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CHAPTER 3
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§ 3101. Enumeration of Estates.

Estates in real property, in respect to the duration of their enjoyment, are either:

1. Estates of inheritance or perpetual estates;
2. Estates for life;
3. Estates for years; or
4. Estates at will.

SOURCE: CC §761.

§ 3102. Estate in Fee Simple.

Every estate of inheritance is a fee, and every such estate, when not defeasible or conditional, is a fee simple or an absolute fee.

SOURCE: CC §762.

§ 3103. Conditional Fees, Estates Tail Abolished.

Estates tail are abolished, and every estate which would be at common law adjudged to be a fee tail is a fee simple; and if no valid remainder is limited thereon, is a fee simple absolute.

SOURCE: CC §763.

§ 3104. Certain Remainders Valid.

Where a remainder in fee is limited upon any estate, which would by the common law be adjudged a fee tail, such remainder is valid as a contingent limitation upon a fee, and vests in possession on the death of the first taker, without issue living at the time of his death.

SOURCE: CC §764.

§ 3105. Freeholds, Chattels Real, Chattel Interests.

Estates of inheritance and for life are called estates of freehold; estates for years are chattels real; and estates at will are chattel interest, but are not liable as such to sale on execution.

SOURCE: CC §765.

§ 3106. Estates, Life, Third Person, Freehold.

An estate during the life of a third person, whether limited to heirs or otherwise, is a freehold.

SOURCE: CC §766.

§ 3107. Future Estates.

A future estate may be limited by the act of the party to commence in possession at a future day, either without the intervention of a precedent estate, or on the termination, by lapse of time or otherwise, of a precedent estate created at the same time.

SOURCE: CC §767.

§ 3108. Reversions.

A reversion is the residue of an estate left by operation of law in the grantor or his successors, or in the successors of a testator, commencing in possession on the determination of a particular estate granted or devised.

SOURCE: CC §768.

§ 3109. Remainders.

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When a future estate, other than a reversion, is dependent on a precedent estate, it may be called a remainder, and may be created and transferred by that name.

SOURCE: CC §769.

§ 3110. Suspended Ownership.

The absolute ownership of a term of years cannot be suspended for a longer period than the absolute power of alienation can be suspended in respect to a fee.

SOURCE: CC §770.

§ 3111. Suspension by Trust.

The suspension of all power to alienate the subject of a trust, other than a power to exchange it for other property to be held upon the same trust, or to sell it and reinvest the proceeds to be held upon the same trust, is a suspension of the power of alienation, within the meaning of §715 of the Civil Code.

SOURCE: CC §771.

§ 3112. Contingent Remainder in Fee.

A contingent remainder in fee may be created on a prior remainder in fee, to take effect in the event that the persons to whom the first remainder is limited die under the age of twenty-one (21) years, or upon any other contingency by which the estate of such persons may be determined before they attain majority.

SOURCE: CC §772.

§ 3113. Remainders, Future and Contingent Estates.

Subject to the rules of this Chapter, and of Part I of this Division, a freehold estate, as well as a chattel real, may be created to commence at a future day; an estate for life may be created in a term of years, and a remainder limited thereon; a remainder of a freehold or chattel real, either contingent or vested, may be created, expectant on the determination of a term of years; and a fee may be limited on a fee, upon a contingency, which, if it should occur, must happen within the period prescribed in this Title.

SOURCE: CC §773.

§ 3114. Life Estates, Limitations.

Successive estates for life cannot be limited, except to persons in being at the creation thereof, and all life estates subsequent to those of persons in being are void; and upon the death of those persons, the remainder, if valid in its creation, takes effect in the same manner as if no other life estate had been created.

SOURCE: CC §774.

§ 3115. Remainders, Generally.

No remainder can be created upon successive estates for life, provided for in the preceding section, unless such remainder is in fee; nor can a remainder be created upon such estate in a term for years, unless it is for the whole residue of such term.

SOURCE: CC §775.

§ 3116. Contingent Remainders, Generally.

A contingent remainder cannot be created on a term of years unless the nature of the contingency, on which it is limited, is such that the remainder must vest in interest during the continuance or at the termination of lives in being at the creation of such remainder.

SOURCE: CC §776.

§ 3117. Remainder of Estates for Life.

No estate for life can be limited as a remainder on a term of years, except to a person in being at the creation of such estate.

SOURCE: CC §777.

§ 3118. Remainder Upon a Contingency.

A remainder may be limited on a contingency which, in case it should happen, will operate to abridge or determine the precedent estate; and every such remainder is to be deemed a conditional limitation.

SOURCE: CC §778.

§ 3119. Life Tenant Heirs, Purchasers.

When a remainder is limited to the heirs, or heirs of body, of a person to whom a life estate in the same property is given, the persons who, on the termination of the life estate, are the successors or heirs of the body of the owner for life, are entitled to take by virtue of the remainder so limited to them, and not as mere successors of the owner for life.

SOURCE: CC §779.

§ 3120. Construction, Certain Remainders.

When a remainder on an estate for life or for years is not limited on a contingency defeating or avoiding such precedent estate, it is to be deemed intended to take effect only on the death of the first taker, or the expiration, by lapse of time, of such term of years.

SOURCE: CC §780.

§ 3121. Effect, Power of Appointment.

A general or special power of appointment does not prevent the vesting of a future estate limited to take effect in case such power is not executed.

SOURCE: CC §781.
