

A woman conveyed a vacant rural lot by a warranty deed that stated: "to my daughter for life, and upon her death, to my heirs." The next year, the woman executed a quitclaim deed for the same lot to the daughter with the expressed intent "to make absolute" the interest granted to her.

Four years later, the daughter and her newborn child were involved in a car accident and sustained serious injuries. To pay for their medical expenses, the daughter sold the lot to a real estate developer. The daughter died several months later, leaving the child as her sole heir.

The child's legal representative has asked a lawyer for advice regarding ownership of the lot. There is no applicable statute.

Who should the lawyer say is the owner of the lot?

- A. The child, because the child is the woman's sole heir.
- B. The child, because the child received a remainder following the daughter's life estate.
- C. The developer, because the daughter acquired fee simple title upon the execution of the quitclaim deed.
- D. The developer, because the warranty deed conveyed fee simple title to the daughter.

Explanation:

The **doctrine of worthier title** is triggered when a grantor **conveys property inter vivos** to another and, in the **same instrument**, conveys a **future interest to the grantor's heirs**. When this occurs, the **future interest** is **rendered void** and the grantor is deemed to hold a **reversion**. Most states have abolished this doctrine by statute, but there is no applicable statute in this jurisdiction. Therefore, the woman's warranty deed conveyed a life estate to the daughter and a *reversion* to the woman—not a *remainder* to her heirs **(Choices B & D)**.

The woman then conveyed her reversion to the daughter via quitclaim deed—leaving no other interest in the lot for the woman's heirs **(Choice A)**. This means that the daughter held both a present interest (life estate) and future interest (the woman's reversion) in the lot with no intervening interest. As a result, the daughter's two interests merged into a fee simple absolute under the doctrine of merger. And since the daughter subsequently conveyed that interest to the developer, the lawyer should say that the developer owns the lot.

Educational objective:

The doctrine of worthier title applies when a grantor makes an inter vivos conveyance to another with a future interest to the grantor's heirs. The future interest is then deemed to create a reversion in the grantor—not a remainder in the grantor's heirs.

