

PROPERTY LAW & POLICY

MLP711

The Complete Exam Study Guide

Juris Doctor — Deakin University

What this preview shows

This free sample contains the full contents list, the exam method section, one fully worked topic, and one worked hypothetical, so you can see exactly how the complete guide is structured and written. The full guide covers every topic in the same format.

What the full guide covers

Part 1 — Exam Method

IRAC method · issue-spotting trigger table · policy/essay technique

Part 2 — Core Topics (16)

Nature of property · Tenure, estates & future interests · Perpetuities & restraints

Torrens & indefeasibility · Priorities · Possession, fixtures & finders

Adverse possession · Co-ownership · Leases · Licences · Easements

Restrictive covenants · Mortgages · Equitable interests, trusts, estoppel & part performance

Native title · Waste · Remedies

Part 3 — Cases & Statutes Quick Reference

37 leading cases with the rule and when to use each · 7 key statutes with sections

Part 4 — Policy & Argue Both Sides

Four discussion questions with arguments for, against, and how to land it

Part 5 — Worked Hypotheticals

Four full model answers, including recalled exam-style questions

Format of every topic

Plain-English meaning, the legal rule to state, the leading case, and a how-to-apply note. Built for the open-book exam: find the rule fast, apply it in IRAC form, conclude.

Sample — The IRAC Method

Answer each issue in four moves. One mini-IRAC per issue; multiple issues means multiple mini-IRACs. Keep each tight and cite one authority per rule.

1. **ISSUE** — name the legal question in one sentence: 'The issue is whether the stove is a fixture.'
2. **RULE** — state the test and cite one authority: 'A chattel becomes a fixture where the degree and purpose of annexation show an intention to make it part of the land (Holland v Hodgson).'
3. **APPLICATION** — merge law and facts, both ways: 'Here the stove is bolted in (degree) and installed as a permanent fitting (purpose), suggesting a fixture; but if installed only to use the appliance, it may remain a chattel.'
4. **CONCLUSION** — commit: 'The stove is likely a fixture and passes with the land.'

Exam tip

Do not list all the law then all the facts separately. Weave them together and apply the rule both ways before concluding. That is what earns marks.

Issue-spotting (extract)

WHEN YOU SEE...	GO TO...
'bolted', 'cemented', 'attached to the wall'	Fixtures (Holland v Hodgson) — degree + purpose
'exclusive possession', 'occupy the premises'	Lease v licence (Street v Mountford)
'verbal', 'oral', 'nothing in writing'	Formalities; equitable interest + part performance (Walsh v Lonsdale)
'promised', worked for free, 'led to believe'	Proprietary estoppel (Waltons; Sidhu; Giumelli)
'Aboriginal', 'connection to country'	Native title (Mabo; Yorta Yorta; Wik; Ward)

The full guide includes the complete 15-row trigger table covering every topic.

Sample Topic — Torrens & Indefeasibility

Indefeasibility — Registration confers title good against the world (s 42 Transfer of Land Act 1958 (Vic)). Australia has immediate indefeasibility — a registered proprietor takes clean title even if the instrument was void or forged (*Frazer v Walker*; *Breskvar v Wall*).

Fraud exception — Only actual, personal dishonesty brought home to the registered proprietor defeats indefeasibility (*Assets Co v Mere Roihi*). Mere notice of a prior interest is not fraud (s 43 TLA).

In personam exception — Personal equities the proprietor created or accepted bind them despite registration (*Bahr v Nicolay (No 2)*).

Paramount interests (s 42(2)) — Some unregistered interests bind a registered proprietor, such as a tenant in possession under a short lease, some easements, and unpaid rates.

Assurance fund — A person deprived of land through Torrens, such as a forgery victim, may claim statutory compensation.

Rule to state

A registered proprietor takes title free of prior unregistered interests (s 42), subject to the exceptions: fraud (actual dishonesty; notice alone is not fraud, s 43); in personam (*Bahr v Nicolay*); paramount interests (s 42(2)); prior folio; and overriding statutes.

Exam tip

Structure: (1) is the person registered? (2) if so, indefeasibility applies unless an exception does — run the exceptions list; (3) if none applies, the title stands and the loser's remedy is personal or the assurance fund.

Sample Worked Hypothetical

Torrens, fixtures & resulting trust

V buys a house from E. E's agent says the bolted-in espresso machine and the cemented garden fountain are included. Unknown to V, E's sister P contributed to the original purchase price but did not caveat. V registers. E removes the espresso machine and fountain; P claims a beneficial share.

Fixtures — The espresso machine is bolted in but attached to use the appliance, so it is likely a chattel (*Leigh v Taylor*). The fountain is cemented into a plinth as a permanent garden feature, so it is likely a fixture (*Holland v Hodgson*) and E could not remove it.

P's interest — P has a resulting trust interest against E, but never caveated. V is now registered and, absent fraud, takes free of P's unregistered interest by immediate indefeasibility (*Frazer v Walker*; s 42).

Conclusion — V keeps the fountain and takes the house free of P's interest. P's remedy is against E personally, tracing the proceeds of sale.

This is a preview

The complete guide contains all 16 topics in this format, a 37-case and 7-statute quick reference, four policy 'argue both sides' questions, and four full worked hypotheticals including recalled exam questions. Available in full on StudentVIP.