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PART 2

ESAY QUESTION

Ann and Earl were married when they asked Earl's parents if they, Ann and Earl, could build their house on land owned by Earl's parents. The parents consented to their building the house, telling Ann and Earl that they "could live in the house as long as they wished." No writing, transferring or agreeing to transfer the land, was executed by the parents. Ann and Earl then built the house, spending \$25,000 on materials and supplies. They did the construction work themselves. Ann and Earl moved into the house.

A few years after the house was completed, marital discord arose between Ann and Earl. Earl moved out of the house; Ann filed for divorce and is still living in the house. Earl's parents then gave Ann notice to vacate the house, claiming that they owned it.

Ann has visited you wanting to know what rights and remedies she has against Earl's parents. Please explain in detail all the possible remedies Ann may pursue, the grounds for each remedy and any responses that Earl and his parents may raise against each of Ann's claims. The law of the jurisdiction provides that each spouse is entitled to 50 percent of all their marital property. The value of the house is \$75,000; the value of the land (without the house) is \$25,000; the total value of the real estate, therefore, is \$100,000.

END OF EXAMINATION