

1. Is the Second Circuit opinion in *Southview Farms* law in North Carolina? Yes or No (1 point)
Explain (1 point):

2. A CAFO exists if (circle the correct letter, 2 points):
 - a. The number of animal units exceeds that number set in the regulations.
 - b. The animals are enclosed for 45 days or more per year where vegetation does not grow.
 - c. The operator cannot show that the only time that a discharge to navigable waters would occur is during a 25 year, 24-hour rainfall event.
 - d. All of the above.

3. Under N.C. principles of equitable distribution, how would a court, absent additional evidence, divide farm property, acquired during marriage, between divorcing spouses? (2 points)

4. True or False. Courts will generally enforce property divisions established by prenuptial agreements. (1 point)

5. List two alternate theories of riparian rights (2 points)?

Which theory is used in North Carolina (1 point)?

6. Who owns the land under navigable water in North Carolina (1 point)?

Under non-navigable water where the land on each side is owned by a different person (2 points)?

7. The maximum amount of waste that a surface water can receive and maintain its expected (classified) use is called its _____ (1 point).

9. Point source dischargers must maintain a _____
_____ permit (1 point).

10. Livestock operations covered under Senate Bill 1217 are required to have a _____ (1 point) permit by the end of the phase-in, while those not covered will keep their _____ (1 point) permitted status. Both of these types of permits are in the general category of _____ (1 point) permits (in contrast to the discharge permits required of point dischargers).

11. True or False. Real property includes land and anything attached to the land.

12. Items of personal property that have become real property by attachment to the land are called _____.

13. Purchase money security interests in items which will become fixtures may be preserved by filing under the terms of the _____.
14. _____ is the tort that corresponds to the right of an owner to possess her real property.
15. _____ is the tort that corresponds to the right of an owner to enjoy his real property.
16. True or False. Property held as "joint with right of survivorship" may be transferred, in North Carolina, by the first co-owner to die under the terms of a will.
17. True or False. Property held as "joint" may be transferred, in North Carolina, by the first co-owner to die under the terms of a will.
18. True or False. A remainder is a future interest.
19. True or False. The length of a life estate need not be measured by the life of the person who owns the life estate.
20. North Carolina law presumes that unmarried co-owners of real property are _____.
21. North Carolina law presumes that husbands and wives, as co-owners of real property, own as _____.
11. True or False. Husbands and wives may not own land as tenants in common in North Carolina.
12. Property held as tenants in common may be divided through an action in _____.
13. True or False. The sole creditors of one spouse may not force the sale of property held as tenants by the entireties.
14. True or False. Property purchased prior to marriage by a man and women as tenants in common is not converted to a tenancy by the entireties by their subsequent marriage.
15. Divorce automatically converts property held by the entireties into property held as _____.
16. True or False. A fee simple estate has potentially infinite duration.
17. List three elements of ownership (3 points)

18. True or False. A fee simple determinable estate ends automatically with the happening of some uncertain event.
19. Grantor grants Blackacre to A for life, then to B. B holds a _____ interest in Blackacre.
20. Grantor grants Blackacre to A for life. Grantor dies leaving as his sole heir his son, S. S holds a _____ interest in Blackacre.
21. A _____ of leased real property pays rent to a lessor, the owner of the property.
22. The essential elements of the landlord-tenant relationship include: (1) a _____ between the landlord

and the tenant; (2) provision for the payment of _____; (3) _____ of the estate to the tenant; (4) _____ and _____ of the leased property in the tenant; (5) a _____ interest in the property in the landlord; and (6) subject matter that is _____.

23. A lessor of residential property must keep any deposit collected in a _____.
24. Under an option to purchase real property, an _____ is not bound to purchase the property.
25. The Statute of Frauds requires that all contracts to convey real property be in _____.
26. The three judicial remedies available for breach of a contract to convey real property are _____, _____, and _____.
27. A _____ is an instrument of writing, signed, sealed and delivered, that transfers an interest in real property from a grantor to a grantee.
28. A nonwarranty deed is more commonly called a _____ deed.
29. A seller of real property must generally provide a _____ deed, if the buyer is to obtain third-party financing.
30. Easements may be created by _____ grant in a deed.
31. Who has the right to use an easement: the owner of the *dominant tenement* or the owner of the *servient tenement*? Circle one.
32. When do restrictive covenants have potentially unlimited duration? (2 points)
33. Explain how restrictive covenants are used in subdivisions to protect property values. (3 points)
34. True or False. County zoning in North Carolina applies to farms.
35. A owns undeveloped land. As the result of his excavations on his adjoining property, B causes A's property to subside. B was very careful and committed no negligence. Is B liable to A for damages? (2 points)
- Same facts, except that A's property was improved. Is B liable to A for damages? (2 points)
36. In order to acquire property by adverse possession, the possession must have been (1) _____,

- (2) _____ and _____, (3) _____, and (4) _____
_____ for the statutory period.
37. Define tacking in the context of adverse possession. (2 points)
38. In an eminent domain proceeding private property is taken for _____ use.
39. The _____ Amendment to the U.S. Constitution bars the government from taking private property without just compensation.
40. Define inverse condemnation. (2 points)
41. How is just compensation for condemned property determined? (2 points)
42. Explain how a regulatory taking may occur. (3 points)
43. True or False. North Carolina has no explicit prohibition against uncompensated governmental takings in its constitution.
44. True or False. In order to obtain property by adverse possession under color of title, property must be possessed for 20 years.
45. True or False. Adverse possession is not available against Federal land.
46. True or False. Adverse possession is available against land under navigable water.
47. True or False. Adverse possession is available against State-owned forest land.
48. True or False. Adverse possession is available against public roadways.
49. Explain "color of title" in the context of adverse possession. (2 points)
50. Is condemnation available to private entities? Yes or No. (1 point) If yes, when? (2 points)
51. How is an easement by prescription created? (2 points)
52. How might a restrictive covenant be terminated? (2 points)
53. What type of easement is a utility right-of-way? (1 point)

Bonus: True or False. Survivorship property may pass by will.