Determine whether the future interests are valid or void under the common law What-Might-Happen test of the Rule Against Perpetuities.

1. O conveys Blueacre “to A for life, then to A’s children.”

2. O conveys Blueacre “to A for life, then to A’s heirs.”

3. O conveys Blueacre “to A for life, then to B’s children.”

4. O conveys Blueacre “to A for life, then to B’s heirs.”

5. O conveys Blueacre “to A for life, then to B so long as Blueacre is used as a farm.”

6. O conveys Blueacre “to A for life, then to B if B graduates from law school.”

7. O conveys Blueacre “to A for life, then to B if B lives to 100.”

8. O conveys Blueacre “to A for life, then to B if B has children.”

9. O conveys Blueacre “to A for life, then to B if B’s children graduate from law school.”
10. O conveys Blueacre “to A for life, then to B if B’s heirs have children.”

11. O conveys Blueacre “to A for life, then to A’s grandchildren.”

12. O conveys Blueacre “to A for life, then to A’s children for life, then to B if B turns 25.”

13. O conveys Blueacre “to A for life, then to B for life if B survives A, and if B does not survive A, to C.”

14. O conveys Blueacre “to A for life, then to A’s children who reach 25, but if A’s children do not reach 25, then to B’s children.”
1. O conveys Blueacre “to A for life, then to A’s children.” **VALID**

Create X, A’s child (NOT alive at the time the interest was created)
Kill O and A (alive at time the interest was created, i.e., a life in being)
Count 21 years.

A’s children’s interest is valid. We will know who A’s children are the moment A dies. Therefore, the children’s interest will vest within 21 years of a life in being (A was a life in being).

2. O conveys Blueacre “to A for life, then to A’s heirs.” **VALID**

Create X, A’s heir (NOT alive at the time the interest was created)
Kill O and A (a life in being). Note that A had to be killed in order to create X, an HEIR.
Count 21 years.

A’s heirs’ interest is valid. We will know who A’s heirs are the moment A dies. Therefore, the heirs’ interest will vest within 21 years of a life in being (A was a life in being).

3. O conveys Blueacre “to A for life, then to B’s children.” **VALID**

Create X, B’s child (NOT alive at the time the interest was created)
Kill O, A, and B (alive at time the interest was created, i.e., a life in being).
Count 21 years.

B’s children’s interest is valid. We will know who B’s children are the moment B dies. Therefore, the children’s interest will vest within 21 years of a life in being (B was a life in being).

4. O conveys Blueacre “to A for life, then to B’s heirs.” **VALID**

Create X, B’s heir (NOT alive at the time the interest was created)
Kill O, A, and B (alive at the time the interest was created). Note that B had to be killed in order to create an heir.
Count 21 years.

B’s heirs’ interest is valid. We will know who B’s heirs are the moment B dies. Therefore, the heirs’ interest will vest within 21 years of a life in being (B was a life in being).

5. O conveys Blueacre “to A for life, then to B so long as Blueacre is used as a farm.” **NOT SUBJECT TO RAP**

B’s interest is a VRm in FSD. Because it is vested, it is not subject to RAP. O’s interest is a POR in FSA. Future interests in the grantor are not subject to RAP because they are deemed vested when created.

6. O conveys Blueacre “to A for life, then to B if B graduates from law school.” **VALID**

Create – we cannot create anyone who can satisfy this condition other than B. Therefore, we know B’s interest will be valid because the condition will vest or fail within his lifetime—he will graduate from law school (i.e., vest) or not graduate from law school (i.e., fail) sometime while he is alive or at his death. Since B is a life in being (because he is named in the conveyance), B’s interest is valid under RAP.

7. O conveys Blueacre “to A for life, then to B if B lives to 100.” **VALID**

Create – we cannot create anyone who can satisfy this condition other than B. Therefore B’s interest will be valid. B will either live to be 100 (i.e., vest) or not live to be 100 (i.e., fail). It will all happen within his lifetime, so the interest will vest or fail within 21 years of a life in being.
8. O conveys Blueacre “to A for life, then to B if B has children.” **VALID**

We cannot create anyone who can satisfy the condition other than B (B is the one who has to have children). B will have children (vest) or he will not have children (fail) within his own lifetime. Because B is a life in being (he was named in the conveyance), B’s interest is valid.

9. O conveys Blueacre “to A for life, then to B if B’s children graduate from law school.” **VOID**

Create X, B's child.
Kill O, A, and B.
Count 21 years.

Because it is possible that B’s child (who did not exist at the creation of the interest) might not graduate from law school until after 21 years after O, A and B die, B’s interest is void. The condition may not vest or fail within 21 years of a life in being.

10. O conveys Blueacre “to A for life, then to B if B’s heirs have children.” **VOID**

Create X, B’s heir.
Kill O, A and B.
Count 21 years.

Because it is possible that B’s heirs will not have children for more than 21 years after a life in being, B’s interest is void.

11. O conveys Blueacre “to A for life, then to A’s grandchildren.” **VOID**

Create X, A’s child (NOT alive at the time the interest was created)
Create Y, X’s child (NOT alive at the time the interest was created)
Kill O and A.
Count 21 years.

Y’s interest will remain a VRmStoO (class must close to be vested for RAP) until Y’s parent dies (because the class of grandchildren will not close until it is no longer possible for grandchildren to be born—i.e., you have to wait until X dies). Because X might not die until 50 years after O and A have died, the grandchildren’s interest is void because it is possible that it might not vest or fail until after 21 years of a life in being.

12. O conveys Blueacre “to A for life, then to A’s children for life, then to B if B turns 25.” **VALID and VALID**

This requires you to do TWO analyses.

1. A’s children have a contingent remainder. It is valid because all children will be known as soon as A dies.
2. B has a contingent remainder. It is valid because B will either meet the condition or fail to meet the condition within his own lifetime.

13. O conveys Blueacre “to A for life, then to B for life if B survives A, and if B does not survive A, to C.” **VALID and VALID**

This requires you to do TWO analyses.

1. B has a contingent remainder. It is valid because B will either meet the condition or fail to meet the condition within his own lifetime.
2. C has a contingent remainder. It is valid because B will either survive A or not survive A within his own lifetime.
14. O conveys Blueacre “to A for life, then to A’s children who reach 25, but if A’s children do not reach 25, then to B’s children. **VOID and VOID**

This requires TWO analyses.

1. A’s children have a contingent remainder. It is void under RAP because a child X could be born on the day that O, A and B die, and child X would not reach 25 until after 21 years from the deaths of all lives in being (O, A and B).

2. B’s children have a contingent remainder. It is also void for the same reason as above. The condition of A’s children reaching 25 might not occur until after 21 years after all lives in being are dead, therefore this is void.