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Property

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*Multiple-Choice and Short-Answer
Questions and Answers*

THIRD EDITION

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For Jennifer, with whom I cherish exploring and forming attachments with the elements of the world out of which property, in every Madisonian sense of the word, emerges.

Donald J. Kochan

For Laura and Julia, who are learning what property is really all about.

John Copeland Nagle

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Preface

Property Law has a reputation for being the most difficult of the courses encountered in the first year of law school. That reputation is well earned, for the intricacies of such longstanding common law doctrines as the Rule against Perpetuities have confounded generations of law students, lawyers, judges, and professors. But much of property law relies upon the application of contemporary policies to our rapidly developing societies. An effective property law course will teach both the old rules and the new policies. This book is designed to achieve that goal, too.

There is no better way to improve your understanding of Property Law doctrines, concepts, and theories and to evaluate your progress in the course than to engage with rigorous practice exam questions. This updated study guide provides 200 multiple-choice, true/false, and short answer questions arranged topically and designed to test your comprehension as you learn. And there is a 50-question problem set comprising a “practice exam” comprehensive of most subjects taught across a semester in the typical Property Law course. The correct “answers” to all the book’s practice questions are available to compare against your own practice responses.

The book’s primary purpose is to help you test your knowledge of the full range of property law concepts and to apply that knowledge to particular situations. Some of those situations are real, as indicated by the cases cited in the answers. Other cases are hypothetical, yet they should illustrate the problems addressed by property law equally well. The questions take three forms: short answer questions, true/false, and multiple-choice questions. Each of the short answer questions is designed to be answered in between five and ten minutes. The true/false and multiple-choice questions should be answered in about two minutes each. Adopting just this “time necessary to pick the correct answer” approach, the practice final exam, therefore, should take about 180 minutes to complete. Alternatively, though, you are encouraged to try your hand at also writing out narrative responses explaining why an answer is true or why it is false, and why a multiple-choice option is correct or why it is incorrect. This process will help make sure that you can articulate why you chose the answers you chose. This will be useful not only to help self-test your understanding but also because many professors will demand you take that extra explanatory step on your actual exam. Whether you complete these exercises in the time suggested, take the longer approach writing out explanations, or approach the questions in some other way, it is important to take the time to answer every question as carefully as possible, even if that requires more time than the suggested guidelines. The point, after all, is to test your knowledge of property law and capacity to explain what you know, and to identify those areas where further study is needed.

We are grateful to Carolina Academic Press (CAP) for publishing this valuable series of books, to Carol McGeehan, Linda Lacy, Erin Matthews, Ryland Bowman, Steve Oliva, and all the editors

at CAP for excellent advice and assistance, and to our students who constantly inspire and teach us new things about property law through their engagement in classes and with the materials.

Donald J. Kochan
Arlington, Virginia
Fall 2022

About the Authors

Donald J. Kochan is Professor of Law and Deputy Executive Director of the Law & Economics Center (LEC) at George Mason University Antonin Scalia Law School. Professor Kochan is an elected member of the American Law Institute (ALI), and he was appointed by ALI in July 2016 to serve as an Adviser to the *Restatement of the Law Fourth, Property* project. Professor Kochan is also a Nonresident Scholar at the Center for the Constitution at Georgetown University Law Center, where he was a Visiting Scholar in residence during Fall 2018. He teaches property, real estate transactions, commercial leasing, and natural resources law, as well as state constitutional law, civil procedure law, administrative law, environmental law, and other courses. Before joining the Scalia Law School faculty, he was the Parker S. Kennedy Professor in Law at Chapman University's Dale E. Fowler School of Law from 2004 to 2020. From 2003 to 2004, Professor Kochan was an Olin Fellow at the University of Virginia School of Law. During 2002–2003, he was a Visiting Assistant Professor of Law at George Mason's Scalia Law School. Professor Kochan received his J.D. from Cornell Law School, where he was a John M. Olin Scholar in Law and Economics. He received his B.A. from Western Michigan University, *magna cum laude*, with majors in both political science and philosophy, where he studied as the John W. Gill Medallion Scholar. After graduating from law school, Professor Kochan was a law clerk to The Honorable Richard F. Suhrheinrich of the United States Court of Appeals for the Sixth Circuit. Following his clerkship, Professor Kochan was an associate with the firm of Crowell & Moring LLP in Washington, D.C., where he specialized in natural resources & environmental law.

The late **John Copeland Nagle** was the John N. Matthews Professor at University of Notre Dame, The Law School, where he taught property, legislation, and a variety of environmental law courses. He was the co-author of “The Law of Biodiversity and Ecosystem Management,” the first book designed for courses studying how the law addresses biodiversity. He lectured widely on property, legislation, and environmental issues at numerous forums in the United States, Canada, China, and Hungary. He served as a Distinguished Lecturer at the Tsinghua University School of Law in Beijing during 2002, where he taught property law and environmental law. Prior to joining the Notre Dame faculty, Professor Nagle was an associate professor at the Seton Hall University School of Law from 1994 through 1998. He also worked in the United States Department of Justice, first as an attorney in the Office of Legal Counsel where he advised other executive branch agencies on a variety of constitutional and statutory issues, and later as a trial attorney conducting environmental litigation. Professor Nagle served as a law clerk to Judge Deanell Reece Tacha of the United States Court of Appeals for the Tenth Circuit, and he was a scientific assistant in the Energy and Environmental Systems Division of Argonne National Laboratory. He was a graduate of Indiana University and the University of Michigan Law School.

