

Empire College School of Law
Professor Ornell
Real Property – Midterm
Wednesday, December 18, 2013

Student ID# _____

Question One
(One Hour)

O my farm to A for 5 years at \$1,000 per month. Then for my brother B to farm for until my son O Jr. decides to farm the land.

Define who had/has what and why. Explain rights, duties, and responsibilities.

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Question Two
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Having just become an attorney, you open your own law practice. The first paying customer hires you for one hour to provide written guidance on the below fact pattern.

My brother, Brown Smith, and I have 40 acres. I farm my 20 acres and he grazes a few head of cattle on his 20. We both have several wells. This past season all of my wells went dry by the end of July and my brother's wells did not go dry. Not so coincidentally, my next-door neighbor pumped well water for the entire month of June in order to build a wine cellar. Last week some of the cattle made it over into my fields and damaged my crop. What can be done? I've provided a copy of the deed.

0 to **Able & Brown Smith** as brothers in the entirety