

ST. MARY'S UNIVERSITY SCHOOL OF LAW
School of Law

Examination in Community Property

Summer 1992

Professor Douglas R. Haddock

INSTRUCTIONS

1. This Examination consists of four problems, one of which has five subsections. You have two hours in which to complete the Exam. A suggested time is included for each problem. All of the problems are based on the Factual Information that was distributed during the last week of class. References to pertinent paragraphs in the Factual Information are included with the problems. Your responses should be written in a "bluebook" or typed.

2. Respond directly and as thoroughly as you can in the time provided to the specific questions and assignments given in each problem. Your answers will be graded according to how well you recognize and analyze the issues of marital property and homestead that are presented by the questions. Discuss *all* issues raised even if your resolution of one or more issues would, as a practical matter, make the resolution of other issues unnecessary. Conclusions are sometimes important; your recognition of the questions to be asked is always important, whether or not you can come to any definitive conclusion.

3. During the Examination period, you are allowed to use any printed or written material you wish, including the text, your notes and your outlines. You are not allowed to get help from other persons during that period and your responses to the problems must be your own work, composed and written during the Examination period.

4. St. Mary's University School of Law prohibits the disclosure of information that might aid a professor in identifying the author of an examination. Any attempt by a student to identify herself or himself in an examination is a violation of this policy and of the Code of Student Conduct.

5. After reading the following oath, place your exam number in the space provided. If you are prevented by the oath from doing so, notify the proctor when you turn in the examination.

I HAVE NEITHER GIVEN NOR RECEIVED UNAUTHORIZED AID IN
TAKING THIS EXAMINATION, NOR HAVE I SEEN ANYONE ELSE DO SO.

Exam Number _____

*Community Property Final Examination
Problems*

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Problem #1
(Suggested Time: 40 minutes)

Discuss briefly but completely who has rights of ownership and rights of management with respect to the following assets. If you need more information to respond fully, indicate briefly what that information is.

- a. The Houston home described in paragraph A1
- b. The two paintings described in paragraph A4
- c. The San Antonio home described in paragraph C1
- d. The Paris estate described in paragraph E2
- e. The insurance policy described in paragraph H

Problem #2
(Suggested Time: 30 minutes)

Assuming that Pablo died intestate (without a will), discuss who should receive interests in the property mentioned in paragraphs C1, C2 and C3 as a result of Pablo's death. Describe the interests as fully as you can and include in your discussion reference to any facts or information you need, but do not have, to answer the question fully.

Problem #3
(Suggested Time: 20 minutes)

Assuming that Pauline has initiated divorce proceedings against Paul in a Texas court, discuss the options available to the court, if any, with regard to division of the New York condominium described in paragraph E3.

Problem #4
(Suggested Time: 30 minutes)

Assume that First Federal Savings and Loan had loaned Pablo \$70,000 in 1989. The purpose of the loan was a Central American business venture and the loan was unsecured. The loan documents indicate that it was Pablo's sole or separate obligation. Discuss briefly whether First Federal might be able to satisfy this indebtedness out of any or all of the assets described in paragraphs C1, C2 and C3.