

**QUESTION 9 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK  
III OR IN SOFTEST ANSWER SCREEN 9**

Lena was the sole owner of an acre of property (the "property") in Ladybug, Michigan, upon which was located a house (the "house") along with a beautiful private tree-lined cobblestoned pathway behind the back yard. Lena's neighbor Chad, whose own land was adjacent to Lena's pathway, had used the pathway consistently year-round for the past 20 years for walking and meditation. Lena was aware of Chad's use but was not bothered, and very often used the pathway herself.

In early 2016, Lena emptied the house of her personal belongings since she was relocating to another city. On August 30, 2016, Lena sold the property to Harold for \$100,000, giving Harold a deed. Harold did not plan to move into the house until a couple of months later in November. On September 30, 2016, after Lena realized that her niece Carmen needed a home for herself and her children, Lena gifted the property to Carmen, giving her a deed to the property as well. Prior to receiving the gift, Carmen was aware of the prior sale of the property to Harold because Lena told her of it saying that she would handle things with Harold. Carmen recorded her deed with the county register of deeds office on October 6, 2016. Harold recorded his deed on October 21<sup>st</sup>, shortly before his planned move-in date.

**Applying Michigan law, fully discuss the following:**

**1. What is the likelihood of success of a claim by Chad, prior to the August sale, to an interest in the pathway on the property based upon a theory of adverse possession?**

**2. As between Harold and Carmen, who would likely prevail in an action to quiet title to the property?**

**\*\*\*\*\*THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III\*\*\*\*\*  
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