

2)

===== Start of Answer #2 (831 words) =====

**1. Property Interests in Greenacre**

Fee Simple Subject to Subsequent Condition

A fee simple subject to subsequent condition is an interest in land that comes with a condition attached, and is created with the use of words such "so long as." If the condition is breached, the grantor has a right to terminate the interest and re-take possession of the land as long as he reserves the right to do so in his original conveyance. However, conditions on land are subject to **restraints on alienation**. And in the case that the restraint is violated, the conditional clause is stricken and the fee simple conveyance will remain.

Here, O attempted to convey greenacre to M and L as "joint tenants with the right of survivorship." He attempted to create the fee simple subject to subsequent condition by attaching the condition that greenacre could not be transferred by using the language "so long as." He also reserved the right of re-entry by saying that if greenacre should be transferred it would "automatically revert back to O. However, the problem is that O's condition violated the **restraint on alienation** because courts will not honor restraint on the transferability of land because they like to keep interests in land freely flowing and the use of the land productive.

Therefore, O's attempted creation of a fee simple subject to subsequent condition fails and the restriction of transferring condition is stricken from the conveyance leaving a joint tenancy with right of survivorship for M and L.

Joint Tenancy

A joint tenancy is the ownership in an interest of land of two or more people. A

