<table>
<thead>
<tr>
<th>Section</th>
<th>Components</th>
<th>Poss Score</th>
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</table>
| **Issue** | • Identification of key legal questions  
  o Gift causa mortis (3)  
  o Inter vivos gift (3)  
  o Adverse possession (3)  
  o Trespass (3) | 12 |
| **Rules** | • Elements of Gift causa mortis  
  o Intended to make gift (1)  
  o Apprehended death (1)  
  ▪ May be inferred from circumstances (1)  
  o Actually or constructively delivered (1)  
  o Death occurred (1)  
  • Elements of inter vivos gift  
  o Intent to make irrevocable transfer (1)  
  o To create a present interest (1)  
  o Delivery (1)  
  o Acceptance (1)  
  • Elements of adverse possession  
  o Actual and visible appropriation (open and notorious) (1)  
  o Of property (1)  
  o Continuing (uninterrupted) (1)  
  o Requisite time period (1)  
  o Inconsistent with and hostile to claim of another (under a claim of right) (1)  
  ▪ Cannot be joint use (1)  
  o Possibly intent rather than mistake – depends juris. (1)  
  • Elements of trespass  
  o Entry (1)  
  o Property and Possessory interest of plaintiff (1)  
  o Note intent/damages rules (1) | 19 |
| **Application** | • Problematic facts / Sticky elements  
  o Delivery of gift unclear (6)  
  o Appropriation of property by mistake (3)  
  • Gift causa mortis  
  o Use facts for apprehended death: nurse present, “I don’t think I’ll survive that long,” and speaking with difficulty (3 ea.)  
  o Use facts for delivery: note constructive possibility, she had stopped to put it on and so possibly opened the safe before he died, had the key in hand, consult Wanda as witness (4 ea.)  
  o Compare to case (3)  
  • Inter vivos gift  
  o Delivery Must be before death – note same facts as above (3)  
  • Adverse possession  
  o Use wall for actual and visible appropriation (2)  
  o Continuing (uninterrupted) – use wall to establish (2)  
  o Use 25 years total (2)  
  o Discuss mistake (2)  
  o Compare to case (2)  
  • Trespass  
  o Wall, continuing trespass (2) | 48 |
| **Conclusion** | • Conclude | 4 |

**Totals** | 83 |