

RULE AGAINST PERPETUITIES (RAP)

DURATION - PPE (present possessory interest)
Measured how?

FEE SIMPLE
(can potentially go on forever)

LIFE ESTATE
(measured by a life)

ANY CONDITIONS WHERE
FEE SIMPLE COULD
BE LOST?

NO

**FEE SIMPLE
ABSOLUTE**

*L.e. "O to A" or
"O to A and heirs"*

YES

**DEFEASIBLE
FEE**

*words of duration or
condition.*

*L.e. "O to A while land is used
as a farm, then to B."*

**DOES THE INTEREST
REVERT TO THE
GRANTOR OR TO
SOMEONE ELSE?**

SOMEONE ELSE

GRANTOR

IS THE FUTURE
INTEREST SPECIFIED?

YES

NO

REVERSION

Back to O (grantor)

IS IT IN THE
GRANTOR?

NO

YES

REMAINDER

*Specified in someone
other than the grantor*

**IS THE FUTURE
INTEREST HOLDER
ASCERTAINABLE?**

*F.I. = FUTURE INTEREST
PPE = PRESENT POSSESSORY INTEREST*

Future Interests And Perpetuities

J Dewey



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