BOUNDARY LAW TERMS

1. A grantor and grantee are in the closing stages of the transfer of real property. A third party holds a grant that will be delivered only when all of the conditions for the transfer are complete. Which of the following terms describes the third party?

   (A) a scrivener
   (B) an escrow agent
   (C) a disseisor
   (D) a remainderman

Solution: The grantor places the deed with an escrow agent to be held until all conditions of the sale contract are fulfilled.

Answer is (B)

2. When the public good is involved and adequate compensation is offered, private property may be taken for public use under what principle?

   (A) estoppel
   (B) entitlement
   (C) oyer
   (D) eminent domain
Solution: Eminent domain is considered to be the assumption of private property by the state. It is one of the few limitations on absolute.

Answer is (D)

3. What type of evidence is usually not admissible in court to cure ambiguity in an instrument?

(A) parol evidence
(B) evidentia
(C) escheat
(D) parole evidence

Solution: Spoken evidence, or parol evidence, is not usually admitted to cure a patent ambiguity in a deed because it would violate the frauds.

Answer is (A)

4. Which of the following terms includes unpaid taxes, mortgage, leases, and liens?

(A) pedis positio
(B) escheat
(C) disseisin
(D) encumbrances

Solution: In real property, an encumbrance is a right or interest in another that diminishes its value, but not to the extent that the land is sold.

Answer is (D)
5. The term *fee simple absolute* describes a type of estate in real property. Which phrase defines the idea further?

(A) Subject to the condition that if something specified comes to pass, the original grantor may reenter and retake the title.
(B) If the owner dies intestate, the title reverts to the original grantor.
(C) The title is valid for a specified period of time.
(D) The title is without limitations or conditions to the owner, his heirs, and assigns.

**Solution:** For all practical purposes, the fee simple absolute is the greatest available interest in real property.

Answer is (D)

6. Which of the following conditions is essential for the execution of a valid deed?

(A) The deed must be recorded.
(B) There must be a perambulation of the boundary.
(C) It must be sealed with a stamp specified by the laws of the state.
(D) It must have a written or printed form.

**Solution:** The only condition that is essential is the written or printed form. The others may occur, but are not necessary in all cases. For example, a valid consideration must be exchanged between the grantee and the grantor, but that consideration need not be money.

Answer is (D)

7. Which of the following is a revocable right in real property?

(A) an easement
(B) a license
(C) a lien
(D) an escheat
Solution: A license, such as a privilege to enter, is nonpossessory and revocable. One of the salient differences between a license and an easement is the license’s revocability.

Answer is (B)

8. When an owner dies without will or heir, the state becomes the proprietor under which feudal doctrine?

(A) escheat
(B) escobedo rule
(C) Massachusetts rule
(D) loquela

Solution: When no one is available to inherit the estate of a property owner who has died intestate, escheat is exercised. The property reverts to the state.

Answer is (A)

9. Which term applies to the land over which an appurtenant easement passes?

(A) dominant estate
(B) incorporeal tenement
(C) servient estate
(D) fee tail

Solution: The servient estate is subject to rights such as ingress and egress to the dominant estate. The dominant estate is served by the servient estate.

Answer is (C)
10. Which of the following terms applies to a written instrument that appears to convey title to real property, but actually does not?

(A) quitclaim deed
(B) indenture
(C) deed of gift
(D) color of title

**Solution:** An instrument that, despite its appearance to the contrary, conveys no title, is said to show color of title. It cannot be so defective, however, that a person of ordinary capacity would be misled by it. Color of title has an effect in claims of adverse possession in most states. It can shorten the length of the required statute of repose when it is possessed by the claimant.

**Answer is (D)**

### DEEDS

11. There is one category of deed that does not imply that the grantor has title to the property, yet does pass any title the grantor may have. The grantor of such a deed will defend against any defects in that title that may have arisen through him, but not through others. What is the name of this type of deed?

(A) quitclaim deed
(B) warranty deed
(C) grant deed
(D) agreement deed

**Solution:** The quitclaim deed acts like a release. It conveys any interest the grantor may have, though the grantor may, in fact, have none at all.

**Answer is (A)**