

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6130

Start time: 10:00am

When finished, submit this as an *attachement* in an email to [sdellaruffa@law.pace.edu](mailto:sdellaruffa@law.pace.edu)

(R)

1.A ✓

2.B

3.B

4.A

5.A

6.B

7.D

8.C

9.D

10.D

11.C

12.C

13.B

14.B

15.C

16.A

17.A

18.C

19.B

20.B

21.A ✓

22.A ✓

23.C

24.C

25.C

26.C

27.C

28.C

29.A ✓

30.C

31.A

32.B

33.B ✓

34.C

35.A

36.B

37.A

38.A ✓

39.D ✓

40.B ✓

41.C

42.B

43.A

44.A ✓

45.C

46.B

47.B

48.C

49.D

Finish  
time \_\_\_\_\_

41

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6322

Start time: 10:10 am

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(1)

- |          |          |          |                          |
|----------|----------|----------|--------------------------|
| 1. A.    | 16. C.   | 31. A.   | 46. B.                   |
| 2. B.    | 17. B.   | 32. C. — | 47. D.                   |
| 3. D. —  | 18. B.   | 33. C.   | 48. A. —                 |
| 4. C.    | 19. D. — | 34. B.   | 49. D.                   |
| 5. B. —  | 20. A.   | 35. B.   |                          |
|          |          |          | Finish time 1:29<br>pm — |
| 6. B.    | 21. B.   | 36. B. — |                          |
| 7. D. —  | 22. B. — | 37. C.   |                          |
| 8. B.    | 23. B. — | 38. C.   |                          |
| 9. B.    | 24. B. — | 39. C.   |                          |
| 10. C. — | 25. D.   | 40. B. — | 32<br>=                  |
| 11. C.   | 26. C. — | 41. C.   |                          |
| 12. B.   | 27. C.   | 42. C.   |                          |
| 13. C. — | 28. C. — | 43. B. — |                          |
| 14. D. — | 29. B.   | 44. D. — |                          |
| 15. C.   | 30. D. — | 45. C.   |                          |

-17

# Answer Document

PROPERTY  
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August 14, 2020

Exam number 6505

Start time: 10:05AM

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(T)

- |       |       |       |       |
|-------|-------|-------|-------|
| 1. A  | 16. C | 31. A | 46. B |
| 2. B  | 17. B | 32. A | 47. B |
| 3. C  | 18. B | 33. C | 48. C |
| 4. C  | 19. A | 34. B | 49. D |
| 5. A  | 20. A | 35. B |       |
| 6. B  | 21. B | 36. D |       |
| 7. A  | 22. D | 37. D |       |
| 8. A  | 23. C | 38. C |       |
| 9. B  | 24. D | 39. C |       |
| 10. A | 25. D | 40. C |       |
| 11. C | 26. C | 41. B |       |
| 12. B | 27. C | 42. C |       |
| 13. A | 28. A | 43. C |       |
| 14. A | 29. B | 44. B |       |
| 15. C | 30. C | 45. B |       |

Finish time  
12:05PM

43

-6

# Answer Document

PROPERTY  
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August 14, 2020

Exam number 6512

Start time: 10:01 am

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(R)

- |       |         |         |                               |
|-------|---------|---------|-------------------------------|
| 1. C  | 16. B — | 31. A   | 46. C —                       |
| 2. B  | 17. A   | 32. B   | 47. D —                       |
| 3. B  | 18. B — | 33. C   | 48. C                         |
| 4. A  | 19. D — | 34. C   | 49. A —                       |
| 5. A  | 20. A — | 35. D — |                               |
|       |         |         | Finish<br>time <u>2:55 pm</u> |
| 6. B  | 21. A — | 36. B   |                               |
| 7. D  | 22. B — | 37. D — |                               |
| 8. C  | 23. B — | 38. B   |                               |
| 9. D  | 24. D — | 39. D — |                               |
| 10. D | 25. C   | 40. A   | <u>32</u>                     |
|       |         |         |                               |
| 11. C | 26. D — | 41. C   |                               |
| 12. C | 27. C   | 42. B   |                               |
| 13. A | 28. C   | 43. D — |                               |
| 14. B | 29. B   | 44. A — |                               |
| 15. C | 30. C   | 45. C   |                               |

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6520

Start time: 10 AM

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①

- |         |         |         |                            |
|---------|---------|---------|----------------------------|
| 1. A    | 16. C   | 31. A   | 46. C —                    |
| 2. B    | 17. B   | 32. A   | 47. B                      |
| 3. C    | 18. B   | 33. C   | 48. D —                    |
| 4. C    | 19. A   | 34. B   | 49. D                      |
| 5. D —  | 20. A   | 35. D — |                            |
|         |         |         | Finish<br>time <u>1:01</u> |
| 6. B    | 21. B   | 36. C   | —                          |
| 7. D —  | 22. D   | 37. C   |                            |
| 8. B    | 23. C   | 38. C   |                            |
| 9. B    | 24. D   | 39. C   |                            |
| 10. A   | 25. D   | 40. D — | 439                        |
|         |         |         | ==                         |
| 11. C   | 26. C   | 41. C   |                            |
| 12. B   | 27. D — | 42. C   |                            |
| 13. A   | 28. C — | 43. C   |                            |
| 14. B — | 29. B   | 44. B   |                            |
| 15. C   | 30. C   | 45. D — |                            |

\*I believe #5 has a typo, "sublet vs. assignment"

0/5

# Answer Document

PROPERTY  
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August 14, 2020

Exam number 6525

Start time: 10:30AM

When finished, submit this as an *attachment* in an email to [sdellaruffa@law.pace.edu](mailto:sdellaruffa@law.pace.edu)

5

- |         |         |         |                              |
|---------|---------|---------|------------------------------|
| 1. B —  | 16. A   | 31. C — | 46. C —                      |
| 2. A    | 17. B   | 32. B   | 47. A —                      |
| 3. C    | 18. D — | 33. B   | 48. C                        |
| 4. B    | 19. A — | 34. D — | 49. B —                      |
| 5. B    | 20. C — | 35. A   |                              |
|         |         |         | Finish<br>time <u>1:00PM</u> |
| 6. C    | 21. B — | 36. B   | <i>did not</i>               |
| 7. C    | 22. D — | 37. C — | <i>do essay</i>              |
| 8. B —  | 23. D — | 38. C   |                              |
| 9. D —  | 24. C — | 39. B — |                              |
| 10. D — | 25. A   | 40. D   |                              |
|         |         |         | <u>26</u>                    |
| 11. C   | 26. C   | 41. D — |                              |
| 12. C   | 27. D — | 42. D — |                              |
| 13. B — | 28. A   | 43. A   |                              |
| 14. A — | 29. B — | 44. B   |                              |
| 15. C   | 30. C   | 45. B — |                              |

6  
-8  
-9  
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-23

# Answer Document

PROPERTY  
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August 14, 2020

Exam number 6526

Start time: 10:24

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5

- |         |         |       |       |
|---------|---------|-------|-------|
| 1. A    | 16. A   | 31. C | 46. B |
| 2. C ✓  | 17. B   | 32. B | 47. B |
| 3. C    | 18. C   | 33. B | 48. C |
| 4. B    | 19. B → | 34. A | 49. D |
| 5. B    | 20. A   | 35. A |       |
| 6. C    | 21. B   | 36. B |       |
| 7. A ✓  | 22. D ✓ | 37. D |       |
| 8. B ✓  | 23. B   | 38. C |       |
| 9. C    | 24. B   | 39. D |       |
| 10. C   | 25. A   | 40. D |       |
| 11. D ✓ | 26. C   | 41. C |       |
| 12. C   | 27. B   | 42. C |       |
| 13. C   | 28. A   | 43. A |       |
| 14. A ✓ | 29. C   | 44. B |       |
| 15. C   | 30. C   | 45. C |       |

Finish time 1:45

42

✓

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6527

Start time: 10:04

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- R
- |       |         |         |                   |
|-------|---------|---------|-------------------|
| 1. c  | 16. a   | 31. a   | 46.               |
| 2. b  | 17. a   | 32. b   | 47.               |
| 3. b  | 18. c   | 33. d   | 48.               |
| 4. a  | 19. b   | 34. c   | 49.               |
| 5. a  | 20. b   | 35. a   |                   |
| 6. b  | 21. c   | 36. b   | Finish            |
| 7. d  | 22. a ✓ | 37. a   | time <u>12:43</u> |
| 8. c  | 23. b ✓ | 38. a ✓ |                   |
| 9. d  | 24. a ✓ | 39. b   |                   |
| 10. d | 25. c   | 40. a   |                   |
| 11. c | 26. a ✓ | 41. c   |                   |
| 12. c | 27. a ✓ | 42. b   |                   |
| 13. a | 28. c   | 43. a   |                   |
| 14. b | 29. a ✓ | 44. a ✓ |                   |
| 15. c | 30. c   | 45. c   |                   |

~~49~~  
(36 + 4)

-9 + 4  
36 + 4



The issue here is who has the better claim to the \$2000 jade statuette, out of Arnie, Baker and Carla. The so-called English rule says that when property is found, the person who has the best right to it is the earliest known possessor, including the unconscious possessor. This rule prefers the owner of the locus in quo. **Under the English rule, Carla would have the better claim to the statuette because she is the earliest known possessor.** She owned the property that the statuette was on, therefore she is the owner of the locus in quo. Carla did admit that it was a mystery how that statuette got there, making her an unconscious possessor, but that is irrelevant because the English rule honors unconscious possessors.

The so-called American rule says that only conscious possession counts. This rule prefers finders. That alone would tell us that Arnie has the better argument under the American rule because he is the finder. This is incorrect, though, because the American rule has an exception. The exception says that where the finder is a trespasser, then the owner of the locus in quo gets the property. The rationale behind this exception is so trespassers do not profit from trespassing. Here, Arnie is the finder of the statuette but he is also a trespasser on Carla's property, therefore **Carla would again have the better claim to the statuette under the American rule.**

Lost property is when the owner unintentionally and involuntarily parts with its possession and does not know where it is. If the property is deemed lost, the finder takes the property. **In this case, if the statuette was lost, the finder, Arnie, would take it.**

Mislaid property is voluntarily put in a certain place by the owner who then

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6531 \_\_\_\_\_

Start time: 10:33

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- |        |        |      |      |
|--------|--------|------|------|
| 1.A    | 16.A   | 31.C | 46.B |
| 2.A    | 17.B   | 32.B | 47.B |
| 3.C    | 18.C   | 33.B | 48.C |
| 4.B    | 19.B — | 34.A | 49.D |
| 5.B    | 20.A   | 35.A |      |
| 6.C    | 21.B   | 36.B |      |
| 7.A →  | 22.D — | 37.D |      |
| 8.B ✓  | 23.B   | 38.C |      |
| 9.C    | 24.B   | 39.D |      |
| 10.C   | 25.C — | 40.D |      |
| 11.D → | 26.C   | 41.C |      |
| 12.C   | 27.B   | 42.C |      |
| 13.C   | 28.A   | 43.A |      |
| 14.A — | 29.C   | 44.B |      |
| 15.C   | 30.C   | 45.C |      |

Finish time 1:50

42

-7

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6532

Start time: 10:38

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①

- |       |       |       |     |
|-------|-------|-------|-----|
| 1. D  | 16. E | 31. A | 46. |
| 2. B  | 17. B | 32. C | 47. |
| 3. D  | 18. D | 33. C | 48. |
| 4. C  | 19. A | 34. A | 49. |
| 5. C  | 20. A | 35. A |     |
| 6. B  | 21. B | 36. D |     |
| 7. D  | 22. D | 37. C |     |
| 8. D  | 23. C | 38. A |     |
| 9. D  | 24. D | 39. C |     |
| 10. C | 25. B | 40. C |     |
| 11. A | 26. B | 41. B |     |
| 12. B | 27. B | 42. B |     |
| 13. A | 28. A | 43. C |     |
| 14. C | 29. B | 44. A |     |
| 15. C | 30. C | 45. C |     |

Finish  
time 2:11

286  
286  
(29 + 4)

8                      5                      8  
\_\_\_\_\_                      \_\_\_\_\_  
-21 + 4

## Essay Question

As we see in the case *Armory v. Delamirie*, the finder has the greatest claim over property against everyone except the true owner. Under the American Rule, only conscious possession matters. Although this rule tends to sway towards the favor of the finder, that is not the case when the finder is a trespasser. When a trespasser finds something on property that is not his, he does not have rights to the found property. The owner of the locus in quo, or the property on which the found object is located is considered to have rights to the found object. In this case, Arnie was trespassing on a farm when he found the object. Therefore, the owner of the farm (presumably Carla) has rights to the property.

Under the English Rule, the earliest known possessor has best claim to the found property. Under the English Rule, as seen in *Hannah v. Peel*, peel had no knowledge or possession of the lost brooch, therefore Hannah had best claim to the lost brooch. However, in *Hannah v. Peel*, Hannah was permitted to be quartering in Peel's house. In our case, where Arnie did not have permission to be on the property where he found the statuette, he does not have as strong of a claim as the owner of the land. Had the land been public land, Arnie would have the best claim. However, because the land was private, and Arnie was not permitted to be on the farm, the statuette belongs to the owner of the farm.

Under the lost and mislaid rule, when property is truly lost, the finder has claim to it. However, if the property is mislaid, the property belongs to the owner of the locus in quo. This is for the purpose that if someone mislaid something somewhere, they are likely to come back to the owner of the locus in quo and inquire about it. It is an attempt to return property to its rightful owner. In this case, if the statue is considered lost, Arnie has claim to it. However, if it is mislaid, the owner of the farm has claim over it because that is where it was found, and they are the owner of the locus in quo. As we see in *McAvoy v. Medina*, mislaid property is not viewed in the same light as lost property, in that the finder has the best claim for lost property against anyone except the true owner. In mislaid property, the owner of the locus in quo is responsible to keep the item safe until the original owner emerges. Ultimately, if the property is lost, the finder owns it, but if it is mislaid, the owner of the locus in quo has the best claim. If the property was lost, then Arnie has the best claim, but if it was mislaid, then the owner of the farm (who I presume is Carla), has the best claim.

4

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6533

Start time: 10:23

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(T)

- |        |      |        |        |
|--------|------|--------|--------|
| 1.A    | 16.C | 31.A   | 46.N/A |
| 2.B    | 17.B | 32.C — | 47.N/A |
| 3.C    | 18.B | 33.C   | 48.N/A |
| 4.C    | 19.A | 34.B   | 49.N/A |
| 5.A    | 20.A | 35.A + |        |
| 6.B    | 21.B | 36.C   |        |
| 7.D —  | 22.D | 37.A — |        |
| 8.D —  | 23.C | 38.B — |        |
| 9.B    | 24.D | 39.A — |        |
| 10.C — | 25.D | 40.C   |        |
| 11.C   | 26.C | 41.D — |        |
| 12.B   | 27.C | 42.C   |        |
| 13.A   | 28.A | 43.C   |        |
| 14.C   | 29.B | 44.A = |        |
| 15.C   | 30.C | 45.B — |        |

Finish  
time 1:50pm

38  
        
(34 + 4)

— 38 + 4

## ESSAY

EXAM NUMBER: **6533**

In the case at hand, Arnie was bird-watching on Baker's land (with permission) and accidentally and unknowingly entered Carla's land (without permission) and found a jade statue on a tree stump. Arnie and Baker did not know whose it was or how it got there and informed Carla of its presence, who also had no idea how it got there. The issue is who has a better claim for the statue?

Regarding finder's rights there are two rules followed by the states: the English rule and the American rule. The English rule favors the property going to the earliest known possessor, even if unconscious of possession. This includes the owner of the locus in quo (place in which) when there is no previous owner known. The only exception is if the land the item is found is public or semi-public then the finder is more entitled to the property. Since the land on which the statue was found was private and belonged to Carla and she was the best-known earliest possessor, even though she was unconscious of the possession, she has the best claim for the statue under the English rule.

The American rule prefers the finder if the true owner is unknown. However, only conscious possession counts as possession under the American rule. Trespass is the only exception and where the finder is a trespasser, then the owner of the locus in quo gets the property. This is because trespassers should not profit from trespassing. In this case Arnie was in fact a trespasser onto Carla's land with no permission to be there and therefore the statue will likely go to Carla, the locus in quo. Arnie can try to argue his good faith

# Answer Document

PROPERTY  
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August 14, 2020

Exam number   6534  

Start time:   10:00 am  

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(R)

- |       |         |         |         |
|-------|---------|---------|---------|
| 1. C  | 16. C — | 31. A   | 46. C ✓ |
| 2. B  | 17. A   | 32. B   | 47. D ✓ |
| 3. B  | 18. B — | 33. C   | 48. C   |
| 4. A  | 19. A — | 34. C   | 49. D   |
| 5. A  | 20. A ✓ | 35. A   |         |
| 6. B  | 21. A — | 36. B   |         |
| 7. D  | 22. B ✓ | 37. D ✓ |         |
| 8. C  | 23. B ✓ | 38. B   |         |
| 9. D  | 24. D ✓ | 39. D ✓ |         |
| 10. D | 25. C   | 40. A   |         |
| 11. C | 26. D — | 41. C   |         |
| 12. C | 27. C   | 42. B   |         |
| 13. A | 28. C   | 43. A   |         |
| 14. B | 29. B   | 44. A   |         |
| 15. C | 30. C   | 45. C   |         |

Finish time   1:03    
PM       

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# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number   6597  

Start time:   10:05am  

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⑤

- |       |       |       |       |
|-------|-------|-------|-------|
| 1. A  | 16. B | 31. E | 46. C |
| 2. B  | 17. B | 32. B | 47. B |
| 3. C  | 18. B | 33. A | 48. D |
| 4. C  | 19. C | 34. A | 49. D |
| 5. A  | 20. C | 35. A |       |
| 6. C  | 21. B | 36. B |       |
| 7. A  | 22. A | 37. A |       |
| 8. B  | 23. D | 38. A |       |
| 9. C  | 24. D | 39. B |       |
| 10. C | 25. B | 40. D |       |
| 11. C | 26. C | 41. C |       |
| 12. A | 27. B | 42. A |       |
| 13. C | 28. C | 43. C |       |
| 14. B | 29. C | 44. B |       |
| 15. C | 30. C | 45. C |       |

Finish  
time   1:27pm  

27

-6                      -7                      -9  
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                                 -22



# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6622

Start time: 10 AM

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(T)

- |         |         |         |       |
|---------|---------|---------|-------|
| 1. A    | 16. C   | 31. A   | 46. B |
| 2. B    | 17. B   | 32. A   | 47. B |
| 3. D —  | 18. B   | 33. C   | 48. C |
| 4. C    | 19. A   | 34. B   | 49. D |
| 5. C —  | 20. A   | 35. A — |       |
| 6. B    | 21. B   | 36. B — |       |
| 7. D —  | 22. D   | 37. A — |       |
| 8. A —  | 23. C   | 38. B — |       |
| 9. B    | 24. D   | 39. C   |       |
| 10. C — | 25. D   | 40. C   |       |
| 11. C   | 26. C   | 41. C   |       |
| 12. B   | 27. A — | 42. D — |       |
| 13. A   | 28. A   | 43. C   |       |
| 14. C   | 29. B   | 44. D — |       |
| 15. C   | 30. A — | 45. C   |       |

Finish  
time 12:35

36

—13

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6623

Start time: 10:07

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(B)

- |         |         |         |         |
|---------|---------|---------|---------|
| 1. e ✓  | 16. c — | 31. b — | 46. b   |
| 2. b    | 17. a   | 32. b   | 47. b   |
| 3. d ✓  | 18. c   | 33. d ✓ | 48. c   |
| 4. a    | 19. a — | 34. d ✓ | 49. a — |
| 5. b —  | 20. a — | 35. b — |         |
| 6. d —  | 21. b ✓ | 36. b   |         |
| 7. b —  | 22. d ✓ | 37. d ✓ |         |
| 8. a —  | 23. b ✓ | 38. a — |         |
| 9. b —  | 24. c   | 39. c — |         |
| 10. d   | 25. c   | 40. c ✓ |         |
| 11. c   | 26. b — | 41. c   |         |
| 12. d — | 27. d ✓ | 42. b   |         |
| 13. d — | 28. c   | 43. d — |         |
| 14. b   | 29. d — | 44. c   |         |
| 15. a — | 30. c   | 45. c   |         |

Finish  
time 12:55

20

10

9

10

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6625

Start time: 10:00 AM

When finished, submit this as an *attachement* in an email to [sdellaruffa@law.pace.edu](mailto:sdellaruffa@law.pace.edu)

(1)

- |         |         |         |       |
|---------|---------|---------|-------|
| 1. B —  | 16. E — | 31. A   | 46. B |
| 2. B    | 17. C — | 32. A   | 47. B |
| 3. C    | 18. B   | 33. C   | 48. C |
| 4. C    | 19. B — | 34. A — | 49. D |
| 5. C —  | 20. A   | 35. A — |       |
| 6. B    | 21. A — | 36. A — |       |
| 7. D —  | 22. A — | 37. A — |       |
| 8. A —  | 23. C   | 38. B — |       |
| 9. B    | 24. D   | 39. C   |       |
| 10. A   | 25. B — | 40. C   |       |
| 11. C   | 26. C   | 41. C   |       |
| 12. A — | 27. D   | 42. D — |       |
| 13. C — | 28. D — | 43. C   |       |
| 14. C   | 29. B   | 44. A — |       |
| 15. C   | 30. D — | 45. C   |       |

Finish  
time 1:13  
PM \_\_\_\_\_

28

-21

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6626

Start time: 10:25

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5

- |         |                    |       |                            |
|---------|--------------------|-------|----------------------------|
| 1. A    | 16. A              | 31. C | 46. B                      |
| 2. A    | 17. B              | 32. B | 47. D —                    |
| 3. B —  | 18. C              | 33. B | 48. C                      |
| 4. B    | 19. C              | 34. A | 49. D                      |
| 5. A —  | 20. B <del>A</del> | 35. A |                            |
|         |                    |       | Finish<br>time <u>1.48</u> |
| 6. D —  | 21. B              | 36. B | —                          |
| 7. C    | 22. D ↷            | 37. D |                            |
| 8. C    | 23. A —            | 38. C |                            |
| 9. A —  | 24. B              | 39. D |                            |
| 10. A — | 25. A              | 40. D |                            |
|         |                    |       | <u>37</u>                  |
| 11. D — | 26. C              | 41. C |                            |
| 12. C   | 27. B              | 42. C |                            |
| 13. C   | 28. D ↷            | 43. A |                            |
| 14. C — | 29. A —            | 44. B |                            |
| 15. C   | 30. C              | 45. C |                            |

42

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6627

Start time: 10:05

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(K)

- |         |         |         |         |
|---------|---------|---------|---------|
| 1. C    | 16. A   | 31. B — | 46. C — |
| 2. B    | 17. A   | 32. B   | 47. B   |
| 3. C ✓  | 18. C   | 33. A — | 48. B — |
| 4. D ✓  | 19. B   | 34. A ✓ | 49. D   |
| 5. A    | 20. A ✓ | 35. D ✓ |         |
| 6. D ✓  | 21. C   | 36. B   |         |
| 7. C ✓  | 22. A ✓ | 37. D ✓ |         |
| 8. C    | 23. C   | 38. A ✓ |         |
| 9. D    | 24. A ✓ | 39. B   |         |
| 10. D   | 25. C   | 40. C ✓ |         |
| 11. C   | 26. D ✓ | 41. C   |         |
| 12. C   | 27. C   | 42. B   |         |
| 13. C ✓ | 28. C   | 43. A   |         |
| 14. B   | 29. B   | 44. A ✓ |         |
| 15. D ✓ | 30. B ✓ | 45. C   |         |

Finish time 12:24

28

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6629

Start time: 10:30

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(R)

- |        |        |        |                            |
|--------|--------|--------|----------------------------|
| 1. E ✓ | 16.A   | 31.B ✓ | 46.C ✓                     |
| 2. B   | 17.A   | 32.B   | 47.B                       |
| 3. B   | 18.B ✓ | 33.D ✓ | 48.C                       |
| 4.B ✓  | 19.B   | 34.A ✓ | 49.D                       |
| 5.A    | 20.A ✓ | 35.D ✓ |                            |
|        |        |        | Finish<br>time <u>1:15</u> |
| 6.B    | 21.A ✓ | 36.B   |                            |
| 7.D    | 22.A ✓ | 37.B ✓ |                            |
| 8.C    | 23.B ✓ | 38.A ✓ |                            |
| 9.D    | 24.C   | 39.B   | <u>29</u>                  |
| 10.D   | 25.C   | 40.C ✓ |                            |
| 11.D ✓ | 26.C   | 41.C   |                            |
| 12.D ✓ | 27.C   | 42.B   |                            |
| 13.D ✓ | 28.C   | 43.A   |                            |
| 14.B   | 29.D ✓ | 44.A ✓ |                            |
| 15.C   | 30.C   | 45.C   |                            |

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6630

Start time: 10:00

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(R)

- |         |         |         |         |
|---------|---------|---------|---------|
| 1. C    | 16. D ✓ | 31. A   | 46. C ✓ |
| 2. B    | 17. C ✓ | 32. B   | 47. B   |
| 3. B    | 18. C   | 33. D ✓ | 48. A ✓ |
| 4. A    | 19. A ✓ | 34. C   | 49. A ✓ |
| 5. A    | 20. B   | 35. A   |         |
| 6. B    | 21. D ✓ | 36. D ✓ |         |
| 7. D    | 22. C   | 37. D ✓ |         |
| 8. C    | 23. B ✓ | 38. A ✓ |         |
| 9. D    | 24. D ✓ | 39. B ✓ |         |
| 10. D   | 25. C   | 40. A   |         |
| 11. C   | 26. D ✓ | 41. C   |         |
| 12. C   | 27. D ✓ | 42. B   |         |
| 13. A   | 28. C   | 43. A   |         |
| 14. B   | 29. A ✓ | 44. B ✓ |         |
| 15. B ✓ | 30. C   | 45. C   |         |

Finish  
time 12:46

30

10

9

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6631

Start time: 10:05

When finished, submit this as an *attachement* in an email to [sdellaruffa@law.pace.edu](mailto:sdellaruffa@law.pace.edu)

(R)

- |      |        |        |                            |
|------|--------|--------|----------------------------|
| 1.C  | 16.A   | 31.D — | 46.                        |
| 2.B  | 17.A   | 32.B   | 47.                        |
| 3.B  | 18.B — | 33.B — | 48.                        |
| 4.A  | 19.A — | 34.C   | 49.                        |
| 5.A  | 20.B   | 35.A   |                            |
|      |        |        | Finish<br>time <u>1:25</u> |
| 6.B  | 21.C   | 36.B   |                            |
| 7.D  | 22.C   | 37.A   |                            |
| 8.C  | 23.C   | 38.B   |                            |
| 9.D  | 24.C   | 39.D — |                            |
| 10.D | 25.C   | 40.A   |                            |
|      |        |        | 43<br><u>30</u><br>(30+4)  |
| 11.C | 26.C   | 41.C   |                            |
| 12.C | 27.C   | 42.B   |                            |
| 13.A | 28.C   | 43.A   |                            |
| 14.B | 29.B   | 44.C   |                            |
| 15.C | 30.B — | 45.C   |                            |

-6+4



**Exam number: 6631**  
**Course: Property**  
**Prof: Humbach**  
**Date: 8/14/2020**

**Essay answer**

The issue is whether Arnie, Baker, or Carla has a better claim to the jade statuette.

Under the English rule, when a property is found, the person who has the best right to it is the earliest known possessor, including the unconscious possessor. This rule prefers the owner of the locus in quo (*Hannah v. Peel*). The rule has an exception for public/semi-public places. If the item is found in such a place, the finder wins (the owner of the locus in quo does not have possession, because he does not exclude others).

Here, Carla owns the land where the statuette was found. Even though she did not know about it (unconscious possessor), she has a better claim to it as an owner of the locus in quo. The argument could be made that her farm is a public/semi-public place. However, this argument is weak, since the property is private, not open to everyone to walk around, not commercial and does not serve customers (like shops, shopping malls, etc.)

Under the American rule, only conscious possession counts, and this rule prefers finders. The rule has an exception for trespass – if the finder is a trespasser, then the owner of the locus in quo gets the property (we don't want trespassers to profit from wrongdoing).

Here, Arnie is a finder, and therefore, under the American rule, he should have a

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6633

Start time: 10:03 AM

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- 5
- |         |         |         |         |
|---------|---------|---------|---------|
| 1. B —  | 16. A   | 31. E — | 46. B   |
| 2. C —  | 17. B   | 32. B   | 47. C — |
| 3. B —  | 18. C   | 33. C — | 48. A — |
| 4. C —  | 19. C   | 34. B — | 49. D   |
| 5. A —  | 20. B — | 35. A   |         |
| 6. A —  | 21. B   | 36. C — |         |
| 7. B —  | 22. D — | 37. C — |         |
| 8. B —  | 23. B   | 38. A — |         |
| 9. A —  | 24. B   | 39. B — |         |
| 10. C   | 25. B — | 40. D   |         |
| 11. C   | 26. C   | 41. D — |         |
| 12. D — | 27. B   | 42. A — |         |
| 13. C   | 28. B — | 43. A   |         |
| 14. A — | 29. A — | 44. B   |         |
| 15. C   | 30. C   | 45. C   |         |
- Finish  
time 12:50
- 20
- 11      -5      -11
- 27

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6634

Start time: 10:03

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(1)

- |         |         |         |                            |
|---------|---------|---------|----------------------------|
| 1. A    | 16. C   | 31. A   | 46. A —                    |
| 2. B    | 17. E — | 32. B — | 47. D —                    |
| 3. C    | 18. B   | 33. C   | 48. C                      |
| 4. C    | 19. A   | 34. A — | 49. D                      |
| 5. D —  | 20. A   | 35. A — |                            |
|         |         |         | Finish<br>time <u>1:33</u> |
| 6. B    | 21. B   | 36. B — | —                          |
| 7. D —  | 22. D   | 37. C   |                            |
| 8. A —  | 23. C   | 38. B — | 32                         |
| 9. D —  | 24. D   | 39. D — | —                          |
| 10. A   | 25. D   | 40. B — |                            |
| 11. C   | 26. C   | 41. C   |                            |
| 12. B   | 27. C   | 42. C   |                            |
| 13. B — | 28. C — | 43. C   |                            |
| 14. C   | 29. B   | 44. D — |                            |
| 15. C   | 30. C   | 45. C   |                            |

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# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6636

Start time: 10:03

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⑤

- |         |         |         |                   |
|---------|---------|---------|-------------------|
| 1. C —  | 16. A   | 31. C   | 46. C —           |
| 2. A    | 17. B   | 32. B   | 47. B             |
| 3. C    | 18. C   | 33. B   | 48. C             |
| 4. B    | 19. D — | 34. A   | 49. D             |
| 5. A —  | 20. B   | 35. A   |                   |
|         |         |         | Finish time: 1:30 |
| 6. C    | 21. B   | 36. B   |                   |
| 7. A —  | 22. C — | 37. D   |                   |
| 8. B —  | 23. D — | 38. C   |                   |
| 9. C    | 24. C — | 39. D   |                   |
| 10. D — | 25. A   | 40. D   |                   |
|         |         |         | 35                |
| 11. C   | 26. C   | 41. C   |                   |
| 12. B — | 27. B   | 42. C   |                   |
| 13. C   | 28. A   | 43. A   |                   |
| 14. B   | 29. A — | 44. B   |                   |
| 15. A — | 30. C   | 45. A — |                   |

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# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6637

Start time: 10:02

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- |           |          |           |                            |
|-----------|----------|-----------|----------------------------|
| 1. C —    | 16. A    | 31. [C]   | 46. C* ←                   |
| 2. A      | 17. [B]  | 32. [B]   | 47. A* —                   |
| 3. [C]    | 18. [C]  | 33. [B]   | 48. C*                     |
| 4. [B]    | 19. C*   | 34. [A]   | 49. [D]                    |
| 5. A* —   | 20. [A]  | 35. [A]   |                            |
| 6. C*     | 21. [B]  | 36. [B]   | Finish<br>time <u>1:18</u> |
| 7. [C]    | 22. [A]  | 37. [D]   | —                          |
| 8. [C]    | 23. A* — | 38. [C]   | 41<br>=                    |
| 9. [C]    | 24. B*   | 39. [D]   |                            |
| 10. C*    | 25. [A]  | 40. [D]   |                            |
| 11. [C]   | 26. [C]  | 41. C*    |                            |
| 12. [C]   | 27. [B]  | 42. [B] — |                            |
| 13. [C]   | 28. A*   | 43. [A]   |                            |
| 14. [B]   | 29. A* — | 44. [B]   |                            |
| 15. [B] — | 30. C    | 45. [C]   |                            |

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number: 6639

Start time: 10:15 am

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- |         |       |         |                        |
|---------|-------|---------|------------------------|
| 1. B ✓  | 16. C | 31. A   | 46. C                  |
| 2. D    | 17. B | 32. A   | 47. A ✓                |
| 3. C    | 18. B | 33. C   | 48. C                  |
| 4. A ✓  | 19. A | 34. B   | 49. D                  |
| 5. C ✓  | 20. A | 35. A   |                        |
|         |       |         | Finishtime:<br>12:58pm |
| 6. C    | 21. B | 36. C   |                        |
| 7. B ✓  | 22. D | 37. A ✓ |                        |
| 8. A ✓  | 23. C | 38. C   |                        |
| 9. B    | 24. D | 39. D ✓ | <u>36</u>              |
| 10. C ✓ | 25. D | 40. C   |                        |
|         |       |         |                        |
| 11. C   | 26. C | 41. C   |                        |
| 12. B   | 27. C | 42. A ✓ |                        |
| 13. A   | 28. A | 43. C   |                        |
| 14. C   | 29. B | 44. B   |                        |
| 15. C   | 30. C | 45. C   |                        |

-13

# Answer Document

PROPERTY  
PROFESSOR HUMBACH

August 14, 2020

Exam number 6683

Start time: 10:05 a.m

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5

- |        |        |        |
|--------|--------|--------|
| 1.A    | 19.A — | 36.B   |
| 2.A    | 20.B — | 37.D   |
| 3.C    |        | 38.C   |
| 4.B    | 21.D — | 39.D   |
| 5.A —  | 22.B — | 40.D   |
|        | 23.A — |        |
| 6.C    | 24.D — | 41.C   |
| 7.A —  | 25.B — | 42.C   |
| 8.B —  |        | 43.A   |
| 9.A —  | 26.A — | 44.B   |
| 10.D — | 27.B   | 45.D — |
|        | 28.D — | 46.B   |
| 11.B — | 29.B — | 47.B   |
| 12.C   | 30.C   | 48.C   |
| 13.C   | 31.C   | 49.D   |
| 14.D — | 32.B   |        |
| 15.B — | 33.B   |        |
| 16.B — | 34.A   |        |
| 17.A — | 35.A   |        |
| 18.B — |        |        |

27

Finish  
time 1:20p.m