

Law in a Flash

Real Property

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CO 19 REAL PROPERTY

Gilligan owns Gilligan's Island. He conveys a half-interest to Skipper and his heirs, and the other half to Thurston Howell III for life, with Skipper and Mr. Howell to hold the island in joint tenancy with the right of survivorship and not as tenants in common. Is a joint tenancy created?

No, because the conveyance violates one of the four unities—the unity of interest.

The unity of interest requires that the joint tenants hold estates that will last the same amount of time. Here, they don't; Howell gets only a life interest, while Skipper's interest is not limited. Since the conveyance violates the unity of interest, the joint tenancy fails, and instead a tenancy in common is created.

HK §6.5(a); DK at 276.

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*Does not cover Future
Interests—sold separately*

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Real Property Law In A Flash Cards

Ying-Ying Zheng



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