

NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW

SEMESTER 1 EXAMINATION 2002/2003
SECOND, THIRD AND FOURTH LL.B.
THIRD BACHELOR OF CIVIL LAW
OCCASIONAL/ERASMUS STUDENTS

LAND LAW I (LW225)

Dr. R. Murphy
Prof. R. Pearce

Time allowed – TWO hours (Erasmus students have **Two and a half** hours).
Students must attempt **THREE** questions

1. Write a note on **any two** of the following:
 - (a) Analyse and discuss the implications and effect of the Renewable Leasehold Conversion Act, 1849.
 - (b) The rule in *Shelley's case*.
 - (c) The Statute of Uses(Ireland), 1634.

2. **Answer (a) and (b).**
 - (a) 'The basic form of fee simple is known as a "fee simple absolute".....It should be contrasted with a modified fee simple, which by virtue of the terms of the grant creating it, may end or be brought to an end in certain circumstances'. Discuss.

AND

- (b) Explain the interests conferred in the following dispositions:
 - (i) *To A in fee simple until C dies.*
 - (ii) *To X in fee simple until she becomes a barrister, then to Y and his heirs.*
 - (iii) *To D in fee simple provided that he gets married and comes and lives in the house within twelve months.*

PTO

- 3.
- (a) 'The key feature of the Settled Land Act is that control over it is divided between trustees and the tenant for life. Since the Settled Land Acts, the tenant for life has extensive powers over the land but the trustees exercise certain supervisory roles to guard against the improper use of his powers by the tenant for life'. Discuss.
 - (b) Jim has suffered from a mental disability for a number of years. His mother died some time ago, but last year his father also passed away and left Jim with a life estate in the former family home. Jim has two brothers living in the United States. His two brothers have been granted the fee simple remainder interest in the property under the terms of their late father's will. The settlement was made owing to the fact that Jim was suffering from a mental disability, from which he has recently made a remarkable recovery. Soon after his father's death in May 2001, Jim granted a five year lease of the downstairs portion of the house to a newly married couple. He now wants to sell the house and move to America to join his brothers successful business. Advise Jim.
4. In 1987 the Industrial Development Authority ('IDA') purchased five acres of land on either side of the main road from Kilkenny to Dublin, just outside the city of Kilkenny. The express purpose of the purchase was to have the land available for factory premises. In 1989 a large factory was built on a three-acre site on the west side of the main road, and the two-acre site on the east side was left for future development. In and around January 1990, Murphy began to store materials on the vacant two-acre site. He later fenced off half of the site, and built a temporary shed for some of his stores. The IDA now wants to give the site to an American company to build premises for the manufacture of health care products. It has asked Murphy to leave and give up possession of the site, and to date he has refused to do so. He claims it is his by virtue of adverse possession. Advise the IDA.
5. In 1986 Bríd was granted a right of residence in accordance with the will of her late uncle Tom. Bríd's right of residence was registered as a burden on the property which was registered land. She had lived there since her birth with her parents, both of whom are now deceased. In 1996 she left the house due to unhappy differences with her nephew, who had inherited the property subject to Bríd's right of residence. Bríd was subject to oppressive behaviour and bullying, and this culminated in her abandoning the premises against her will and going to live with her daughter. Her nephew has since carried out alterations to the property, and he has offered to sell it to Bríd. He refuses to discuss the right of residence, and he claims it is unenforceable in the courts and that, in any event, it was abandoned by Bríd. Advise Bríd.

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