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631 REMEDIES
Semester II, 2000 - 2001

UNM School of Law
Final Examination
Three Credits

Professor Robert J. Desiderio
Friday, May 4, 2001
Friday, May 11, 2001
9:00 a.m. to 12:00 Noon

INSTRUCTIONS

1. This examination has two parts: (1) 35 objective questions and (2) one essay question. Answer all questions. **THE OBJECTIVE QUESTIONS MUST BE ANSWERED ON THE ANSWER SHEET PROVIDED. THE ESSAY QUESTION MUST BE ANSWERED IN ONE OR MORE BLUEBOOKS.**
2. The objective questions count towards 66 2/3 percent of the grade. The essay question counts towards 33 1/3 percent of the grade.
3. When answering the objective questions, choose the **BEST ANSWER** among the choices provided. **USE PENCIL ONLY** to answer the questions. Pencils will be available where the exam is distributed. **BOTH THE ANSWER SHEET AND THE OBJECTIVE QUESTIONS MUST BE TURNED IN.** (Please return the pencils, too. Thank you.) You may retain the essay questions.
4. Please mark YOUR examination number on the answer sheet, as shown in the example below. **DO NOT USE THE SAMPLE ANSWER! USE SIDE ONE (1) OF THE ANSWER SHEET ONLY.**

(Please do not use the sample examination number.)

BIRTH DATE			IDENTIFICATION NUMBER										SPECIAL CODES					
MO.	DAY	YR.	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Jan. <input type="radio"/>	Leave Blank		0	9	4								Leave Blank					
Feb. <input type="radio"/>																		
Mar. <input type="radio"/>	0	9	0	9	0	9	0	9	0	9	0	9	0	9	0	9	0	9
Apr. <input type="radio"/>	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
May <input type="radio"/>	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Jun. <input type="radio"/>	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Jul. <input type="radio"/>	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Aug. <input type="radio"/>	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Sep. <input type="radio"/>	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Oct. <input type="radio"/>	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Nov. <input type="radio"/>	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
Dec. <input type="radio"/>	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9

(INSTRUCTIONS CONTINUE ON PAGE 2)

5. Questions 1 through 35 are not intended to be released. You may not have in your possession or have access to any of these questions following administration of this examination, nor may you discuss the specific contents of these questions to any other person without the express consent of the instructor. If you had advance possession of or knowledge of any question contained in this examination, report that fact to the instructor immediately, or Associate Dean Winograd if Dean Desiderio is not here.

[All essay exams will be filed in the Law Library.]

6. You may have with you in this examination your cousebooks, any materials I have distributed, and any notes and outlines that you have prepared or helped in preparing. You may not have any other book, materials, or other information with you.

NOTE THAT YOU HAVE 3 HOURS TO COMPLETE THE EXAMINATION.

GOOD LUCK!

(EXAMINATION BEGINS ON PAGE 3)

PART II

We represent Martin Morlacci. Georgia Weber and Martin Morlacci are citizens and residents of this state, though they were not close neighbors and did not know each other.

Morlacci had long ago acquired a deed to 200 acres of land in the State of Montorado, adjoining this state to the west. Weber also has a deed that appeared to convey to her some of the same lands in Montorado.

Weber was originally unaware of Morlacci's claim. Three years ago, Weber, believing herself to be on her own land, set up a farmer's market stall every Sunday on the Montorado land, selling produce to travelers. She gradually expanded and now sells a wide variety of tourist materials, including films, T-shirts, CDs and other items. The stall proved immensely profitable, and in the last year Weber built a small permanent building on the land near the road. Her gross income has steadily increased, even though she operates only on weekends.

Our position: Weber was in fact on land claimed by Morlacci. None of the land in the area was developed except for Weber's business. Morlacci recently discovered all this while driving in Montorado. He demanded that Weber get off his, Morlacci's land. Weber said it was her own land. Morlacci returned home and consulted us. Title records seem to bear out our contention that the land probably belongs to Morlacci under the law of Montorado, and we have so advised him.

Morlacci says he has never been able to do anything with the land. He has no prospects for leasing it or selling it. He suggests that maybe you could force Weber to buy it, since she has used it. Alternatively, he wants to get Weber off the land. He says he is short of cash, and if you can't get Weber to buy the land, he wants to get Weber off the land, collect as much damages as possible, and hopefully recover interest and enough to pay your fee. Morlacci is an old and valued client whom we represent mostly in connection with his business. Please plan an action on his behalf. Considering both tactics and remedial value, what remedy or remedies will you seek?

END OF EXAMINATION