

CHAPTER 3 – SHORT-ANSWER QUESTIONS

1. Under the Feudal System, the title to all land was vested in the _____. The King would grant portions of the land to lesser _____, and this continued on down to the _____. Thus everyone, with the exception of the King and the villeins, occupied a _____ position. Each of the others had both rights in the land and duties they owed to their _____.
2. Today in the United States, we have the _____ system, which is _____ ownership of the land.
3. Even though we say that we have absolute ownership of the land, in an abstract sense, this is not completely true. There are both public and private restrictions on the ownership of land. The public restrictions include the right of the state to _____ the land for the support of the government, to _____ its use in order to protect the _____ and safety for the general welfare of the public, to take private land for _____ use under the right of _____ and to take title to the land if a person dies leaving no _____ and no _____.
4. A unique concept of _____ land law is that of estates. An estate is the character of ownership which the _____ has in the land.
5. Estates are classified as _____ or _____
 _____ List the 4 types of freehold estates. They are:
 a. _____; c. _____;
 b. _____; d. _____.
6. List the four non-freehold estates. They are:
 a. _____; c. _____;
 b. _____; d. _____.
7. What is another name of non-freehold estates. _____.
8. The first of the freehold estates is a fee simple absolute. This is the most _____ ownership there is. Another way to describe a fee simple is to say that it embodies the most complete _____ of _____ of any type of ownership. List the rights contained therein:
 a. _____;
 b. _____;
 c. _____;
 d. _____;
 e. _____.
9. The use of a fee simple is subject to a number of governmental and private limitations. The same can be true of any other method of ownership, whether it be fee simple, defeasible fee, etc. There are five major governmental restrictions. They are:

- a. _____; c. _____;
- b. _____; d. _____;
- e. _____.

10. Define each of the above four and give examples where possible:

- a. _____;
- _____;
- b. _____;
- _____;
- c. _____;
- _____;
- d. _____;
- _____;
- e. _____;
- _____.

11. If a property owner is adversely affected by zoning, list and define the four methods to prevent the city or county from applying the zoning to the owner's property:

- a. _____.
- _____;
- b. _____.
- _____;
- c. _____.
- _____;
- d. _____.
- _____.

12. List the four private restrictions:

- a. _____;
- b. _____;
- c. _____;
- d. _____.

13. Describe each and give examples:

- a. _____;
- b. _____;
- c. _____;
- d. _____.

14. A defeasible fee can also be called a _____ or a _____. There are three basic types of defeasible fees. List them:

- a. _____;
- b. _____;
- c. _____.

15. Describe a fee simple subject to a special limitation: _____
_____.

16. Describe a condition subsequent: _____
_____.

17. Describe an executory limitation: _____
_____.

18. A fee tail is a grant of land from 'X' (grantor) to 'Y' (grantee) and the "heirs of his body". In this situation, 'Y' and his heirs could hold the land _____. This was contingent upon 'Y' having heirs. If 'Y's line ever _____ the property _____ back to 'X' or his heirs. In Colorado, this type of grant has effectively been _____. In Colorado, this type of grant gives a life estate to 'Y' and a _____ to the first heir to receive the property after Y.

19. A life estate is a grant of land from 'X' to 'Y' for the life of someone. The life estate may depend upon the life of the _____ or the life of the grantee or even the life of a _____ party. The termination of the life estate depends upon the _____ of someone. When the life estate _____, the estate the life tenant had goes either back to the grantor (who had a reversion) or some other designated party (who had a remainder.)

20. List the two common law legal life estates and state the important elements of each:
a. _____

b. _____
_____.

21. Non freehold estates are commonly called _____ interests. List the four basic types of leases:
a. _____; b. _____;
c. _____; d. _____.

22. The two most common types of co-ownership are _____ and _____.

23. In joint tenancy, the co-owners are _____ entitled to the following:
a. _____; b. _____;
c. _____; d. _____.

24. The distinguishing feature of joint tenancy is the right of _____.

25. If one joint tenant passes away, is it necessary to probate his or her estate in order for that interest to pass to the remaining joint tenants? _____.

26. What are the four unities (in a Joint Tenancy)?
a. _____; b. _____;

- c. _____; d. _____.
27. A joint tenancy can be terminated by _____ of the joint tenants. Name two ways this can happen:
a. _____;
b. _____.
28. What is the only unity that exists in a tenancy in common. _____.
29. Do tenants in common need to have equal shares in the property as they do in joint tenancy. _____.
30. Do tenants in common all have an equal right to possession of the property as they do in joint tenancy? _____.
31. Does the right of survivorship exist in tenancy in common? _____.
32. Upon the death of a tenant in common, what determines where tenant's interest will go?
a. _____;
b. _____.
33. May a broker explain the meaning of _____ or _____ to the parties? _____.
34. On the other hand, what must the broker refrain from doing, and why?

_____.
35. What does the Homestead Exemption do? _____
_____.
36. What does the law require in order to make the exemption effective? _____
_____.
37. If a spouse who is a joint tenant dies, will the homestead exemption still apply to the surviving joint tenant or the children? _____
38. May the beneficiaries of a homestead exemption waive that exemption as to particular individuals or entities? _____
39. What is the definition of an easement? _____
_____.
40. An easement appurtenant _____ with the land.

41. An easement in gross belongs to the _____ personally, and not in his capacity as a landowner.
42. A _____ right is created by _____.
43. A prescriptive right or easement, contrary to easements appurtenant, need not be created by _____.
44. An easement may be terminated by what means?
 a. _____ d. _____
 b. _____ e. _____
 c. _____ f. _____
 g. _____
45. The actions necessary to create ownership of land by adverse possession are:
 a. _____ d. _____
 b. _____ e. _____
 c. _____
46. In Colorado, what period or periods of time are necessary for the above?
 _____; or
 _____.
47. Ownership of a condominium gives the owner the ownership of an enclosed _____ along with an _____ interest in the common facilities.
48. Each unit may be _____ or _____ separately.
49. A timeshare interest gives the timeshare holder a specified period of ownership or _____ out of each _____.
50. In a cooperative apartment, the person involved does not own any particular unit, but only owns _____ of _____ in a corporation.
51. The ownership of this stock gives the party the right to occupy a particular unit under a _____ lease.
52. A lease is both a _____ and a _____. A lease suspends an owner's right to possession of the premises for a _____ period of time in exchange for payment from the _____.
53. A lease may be either _____ or _____ unless the period of time exceeds _____ year and then it must be written.
54. List the four types of leasehold estates:
 a. _____ b. _____;

c. _____; d. _____.

55. Define each of the leasehold estates:

- a. _____;
- b. _____;
- c. _____;
- d. _____.

56. A ground lease is a tenancy for _____ involving a parcel of _____ land and is usually for a fairly long period of time. The tenant usually erects a building on the land and this building will become the property of the landlord at the end of the lease. Whether _____ is made for the building depends upon the terms of the lease.

57. A step-up, or _____ lease provides for an increase in rent during the life of the lease. There are two basic ways to provide for the increases. They are:

- a. _____;
- b. _____.

58. A percentage lease is generally used for _____ properties and provide for a fixed minimum rent and a _____ of gross sales.

59. A sky lease is a lease of _____ space. This lease provides for the lease of the air space above the ground where a building may be constructed upon pillars set into the ground. An example of this is the Chicago _____ Mart, where the ground floor of the building is 23 feet above the ground, leaving room for the railroad below to operate.

60. A _____ lease is a lease where the tenant pays _____ or a part of the expenses. Depending upon the items paid, the lease will be a net or a net-net lease. This means the landlord will get a net amount of rent during each payment period.

61. A gross lease is a lease where the landlord gets a _____ sum of money and the _____ pays all the expenses. It is the opposite of a net lease.

62. A farm lease is generally like any other lease. The payment may be either a _____ sum or a _____ of the crops produced

63. There are four major ways to terminate a lease. List them:

- a. _____;
- b. _____;
- c. _____;
- d. _____.

64. Some leases require notice to terminate and some do not. Designate which is which for each of the following, and what notice, if any, is required:

- a. Tenancy for years: _____;
- b. Periodic Tenancy: _____.

- 1. _____;
- 2. _____;
- 3. _____;
- 4. _____;
- c. Tenancy at Will _____;
- d. Tenancy at Sufferance: _____.

65. A surrender and acceptance is a matter of _____ agreement where the tenant agrees to surrender possession and the landlord agrees to terminate the lease. In short, the landlord agrees to accept the surrender.

66. A breach of conditions by _____ of the parties may permit the _____ party to cancel the lease.

67. The eviction of the tenant may be either _____ or _____. The first is self explanatory. The second occurs when the landlord allows the premises to become _____ for habitation.

68. Leases may also be terminated by a _____ action or in some cases by foreclosure on a _____ that occurred prior in time to the lease.

69. There are certain presumptions and rules that the law will apply if the items are not covered in the lease. Clearly, it is better to specifically cover these items in a written lease. State the rules pertaining to the following matters, if they are not mentioned in the lease:

- a. Payment of rent: _____;
- b. Use of premises: _____;
- c. Competing businesses: _____;
- d. Advertising signs as to commercial and as to residential premises: _____;
- e. Habitability in multiple unit commercial and residential properties: _____;
- f. Repair of premises: _____;
- g. Entry on premises by landlord: _____;
- h. Liability for injuries and nuisances: _____;
- i. Destruction of premises: _____;
- j. Assignment or sublet: _____;
- k. and if the Landlord “re-enters”: _____.

CHAPTER 3 – QUIZ

1. The system of land ownership that presently exists in the U.S. is known as:
 - a. Feudal System
 - b. Laissez Faire
 - c. Allodial
 - d. Continental

2. Which of the following are freehold estates?
 - a. Estate for years
 - b. Life estate
 - c. Estate at sufferance
 - d. None of the above

3. Which of the following are non-freehold estates?
 - a. Estate from period to period
 - b. Fee Tail
 - c. Life Estate
 - d. All of the above

4. Which of the following are private limitations?
 - a. Eminent domain
 - b. Escheat
 - c. Deed restrictions
 - d. None of the above

5. Which of the following are governmental restrictions?
 - a. Eminent domain
 - b. Escheat
 - c. Taxation
 - d. All of the above

6. Which of the following are types of defeasible fees?
 - a. Fee simple subject to a special limitation
 - b. 'X' to 'Y' so long as 'A' lives
 - c. 'X' to 'Y' and his heirs, but if 'Y' dies leaving no children, then to 'Z'
 - d. All of the above

7. Which of the following is an example of a tenancy for years?
 - a. Tenant pays rent on January 1st for the next year and each year thereafter
 - b. Tenant pays his rent on the 1st of the month each month
 - c. Tenant rents for six months
 - d. None of the above

8. According to Colorado joint tenancy, which of the following is true?
 - a. Joint tenants must be related or spouses
 - b. The interest held must necessarily have been purchased at the same time
 - c. We have changed the common law rule involving the necessity of the four unities
 - d. All of the above

9. In a tenancy in common, which of the following is true?
 - a. There must be at least two owners of the land in question
 - b. They must have acquired their interest at the same time
 - c. The tenant in common cannot leave his or her interest by will
 - d. All of the above

10. The Homestead exemption in Colorado:
 - a. at the present time, is automatically created
 - b. is \$60,000
 - c. Both a. and b.
 - d. Neither a. nor b.

11. All of the following are true of easements appurtenant, except:
 - a. They may be created by implication
 - b. They terminate upon the death of the grantor
 - c. They may be created by prescription
 - d. A merger of the dominant estate and the servient estate terminates the easement

12. In Colorado, adverse possession may occur by:
 - a. Under certain circumstances, holding the land for 17 years
 - b. Under certain circumstances, holding the land for six years and paying the taxes
 - c. Both a. and b.
 - d. Neither a or b.

13. A condominium is:
 - a. part of a subdivision
 - b. ownership of shares in a corporation
 - c. necessarily the ownership of less than a fee simple
 - d. none of the above

14. The right to use water is given to the person who:
 - a. needs it the most
 - b. first diverts it and puts it to use
 - c. pays the State the largest sum for the right to use it
 - d. intends to use it for agricultural uses

15. The appropriation of water requires that the claimant:
 - a. must divert it
 - b. pay for it
 - c. put it to use
 - d. Both a. and c.

16. In order to transfer a water right, the transferor must:
 - a. use a deed
 - b. use a bill of sale
 - c. use a certificate from the State Engineer
 - d. None of the above

17. A water right may be:
 - a. transferred by will
 - b. transferred by a deed
 - c. transferred by the Statute of Descent
 - d. All of the above

18. When land is transferred in Colorado, it is presumed that:
 - a. water rights do not transfer with the land
 - b. water rights do transfer with the land
 - c. mineral rights do not go with the land
 - d. Both b. and c. are correct

19. In order to drill any well, it is necessary to:
 - a. receive a permit from the State Engineer
 - b. divert the water
 - c. put it to beneficial use
 - d. All of the above

20. Which of the following statements concerning wells is correct?
 - a. Colorado underground water supplies cannot be tapped by developers who simply lay claim to them
 - b. The State Engineer must determine that the Aquifer won't be depleted in 50 years
 - c. Anyone can apply for a well permit
 - d. All of the above

21. A lease is which of the following?
 - a. Contract
 - b. Conveyance
 - c. A instrument that conveys title
 - d. Both a. and b.

22. Which of the following is not a lease?
- Fee tail
 - Periodic tenancy
 - Tenancy at sufferance
 - Tenancy for years
23. Which of the following leases is created by implication?
- Tenancy for years
 - Periodic tenancy
 - Tenancy at will
 - Tenancy at sufferance
24. Which of the following leases do not require notice to quit?
- Tenancy for years
 - Tenancy at will
 - Year to year lease
 - Month to month lease
25. Which of the following types of lease may be terminated at any time by either the landlord or the tenant?
- Periodic tenancy
 - Tenancy at sufferance
 - Tenancy at will
 - None of the above
26. Which of the following is not true of a ground lease:
- Usually only the ground is leased
 - It is usually a long-term lease
 - If the lease is silent on the issue, any building on the land becomes the landlord's property at the end of the lease
 - By law, a ground lease may not be for a term of more than 30 years
27. The type of lease where the ground rent is increased at intervals is called:
- gross lease
 - net lease
 - graduated lease
 - periodic lease
28. Percentage leases:
- are the same thing as a gross lease
 - are usually figured on gross income
 - are usually figured on net income
 - calculate rent based on the amount of building frontage the unit uses

29. All of the following are essential to a lease, except:
- names of the parties
 - consideration
 - delivery
 - date
30. A lease can be terminated by all of the following, except:
- expiration of the lease
 - an extension agreement
 - surrender and acceptance
 - breach of conditions of the lease by the landlord
31. If an owner is adversely affected by a zoning restriction, which of the following would not be an appropriate method of relief?
- Suit for quiet title
 - Request for nonconforming use
 - Application for conditional use permit
 - Petition for variance
32. Which of the following is not a public restriction on an owner's use of their land?
- Escheat
 - Taxation
 - Zoning
 - Easement