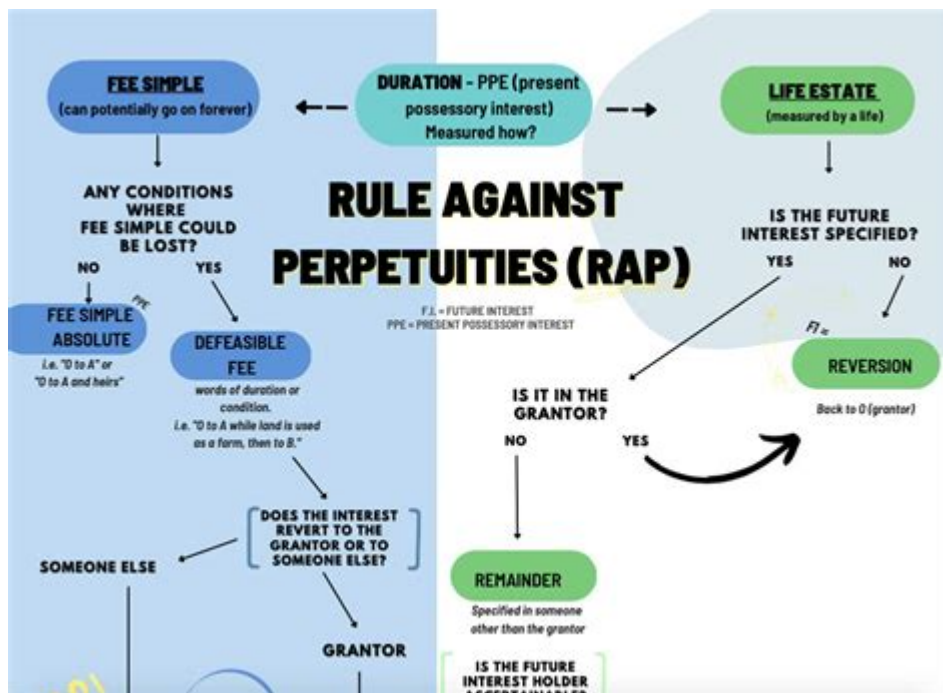


Rule Against Perpetuities Practice Problems



Rule Against Perpetuities Practice Problems: Mastering the Complexities of Property Law

Navigating the intricacies of property law can be challenging, and few concepts are as notoriously complex as the Rule Against Perpetuities (RAP). This seemingly archaic rule, designed to prevent property from being tied up indefinitely in the future, continues to stump even seasoned legal professionals. If you're struggling to grasp the nuances of RAP and its application, you've come to the right place. This comprehensive guide provides a series of practice problems designed to solidify your understanding of the Rule Against Perpetuities. We'll break down the core principles, explore common pitfalls, and equip you with the tools you need to confidently tackle even the most challenging scenarios. Let's dive into these rule against perpetuities practice problems!

Understanding the Rule Against Perpetuities: A Quick Recap

Before we jump into the practice problems, let's briefly refresh our understanding of the Rule Against Perpetuities. In its simplest form, RAP dictates that no interest in property is valid unless it must vest, if at all, not later than 21 years after the death of some person alive at the creation of the interest. Sounds straightforward, right? The reality is far more complex. The rule is designed to prevent interests from being tied up in perpetuity, ensuring that property eventually becomes freely alienable. The key elements to consider are:

Vesting: This refers to the point at which an interest becomes certain and the owner's rights are fully established.

Life in Being: The rule hinges on identifying a person alive at the creation of the interest. This person's lifespan forms the measuring stick for the 21-year period.

21 Years After: The crucial 21-year period is added to account for the possibility of a beneficiary being a minor.

Rule Against Perpetuities Practice Problems: Scenarios and Solutions

Now, let's tackle some rule against perpetuities practice problems to solidify your understanding:

Problem 1: The Charitable Trust

"To my favorite charity, in trust, to distribute the income annually for the benefit of all descendants of my nephew, John, who are alive at the time of distribution." Is this valid under RAP?

Solution: This is likely invalid. The gift's vesting depends on the indefinite continuation of John's descendants, potentially exceeding the "lives in being plus 21 years" timeframe. There's no clear limit on when the interest must vest.

Problem 2: The Contingent Remainder

"To A for life, then to A's eldest child who graduates from law school." Is this valid under RAP?

Solution: This is likely valid. The "life in being" is A. The interest must vest either during A's life or within 21 years of A's death (since the eldest child must be alive at A's death to inherit).

Problem 3: The Unclear Beneficiary

"To my grandchildren, to be divided among them when the youngest grandchild reaches the age of 30." Is this valid under RAP?

Solution: This is potentially invalid. The vesting depends on the age of the youngest grandchild, who might not be born for some time after the grantor's death, potentially pushing the vesting beyond the 21-year period after the death of the lives in being (the grantor's children). This is a classic RAP

issue.

Problem 4: The Specific Timeframe

"To B for life, then to B's children for their lives, and then to B's grandchildren when the youngest grandchild reaches 25 years of age". Is this valid under the RAP?

Solution: This is likely invalid. The vesting is tied to the lifespan of B and their children, followed by an additional 25 years. This time frame is likely to violate the "lives in being plus 21 years" rule.

Problem 5: The Wait-and-See Approach

While the traditional common-law RAP was strict, many jurisdictions have adopted "wait-and-see" approaches or statutory reforms. How might this affect the analysis of the above problems?

Solution: Wait-and-see statutes allow courts to wait and observe whether the interest actually vests within the perpetuities period. This can validate some interests that would have been invalid under the traditional RAP, particularly those involving factors that aren't fully known initially, such as the exact number of grandchildren.

Conclusion

Mastering the Rule Against Perpetuities requires diligent practice and a keen eye for detail. By working through these practice problems, you've gained valuable insight into the complexities and nuances of this crucial area of property law. Remember to carefully identify the "lives in being," the point of vesting, and the 21-year period. Though challenging, understanding RAP is essential for anyone working within property law.

Frequently Asked Questions (FAQs)

Q1: What is the purpose of the Rule Against Perpetuities?

A1: The RAP aims to prevent property from being tied up indefinitely in the future, ensuring that it eventually becomes freely alienable and its ownership can be determined with certainty.

Q2: Are there any exceptions to the Rule Against Perpetuities?

A2: Yes, some jurisdictions have exceptions for charitable trusts or certain types of options. Specific statutory exceptions are jurisdiction-dependent.

Q3: How has the Rule Against Perpetuities been reformed in modern times?

A3: Many jurisdictions have modified or abolished the traditional common-law RAP, adopting "wait-and-see" approaches or enacting statutory reforms to make the rule more manageable.

Q4: Why is understanding the Rule Against Perpetuities important for estate planning?

A4: Understanding RAP is crucial for estate planners to ensure that their clients' wishes regarding property distribution are legally sound and avoid future disputes.

Q5: What resources are available for further learning about the Rule Against Perpetuities?

A5: Numerous legal textbooks, case law databases, and online resources offer detailed explanations and further practice problems on the Rule Against Perpetuities. Consult legal academic resources and legal databases for in-depth research.

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answers to existing problems Explanation of how several rules are used in different states (including whether a majority or minority of states use a particular rule) Updated and expanded Correlation chart including new casebooks (Makdisi, Freyermuth, and Smith)

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background about the geographic location of the disputed property, and designed to remind students that legal disputes can be influenced by physical and human context Relevant statutory and Restatement excerpts—collected and presented in one location within the chapter (rather than scattered in snippets throughout) Periodic statutory excerpts and exercises—introducing students to the interplay of common law and statutory law “Test Your Understanding” sections—containing problems that the professor can work through during class (with answers in the teacher’s manual), or that can be left to the students for self-directed learning

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