

FINAL EXAMINATION

December 19, 2000

ARE 306

Instructions: You may use one blue 3x5 card of notes, handwritten, front and back. No other notes or books are permitted. All answers must be placed on the scantron sheet using a number 2 pencil. If you must erase, please make sure that erasures are complete. Please keep the test paper and bring it to the next class. Each question is worth one point unless otherwise stated. You may leave after you give your scantron sheet to the proctor. All remaining papers will be collected at 4:00 p.m. Please put your name, last name first, in the correct box on the scantron sheet. Please put your test code number in the identification number box in the last three spaces on the right. There are 155 points available on the test.

1. A motion for summary judgment will be granted when:

- a. there are no material issues of fact
- b. there are no material issues of law
- c. there are no material issues of fact or law
- d. none of the above

2. Appellate courts hear issues of

- a. fact
- b. law
- c. fact and law
- d. none of the above

3. Juries decide issues of:

- a. fact
- b. law
- c. fact and law
- d. none of the above

4. Trial courts decide issues of:

- a. fact
- b. law
- c. fact and law
- d. none of the above

5. A motion for summary judgment is

- a. a post-trial motion.
- b. a pre-trial motion
- c. occurs during the trial
- d. may be made at any time

6. The highest source of federal law is:

- a. constitution
- b. statute
- c. regulation
- d. ordinance
- e. executive order

7. The highest source of state law in North Carolina is:

- a. constitution
- b. statute
- c. regulation
- d. ordinance
- e. executive order

8. The federal government is a government of

- a. plenary powers
- b. no powers
- c. limited powers
- d. none of the above

9. Jurisdiction is defined as:

- a. the convenience of the court
- b. the power of the parties
- c. the power of a court to decide a case
- d. none of the above

10. If a regulation and a statute are contradictory, then:

- a. they are read together
- b. the regulation prevails
- c. neither are valid
- d. the statute prevails

11. An offer to form an express unilateral contract may be accepted only by:

- a. a promise
- b. a condition
- c. money
- d. an act
- e. none of the above

12. An offer to form an express bilateral contract may be accepted only by:

- a. a promise
- b. a condition
- c. money
- d. an act
- e. none of the above

13. Which rule requires that some contracts be in writing:

- a. statute of frauds
- b. parole evidence rule
- c. integration clause
- d. all of the above
- e. none of the above

14. Which rule bars the use of prior or contemporaneous oral statements to change a written contract:

- a. statute of frauds
- b. parole evidence rule
- c. integration clause
- d. all of the above
- e. none of the above

15. Which contract provision bars the use of subsequent oral statements to modify a written contract:

- a. statute of frauds
- b. parole evidence rule
- c. integration clause
- d. all of the above
- e. none of the above

16. A contract with a minor is:

- a. voidable by all parties to the contract
- b. voidable by the party not a minor
- c. voidable by the minor
- d. void
- e. none of the above

17. A contract to commit murder is:

- a. void
- b. voidable
- c. both a & b
- d. neither a & b

18. A penalty clause in a contract is:

- a. common
- b. not enforceable
- c. enforceable
- d. none of the above

19. Liquidated damages clauses in contracts avoid:

- a. breaches of contract
- b. litigating the amount of damages
- c. damages
- d. none of the above

20. After a counter offer, the original offer:

- a. continues to be capable of acceptance
- b. is modified
- c. is not modified
- d. no longer exists
- e. none of the above

21. Which two elements of a valid contract constitute a meeting of the minds?

- a. offer and acceptance
- b. offer and consideration
- c. proper subject matter and consideration
- d. proper subject matter and capacity
- e. none of the above

22. Which word or phrase best characterizes an intentional tort?

- a. fault
- b. intent
- c. liability without fault
- d. all of the above
- e. none of the above

23. Which word or phrase best characterizes a strict liability tort?

- a. fault
- b. intent
- c. liability without fault
- d. all of the above
- e. none of the above

24. Which word or phrase best characterizes a tort in negligence?

- a. fault
- b. intent
- c. liability without fault
- d. all of the above
- e. none of the above

25. A trespass action protects a landowner's right of:

- a. alienation
- b. possession
- c. sale
- d. use
- e. none of the above

26. A nuisance action protects a landowner's right of:

- a. alienation
- b. possession
- c. sale
- d. use
- e. none of the above

27. What is the burden of proof in civil trespass action?
- a. beyond a reasonable doubt
 - b. beyond a shadow of a doubt
 - c. weight of the evidence
 - d. preponderance of the evidence
 - e. none of the above
28. What is the burden of proof in criminal trespass action?
- a. beyond a reasonable doubt
 - b. beyond a shadow of a doubt
 - c. weight of the evidence
 - d. preponderance of the evidence
 - e. none of the above
29. In which types of tort actions are punitive damages available?
- a. intentional torts
 - b. negligent torts
 - c. strict liability torts
 - d. all torts
 - e. none of the above
30. A plaintiff who was 1% at fault:
- a. would recover damages in a contributory negligence state
 - b. would not recover damages in a comparative negligence state
 - c. would recover damages if the court applied the last clear chance doctrine
 - d. none of the above
31. In tort cases, North Carolina follows the rule of:
- a. comparative fault
 - b. no fault
 - c. contributory negligence
 - d. all of the above
 - e. none of the above
32. Which two types of entrants onto land are due the same duty in North Carolina?
- a. trespasser and invitee
 - b. trespasser and licensee
 - c. licensee and invitee
 - d. none of the above
33. Landowners may use _____ force to eject trespassers.
- a. deadly
 - b. no
 - c. some
 - d. reasonable

34. A landowner in North Carolina, with an avenue to retreat, may use deadly force to eject a trespasser, on open land, who is threatening the landowner's life.

- a. True
- b. False

35. One who files an *amicus curae* brief is a party to the case.

- a. True
- b. False

36. A codified federal statute may be found in:

- a. the United States Code
- b. the U.S. Statutes at Large
- c. the Code of Federal Regulations
- d. the Federal Register
- e. none of the above

37. A federal statute, not yet codified, may be found in:

- a. the United States Code
- b. the U.S. Statutes at Large
- c. the Code of Federal Regulations
- d. the Federal Register
- e. none of the above

38. A codified federal regulation may be found in:

- a. the United States Code
- b. the U.S. Statutes at Large
- c. the Code of Federal Regulations
- d. the Federal Register
- e. none of the above

39. A proposed regulation may be found in:

- a. the United States Code
- b. the U.S. Statutes at Large
- c. the Code of Federal Regulations
- d. the Federal Register
- e. none of the above

40. A codified state statute may be found in:

- a. the N.C. Administrative Code
- b. the N.C. General Statutes
- c. the Code of Federal Regulations
- d. the N.C. Register
- e. none of the above

41. A proposed N.C. regulation may be found in:
- the N.C. Administrative Code
 - the N.C. General Statutes
 - the Code of Federal Regulations
 - the N.C. Register
 - none of the above
42. Which is not a source of law?
- a published opinion of a court
 - a statute
 - a legal opinion provided by an attorney to a client
 - a local ordinance
43. Which is not a source of law?
- a speech published in the Congressional Record
 - a bill passed by the General Assembly and signed by the Governor
 - an executive order signed by the President
 - a county health department rule
44. Which is not a source of law?
- An interstate compact approved by Congress
 - A final regulation published in the Federal Register
 - An informal agency procedures manual
 - A treaty
45. Which step in the hybrid rule making process distinguishes it from other types of rule making?
- review of proposed rule by OMB
 - notice of request for information
 - publication of final rule in the Federal Register
 - public input
46. Assuming identical facts, the U.S. District Court for the Middle District of North Carolina must, under the principal of *stare decisis*, follow a decision by the U.S. Fourth Circuit Court of Appeals.
- True
 - False
47. "Precedents" are prior, published decisions of a court, or a higher court in the same system, that bind the court in future disputes that come before it.
- True
 - False
48. The principal of *stare decisis* does not require that a N.C. Superior court follow the decision of the N.C. Supreme Court, when the facts in the case before the superior court are not the same as the facts in the case decided by the N.C. Supreme Court.
- True
 - False

49. The principal of *stare decisis* requires that the N.C. Supreme Court follow decisions of the U.S. Supreme Court.

- a. True
- b. False

50. The N.C. Supreme Court is a unit of the federal court system.

- a. True
- b. False

51. If a court chooses not to follow one of its own prior decisions, it is said to overturn or overrule the decision.

- a. True
- b. False

52. Great Britain and countries formerly part of its empire use a common law system whereby published decisions create a body of law that binds courts in future cases.

- a. True
- b. False

53. Continental European countries, China and Japan use a modified common law system reflecting the dominance of English culture.

- a. True
- b. False

54. Civil actions are generally initiated by

- a. an indictment by a grand jury
- b. an information by a state prosecutor
- c. a verdict by a petit jury
- d. service of process upon the defendant

55. The jurisdiction of courts may be limited by

- a. an upper dollar limit
- b. a lower dollar limit
- c. subject matter
- d. any of the above

56. A plaintiff who has no injury may not sue successfully because of the doctrine of:

- a. mootness
- b. standing
- c. ripeness
- d. none of the above

57. Barbara wants to sue the U.S. Forest Service to prevent them from cutting trees on their land adjacent to her house. (The Forest Service has never proposed such an action.) Her suit is subject to dismissal under the doctrine of:

- a. mootness
- b. standing

- c. ripeness
- d. none of the above

58. The injury is irreparable and it is too late for the court to improve the position of the plaintiff

- a. mootness
- b. standing
- c. ripeness
- d. none of the above

59. Discovery occurs predominantly

- a. pretrial
- b. during the trial
- c. post trial
- d. none of the above
- e. all of the above

60. One may exercise his or her 5th Amendment right to avoid self-incrimination in civil trial.

- a. True
- b. False

61. If one exercises his or her 5th Amendment right to avoid self-incrimination in a civil trial, the court may

- a. take an adverse inference from the refusal to testify
- b. place no weight on the refusal to testify
- c. not relevant, there is no such right in a civil case
- d. none of the above

62. Which court would serve as the trial court for a dispute between of North Carolina and Virginia over a disputed section of their border?

- a. North Carolina Superior Court
- b. U.S. Fourth Circuit Court of Appeals
- c. U.S. District Court for the Eastern District of Virginia
- d. North Carolina Supreme Court
- e. U.S. Supreme Court

63. Which court would serve as the trial court for a dispute between citizens North Carolina and Virginia over a North Carolina automobile accident involving a claim for \$5,000.00?

- a. North Carolina Superior Court
- b. U.S. Fourth Circuit Court of Appeals
- c. U.S. District Court for the Eastern District of Virginia
- d. North Carolina Supreme Court
- e. U.S. Supreme Court

64. Which court would serve as the trial court for a dispute between residents of Raleigh, North Carolina over infringement of a patent?

- a. North Carolina Superior Court
- b. U.S. Fourth Circuit Court of Appeals
- c. U.S. District Court for the Middle District of North Carolina

- d. North Carolina Supreme Court
- e. U.S. Supreme Court

65. Which court would serve as the intermediate appellate court for a dispute tried in the U.S. District Court for the Eastern District of Virginia?

- a. North Carolina Superior Court
- b. U.S. Fourth Circuit Court of Appeals
- c. Virginia Supreme Court
- d. North Carolina Supreme Court
- e. U.S. Supreme Court

66. All appeals from superior courts in North Carolina must first be heard by the Court of Appeals of North Carolina before the Supreme Court of North Carolina can hear the appeal.

- a. True
- b. False

67. In North Carolina the losing party to a small claims action can have the entire case, including both facts and law, reheard by the superior court.

- a. True
- b. False

68. In mediation a neutral third party decides the dispute for the parties.

- a. True
- b. False

69. The constitutional authority for federal spending is:

- a. Commerce Clause
- b. Supremacy Clause
- c. Takings Clause of the 5th Amendment
- d. Contract Clause
- e. Spending Clause

70. The basis for federal preemption is:

- a. Commerce Clause
- b. Supremacy Clause
- c. Takings Clause of the 5th Amendment
- d. Contract Clause
- e. Spending Clause

71. Uncompensated governmental takings of private property are prohibited by:

- a. Commerce Clause
- b. Supremacy Clause
- c. Takings Clause of the 5th Amendment
- d. Contract Clause
- e. Spending Clause

72. An easement is a nonpossessory interest in real property that provides some right of use.

- a. True
- b. False

73. Farms in North Carolina are generally subject to zoning by:

- a. counties
- b. cities
- c. both a & b
- d. neither a or b

74. Which is an example of an easement in gross.

- a. an access road across the land of another
- b. a hunting right
- c. a prohibition against putting up a clothesline
- d. none of the above

75. Which is an example of an easement appurtenant.

- a. an access road across the land of another
- b. a hunting right
- c. a prohibition against putting up a clothesline
- d. none of the above

76. Which is an example of a restrictive covenant.

- a. an access road across the land of another
- b. a hunting right
- c. a prohibition against putting up a clothesline
- d. none of the above

77. How may an easement be created.

- a. express grant in a deed
- b. express reservation in a deed
- c. prescription
- d. all of the above

78. A provision in a deed that provides that any house built on the property must contain 2,000 square feet of space or more is an example of:

- a. an easement
- b. a life estate
- c. a lease
- d. a restrictive covenant

79. Negligence is an issue when one property owner damages the undeveloped property of another by undermining it.

- a. True
- b. False

80. Which is not an element of adverse possession.

- a. exclusive

- b. hostile
- c. permissive
- d. duration for the statutory period

81. The term "inverse condemnation" applies to all condemnation actions.

- a. True
- b. False

82. The term "regulatory taking" applies only to physical invasions of private property.

- a. True
- b. False

83. An owner of a life estate who discovers oil and pumps it commits:

- a. fraud
- b. larceny
- c. waste
- d. no problem

84. Formerly personal property that has become real property by attachment to the land.

- a. easement
- b. emblement
- c. fixture
- d. none of the above

85. A counteroffer is not a revocation of an option.

- a. True
- b. False

86. A deed must be delivered to be valid.

- a. True
- b. False

87. Survivorship property may pass by will.

- a. True
- b. False

88. Real property rights include:

- a. disposition
- b. possession
- c. use
- d. all of the above

89. The owner of a vested future interest in real property can sell that interest.

- a. True
- b. False

90. The owner of a vested future interest in real property can use that interest.

- a. True
- b. False

91. Property owned as tenants in common carries a right of survivorship.

- a. True
- b. False

92. Property owned as joint tenants in North Carolina carries a right of survivorship.

- a. True
- b. False

93. Which is not a duty of a life tenant?

- a. make repairs
- b. pay taxes
- c. avoid waste
- d. make improvements

94. A creditor of both spouses may execute against property held as tenants by the entireties.

- a. True
- b. False

95. Ownership of annual crops passes with the land.

- a. True
- b. False

96. An optionee is not bound to purchase the property subject to the option.

- a. True
- b. False

97. Since an option pertains to real property it is not necessary to satisfy all the elements of a contract.

- a. True
- b. False

98. If the optionee exercises the option the optionor is bound to sell the property to the optionee.

- a. True
- b. False

99. A preemptive right and a right of first refusal are synonyms.

- a. True
- b. False

100. A preemptive right requires that the owner of the property sell the property at a specified price when the holder of the right exercises the preemptive right.

- a. True
- b. False

101. Which rule requires that contracts for the sale of real estate be in writing?

- a. statute of frauds
- b. parol evidence rule
- c. integration clause
- d. none of the above

102. A document that permits one person to manage the financial affairs of another after that other is disabled is called:

- a. a health care power of attorney
- b. a will
- c. a living will
- d. a durable power of attorney

103. Remedies for breach of a real estate sales contract include:

- a. specific performance
- b. rescission and restitution
- c. damages
- d. any of the above

104. All deeds require:

- a. competent grantor
- b. operative words of conveyance
- c. acceptance by the grantee
- d. all of the above

105. A grantor under a warranty deed guarantees:

- a. that the grantor owns the property
- b. that title is free from encumbrances
- c. that grantor will defend the title
- d. all of the above

106. A two party security interest in real property:

- a. mortgage
- b. easement
- c. covenant
- d. deed of trust

107. A three party security interest in real property:

- a. mortgage
- b. easement
- c. covenant
- d. deed of trust

108. Causes all payments under a security agreement to become due and payable upon default:

- a. equity of redemption
- b. due on sale clause
- c. acceleration clause
- d. deficiency judgment

109. The right of the debtor to pay off the debt secured by a deed of trust:

- a. equity of redemption
- b. due on sale clause
- c. acceleration clause
- d. deficiency judgment

110. Causes all payments under a security agreement to become due and payable upon sale of the property:

- a. equity of redemption
- b. due on sale clause
- c. acceleration clause
- d. deficiency judgment

111. Methods of selling real property include:

- a. private agreement
- b. broker/agent
- c. auction
- d. all of the above

112. An abstract is a chronological arrangement of facts relevant to the title of a property.

- a. True
- b. False

113. A title acquired by adverse possession is merchantable.

- a. True
- b. False

114. All leases of real property are subject to the statute of frauds.

- a. True
- b. False

115. Under which circumstances may a tenant remove fixtures at the end of a lease.

- a. the tenant paid for and installed the fixtures.
- b. the landlord agrees
- c. the value of the fixture is less than \$1,000
- d. none of the above

116. A document that allows another person to make medical decisions after that person can no longer do so:

- a. a health care power of attorney
- b. a will
- c. a living will
- d. a durable power of attorney

117. A document that expresses a desire not to have extraordinary means used to prolong life:

- a. a health care power of attorney
- b. a will
- c. a living will
- d. a durable power of attorney

118. A document that becomes legal operative at death for the purpose of transferring assets of the decedent to other persons designated in that document:

- a. a health care power of attorney
- b. a will
- c. a living will
- d. a durable power of attorney

119. Jediah and Naomi are husband and wife who own their farm as tenants by the entireties. Jediah's will gives the entire farm to his son Paul. (Assume that Naomi has no right to a statutory share.) Select answer that best describes ownership of the entire farm after Jediah's death.

- a. Naomi
- b. Paul
- c. 1/2 Naomi; 1/2 Paul
- d. 3/4 Naomi; 1/4 Paul

120. Jediah and Naomi are husband and wife who own their farm in North Carolina as joint tenants. Jediah's will gives the entire farm to his son Paul. (Assume that Naomi has no right to a statutory share.) Select answer that best describes ownership of the entire farm after Jediah's death.

- a. Naomi
- b. Paul
- c. 1/2 Naomi; 1/2 Paul
- d. 3/4 Naomi; 1/4 Paul

121. Jediah and Naomi are husband and wife who own their farm as tenants in common. Jediah's will gives the entire farm to his son Paul. (Assume that Naomi has no right to a statutory share.) Select answer that best describes ownership of the entire farm after Jediah's death.

- a. Naomi
- b. Paul
- c. 1/2 Naomi; 1/2 Paul
- d. 3/4 Naomi; 1/4 Paul

122. An owner of a dangerous dog is liable in negligence for damage that it causes.

- a. True
- b. False

123. The correct measure of the value of condemned property is:

- a. its subjective value to the owner

- b. the tax value
- c. the fair market value
- d. the amount of the agency's deposit with the court

124. Attorney fees are available to prevailing landowners in condemnation actions.

- a. True
- b. False

125. Landowner applies for a zoning variance to expand her store. City agrees if Landowner will designate part of her lot for use by the public as a bike path. Is the Landowner entitled to compensation?

- a. Yes
- b. No

126. City grants Cable Co. the exclusive right to deliver cable TV within City. It authorizes Cable Co. to wire all of the apartment buildings in City. Owner objects to wiring his building. Is there a right to compensation?

- a. Yes
- b. No

127. To avoid contaminating a neighboring creek with sediment City requires that Developer maintain a 15 foot-wide buffer strip between the proposed 200 acre development and the creek. Is Developer entitled to compensation?

- a. Yes
- b. No

128. City is required to add a turn lane to the road in front of Developer's new project to facilitate cars turning into the project. City bills Developer for its cost of adding the turn lane. May the City require Developer to pay this?

- a. Yes
- b. No

129. What is the name for the type of fee that City tried to assess in the previous question? Pick the best term.

- a. a user fee
- b. an exaction
- c. a user tax
- d. an offset

130. NCDOT took part of Ian's property to build a road. The NCDOT deducted the amount by which the road increased the value of Ian's remaining property from the amount it paid. What is the name for this deduction?

- a. a user fee
- b. an exaction
- c. a user tax
- d. an offset

131. Compared to federal takings law, North Carolina takings law is:

- a. more favorable to the landowner
- b. less favorable to the landowner
- c. about the same
- d. there is no NC takings law as there is no takings clause in the NC Constitution

132. Persons may not marry if:

- a. one of the parties is underage
- b. one of the parties is not mentally competent
- c. the parties are first cousins
- d. any of the above

133. A common law marriage is recognized in North Carolina if a man and woman

- a. live together for 6 months
- b. live together for one year
- c. held themselves out as husband and wife in South Carolina prior to moving to North Carolina
- d. none of the above

134. Cheddar and Brie are husband and wife, respectively. As a defense to Brie's action for child support for the support of Port, a daughter born during the marriage, Cheddar denies that Port is his biological child.

- a. the court must ignore his defense since the law conclusively presumes that port is his child
- b. the court must hear evidence as to the lack of paternity
- c. the court should decide the question as one of law
- d. none of the above

135. Which asset is not subject to equitable distribution?

- a. a joint bank account opened after the date of the marriage
- b. a lot acquired by the husband before the marriage upon which was built a house, using marital funds, after the date of marriage
- c. a diamond pendant that the wife inherited from her mother after the date of marriage
- d. a mutual fund acquired by the wife before the date of marriage, into which dividends and capital gains have been reinvested, with tax due paid out of marital funds

136. Select the doctrine that is part of North Carolina law.

- a. common law marriage
- b. alimony for women only
- c. common law adoption
- d. management of married women's property vested in their husbands

137. When one spouse sells real property, owned solely in his or her name, the transfer is defective without the other spouse's signature because of:

- a. dower
- b. curtesy
- c. statutory equivalent of dower and curtesy
- d. none of the above

138. A husband is liable for:

- a. debts contracted by his wife
- b. his wife's torts
- c. his wife's torts only in motor vehicle cases
- d. debts contracted by his wife that were incurred to obtain necessities

139. Prenuptial agreements are enforceable in North Carolina

- a. to the extent that they do not exclude a minimum level of spousal support
- b. provided that both spouses provided full financial disclosure prior to signing
- c. provided that both spouses were represented by counsel
- d. all of the above

140. Adopted children may

- a. inherit property from their adoptive parents
- b. inherit property from their biological parents
- c. both a & b
- d. neither a nor b

141. A person who has sexual relations with a person who is the spouse of another, without knowledge of the marriage, may be liable for the tort of:

- a. criminal conversation
- b. trespass
- c. alienation of affection
- d. nuisance

142. Al orally agreed to custom manufacture a research peanut harvester for Jeff. Because its design is non standard there are no other potential purchasers. Upon completion, Al delivered it to Jeff, who refused delivery. May Al enforce the contract?

- a. No, enforcement is barred by the statute of frauds
- b. No, enforcement is barred by the parol evidence rule
- c. Yes, under an exception to the statute of frauds
- d. Yes, the contract is not subject to the statute of frauds

143. Al orally agreed to have his bull breed Jeff's cows in return for one of the heifer calves. Jeff's cows were successfully bred and gave birth. After the calves were weaned, Al demanded one of them under the terms of their contract. Jeff refused. May Al enforce the contract?

- a. No, enforcement is barred by the statute of frauds
- b. No, enforcement is barred by the parol evidence rule
- c. Yes, under an exception to the statute of frauds
- d. Yes, the contract is not subject to the statute of frauds

144. Art agrees to deliver 100, 50 pound boxes of choice T-bone steaks to Amy. Having only the better grade, prime, in stock, Art substitutes prime for choice. Amy rejects the shipment. May Al recover damages?

- a. No, he breached the contract
- b. No, the statute of limitations passed
- c. Yes, Amy breached the contract
- d. Yes, Al is within the statute of limitations

145. Share lease agreements may sometimes be recharacterized as:

- a. employment agreements
- b. partnerships
- c. licenses
- d. any of the above

146. The lessee of a mobile home rental space must give a notice to quit of:

- a. 1 month if year to year
- b. 7 days if month to month
- c. 30 days
- d. 2 days if week to week

147. The Residential Rental Agreement Act covers:

- a. hotels and motels
- b. mobile homes
- c. homes provided without charge
- d. none of the above

148. A lessor of non residential property is generally required to make repairs, absent a contrary provision in the lease.

- a. True
- b. False

149. In a suit by the tenant to recover the security deposit, the highest recovery is likely to be obtained under the:

- a. Unfair or Deceptive Trade Practices Act
- b. North Carolina Vacation Rental Act
- c. Tenant Security Deposit Act
- d. None of the above

150. The property line of two landowners whose land is separated by a non navigable stream is generally located at:

- a. the midpoint of the stream
- b. the midpoint of the main channel of the stream
- c. at the mean high water mark of their respective sides of the stream
- d. none of the above

151. Land under navigable waters in North Carolina is generally:

- a. owned by the state in fee simple
- b. owned by the adjacent landowners
- c. owned by the state as public trust land
- d. none of the above

152. In North Carolina, percolating groundwater is generally governed by:

- a. the rule of prior appropriation
- b. the rule of absolute ownership
- c. the common enemy doctrine
- d. none of the above

153. In arid western states ownership of surface water is generally governed by:

- a. the rule of prior appropriation
- b. the rule of absolute ownership
- c. the common enemy doctrine
- d. none of the above

154. Which was one of the rules that has been applied to runoff?

- a. the rule of prior appropriation
- b. the rule of absolute ownership
- c. the common enemy doctrine
- d. none of the above

155. In North Carolina, natural surface waters are governed by:

- a. the rule of prior appropriation
- b. the rule of absolute ownership
- c. the common enemy doctrine
- d. none of the above