

1956

Legal Research--Virginia Procedure: Final Examination (1956)

William & Mary Law School

Repository Citation

William & Mary Law School, "Legal Research--Virginia Procedure: Final Examination (1956)" (1956). *Faculty Exams: 1944-1973*. 39.
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1. T died intestate seized of Blackacre in fee simple. He was survived by four adult children, A, B, C, and D. B was insane and X was his committee. A wished a specific part of Blackacre as he had made some improvements thereon. X, C, and D wished to accede to A's request and also wished to hold the balance of Blackacre as joint tenants with survivorship. Accordingly A brought a partition suit making X, C, and D defendants, and a decree was entered without any evidence taken as per the wishes of the parties. Later C died intestate survived by his son, S. What is the state of the title? Give reasons.
2. A, an adult, and I, an infant, aged 17, own land as coparceners. Both A and I wish the land sold and the proceeds divided. What choice of remedies have they and which is preferable? Explain fully.
3. While a suit for partition of realty was pending, A, who was one of the defendants, died testate. He appointed his daughter, Hannah, as executrix. His will left one third of all his property to the C Charity, and two thirds to Hannah.
 - (a) In what two ways may Hannah be made a party defendant?
 - (b) In what way, if at all, can the C Charity become a party to the partition suit?
4. Complainant filed a bill of complaint against D in the Chancery Court of the City of Richmond which is a court of chancery only. The bill alleged that Complainant was a manufacturer of television sets, that there were eight retail stores in Richmond handling complainant's products, that those eight stores were obliged by contract to advertise the television sets by broadcast by D, that the retailers were to pay half the cost of such advertising and Complainant the other half, that D with full knowledge of this fact fraudulently made out bills in excess of the true charges and that as a proximate result thereof Complainant had overpaid the retailers to its damage of \$2,000. It also appeared that the statute of limitations would have run on this claim the day after this suit was instituted.
What problems are raised on the above facts and how should they be resolved? Give reasons.
5. A prayer for specific relief sought the setting up and enforcement of a deed of trust which the grantor thereof had fraudulently procured to be released. After the release but before the institution of the suit the said grantor sold the realty involved to X who was a bona fide purchaser for value. To what relief, if any, is Complainant entitled? Give reasons.
6. H and W were husband and wife living in Norfolk. H deserted W, and W came to Williamsburg to work for Colonial Williamsburg, Inc. H went to Hopewell. Three years later W sued H for divorce in Williamsburg. H did not appear. A decree of divorce was granted. Eight months later H married X. Is the marriage valid, void, or voidable? Give reasons.
7. X died intestate seized of Blackacre in fee simple and heavily indebted. X's administrator filed a bill in equity for the sale of the real estate in order to raise money to pay X's debts, making X's heirs at law defendants. The bill showed the above facts on its face. The heirs demurred. What ruling and why?
8. D owned realty in Virginia as a constructive trustee for B whom he had defrauded. B filed a bill in equity seeking restitution of the land, and restitution was duly ordered. D then went into hiding and refused to deed the land in question to B.
How, if at all, can B get legal title to the realty? Explain.
9. P filed a bill in equity against D for specific performance of an alleged oral contract to convey land. P was D's tenant on the land at the time the oral contract was alleged to have been made. The evidence was in great conflict on all vital

points. What action should be taken by the chancellor? Give reasons.

10. Are the following statements true or false?

(1) In appellate proceedings equity cases have priority over cases at law on the docket of the Supreme Court of Appeals.

(2) In appellate proceedings there must be appended to the petition for appeal a certificate signed by some attorney duly qualified to practice in the Supreme Court of Appeals that in his opinion the decree complained of ought to be reviewed.

(3) Seventy days after final judgment, defendant asked his attorney to appeal the case. Assuming that nothing had been done in the meantime, it is now too late to perfect an appeal.

(4) Pleadings permitted to be filed by the Rules or by leave of court should be filed by the clerk when tendered.

(5) A suit in equity is commenced by serving the bill and the subpoena in chancery on the defendant and paying the required writ tax and deposit against costs.

(6) In the case of a sale of infants' land subpoenas need not be served on infants even though they may be over fourteen years of age.

(7) Defendant filed a plea in abatement within six days of the institution of a suit in equity. Five days later he filed an answer. The plea in abatement is still before the court for its consideration and disposal.

(8) The Supreme Court of Appeals has jurisdiction over appeals from interlocutory decrees adjudicating the principles of a suit even though more than 21 days have elapsed after the entry of such a decree.

(9) If an answer shows on its face that the defendant has no defense, the complainant should demur.

(10) A defendant may by cross-bill filed by leave of court assert against new parties any claim germane to the subject matter of the suit.