

The Passionate Shepherd

The really real ...

I. This exercise checks your understanding of sentence structure and cohesion. Fill in each gap with one word.

REAL PROPERTY

The rules of property regulate human relationships (1) involve things of value. In the common-law system, these rules are divided into those applying to personal property, meaning movable assets (intangible or tangible), and (2) applying to real property, assets regarded as immovable, notably land. (3) chattels (tangible, movable property), land is deemed to endure forever, and thus it requires a legal system that accounts for future interests in a far more complex fashion (4) does personal property law. And the immobility of land—the impossibility of moving it from one jurisdiction to another—gives the rules of real property a flavor (5) is both more insular and less responsive to demands for national uniformity (6) is so for many other branches of the law.

“Land” is frequently used as a synonym for “real property,” but in terms of legal principles it is not (7) be confused with the soil located on the land in that place. Soil is readily removed and can be taken elsewhere and (8) is only an approximate equivalent of the land where it is situated. Because rights in land extend “to the heavens above and the depths below,” ownership (9) be above or below the surface (as in a second floor condominium or a basement garage) as (10) as at ground level, and trespasses may occur by unpermitted overhead or underground activity (air flights or slant wells) as well as by surface entries.

A conveyance (transfer) of title (legal ownership) to land carries with it not (11) the soil within the described boundaries but also the structures built thereon, as well as built-in fixtures, even (12) none of these are mentioned in the deed. Crops grown on the land represent a reverse transition from real to personal property, once they are severed.

II. Make derivatives with the words given.

ESTATES IN LAND

To say that a person “owns” land means more precisely that he has an estate in that land. From a (1) **COMMERCE** point of view, what is most important is the location and (2) **SPACE** dimension of the land; but from a legal perspective, the temporal element is more important: the duration of one’s interest in the land—whether for five years, or life, or potentially (through heirs) forever. The same rules are generally as (3) **APPLY** to a small parcel of land as to an extensive area. Thus, the major categories of (4) **OWN** interests in land have always involved time.

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Depending on whether a person is **(5)** **TITLE** to present or only future possession of some land, her interest is referred to as a “present estate” or a “future interest” in that land. “Future” is somewhat **(6)** **LEAD**, since the interest has a present value and may be sold or transferred (much as a stock option); it is only the right of possession of the property that is postponed.

Present estates in land were traditionally divided into “freeholds” and “nonfreeholds” and subject to different rules and judicial procedures. Consistent with the **(7)** **PRIME** of temporal considerations, only freehold estates were regarded as featuring a lack of any **(8)** **ASCERTAIN** termination date. Thus, an estate for life was deemed a freehold and therefore more valuable than a nonfreehold estate of a fixed term, even though that term might be 999 years. The law of nonfreehold estates has developed into landlord-tenant law.

The present freehold estates in land consist of the “fee simple,” **(9)** **INHERIT** by the heirs of the owner, and the “life estate,” which terminates on the death of the owner. (An earlier intermediate estate, the “fee tail,” inheritable only by the lineal **(10)** **DESCEND** of the owner and not by her general heirs, has almost entirely disappeared from the American estate system.) Future interests arise whenever the present estate held by the owner does not constitute the complete (absolute) fee simple. Thus if O, owning a fee simple absolute, conveys a life estate to A, O retains a future interest—known as a **(11)** **REVERSE**—that entitles O (or her heirs) to take possession of the property upon the death of A. If, instead, O conveys her fee simple estate “to A for life, and then to B and his heirs,” B’s future interest is called a remainder (in fee simple) and replaces the reversion held by O in the first example.

Future interest may be **(12)** **CONDITION**, as in “to A for life and then to B and his heirs if B is married at the time of A’s death.” In this case, B has a “contingent remainder” (rather than a vested remainder), because it is uncertain whether B will ever be entitled to take possession of the property. Remainders are also considered to be contingent when they are given to unascertained persons, as in “to A for life and then to his widow.”