

GX 1841

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2002/2003

Exam Code(s)	2BL1, 2BL2, 3BL1, 3BL2, 3CW1, 4BL2, 1EM1, 1OA1.
Exams(s)	2 nd 3 rd & 4 th LL.B. 3 rd Bachelor of Civil Law Erasmus & Occasional
Module Codes(s)	LW407
Module(s)	Succession Landlord & Tenant Law
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Professor R.A. Pearce
Internal Examiner(s)	Dr. R. Murphy
<u>Instructions</u>	Answer THREE Questions All questions and parts thereof carry equal marks
Duration	TWO Hours
No. of AnswerBooks	
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	Extracts from the Succession Act, 1965
Department(s)	LAW

1. "It must not be forgotten that covenants are contracts, and that most of the ordinary rules relating to contracts apply to them. The main reason for considering covenants specially is that in certain cases, by way of exception to the ordinary contract rules, the benefit or burden of covenants, or both, may run to successors in title." (Pearce and Mee). Discuss in relation to leasehold property.

2. Write a note on any TWO of the following:
 - (a) Determination of leases.
 - (b) The rule in *Spencer's case*.
 - (c) The formal requirements for the creation of a lease.

3. The testatrix, Joan Murphy, instructed her solicitor to draw up her will. She informed her solicitor that she wanted to make significant provision for her nephew Tom. The solicitor drew up the will which included a clause bequeathing Euro 300,000 to Tom. The testatrix requested the solicitor to send the draft will to her at the home of her nephew Tom where she was staying to be signed and attested. The solicitor sent the will to the testatrix with a covering letter giving her general instructions on executing it. The testatrix duly signed and executed the will, but at the time she insisted that it be witnessed by three persons. Each witness went into the drawing room individually and attested the signature of the testatrix. The third witness was Tom's wife. The testatrix has since died, and the executor has been told that they may be "some problems" with the will. Advise the executor.

4. Write a note on any TWO of the following:
 - (a) *Donatio Mortis Causa* and the rule in *Strong v. Bird*.
 - (b) The legal right share of a spouse under Section 111 of the Succession Act, 1965.
 - (c) The effect of divorce, judicial separation and desertion on succession rights.

5. On his death in April 2003, John Walsh was survived by his children Peter (aged 32), Maria (aged 29), and Paul (aged 25), his adopted son Thomas (aged 20) and a foster child Susan Murphy (aged 23) who has lived with the Walsh family since she was three years old and has always been treated as a member of the family. In his will, John divided his estate, worth over euro 750,000, in equal shares between Peter, Maria and Paul, all of whom are lawyers. Thomas and his adoptive father used to be very close until shortly before the latter's death, Thomas was convicted of dangerous driving which had caused the death of a young neighbour and sentenced to six months imprisonment, which he has since served. He is currently unemployed and trying to get his life back into order. Both he and Susan are very disappointed at having been omitted from the Walsh's will. Advise them.

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