passing Requirement: 27 or Better

## ANSWER KEY: MATCHING QUIZ

- |      |       |       |       |
|------|-------|-------|-------|
| 1. L | 6. S  | 11. E | 16. K |
| 2. I | 7. N  | 12. J | 17. R |
| 3. A | 8. F  | 13. B | 18. D |
| 4. M | 9. P  | 14. C | 19. O |
| 5. Q | 10. H | 15. G | 20. T |