Exam Excerpts

I
(55 minutes)

A
(48 of the 55 minutes for Part I)

i (6 minutes per asset, on average) Consider, first, the assets of TAI that Mark listed on the application form. As to each one, tell me (i) whether Cameron can get security in it; (ii) if Cameron can get such security, what, if anything, it has to do to get it; and (iii) what else (beyond what Cameron has to do to get it), if anything, Cameron has to do to make that security effective against the world.

B
(7 minutes of the 55 minutes for Part I)

ii (7 minutes) Is there any “non-asset” security that Cameron might be able to obtain? If so, what is it; what, if anything, does Cameron have to do to get it; and what else (beyond what Cameron has to do to get it), if anything, does Cameron have to do to make it effective against the world.

II
(54 minutes)

A
(6 of the 54 minutes for Part II)

1 (6 minutes) Does Carla have security in either (or both) Alice’s television or (and) Alice’s car? Why or why not?

B
(20 of the 54 minutes for Part II)

2 (4 minutes) Is Carla’s security in the television effective against third persons? If not, what “else” must Carla do to make it so effective?
iv  (3 minutes) Is any of these other securities (aside from Carla’s) in the television effective against third persons? If not, what “else” must the secured creditor do to make it so effective?

v  (7 minutes) In what order do the securities of those who have security in the television (including Carla) rank against one another? Why?

C
(27 of the 54 minutes for Part II)

3  (5 minutes) Does E-Z have security in Alice’s car? Why or why not?

vi  (6 minutes) Aside from E-Z, who else has security in the car? What kind of security is it and how was it acquired?

4  (5 minutes) Is E-Z’s security interest in Alice’s car effective against third persons? If not, what “else” must E-Z do to make it so effective?

vii  (3 minutes) Of the securities described in your answer to Question vi, is any of them effective against third persons? If not, what “else” must the secured creditor do to make it so effective?

viii  (7 minutes) In what order do the securities of those who have security in the car (including E-Z) rank against one another? Why?
III
(51 minutes)

... A
(34 of the 51 minutes for Part III)

5 (5 minutes) As of June 12, 2005, which creditor, Big Bank or HOTCo., had the first-priority security interest affecting the two remaining heating units?

... B
(10 of the 51 minutes for Part III)

7 (5 minutes) ...

8 (4 minutes) Which security interest would have had priority as of August 1, 2005, in the $20,000 in the bank account...

... C
(7 of the 51 minutes for Part III)

xi (2 minutes) As of October 1, 2005, did Big Bank have a perfected security interest in the $5000 that Paul’s former customers owe for repairs? Why or why not?
(5 minutes) . . .

IV
(44 minutes)

. . .

A
(19 of the 44 minutes for Part IV)

10 (7 minutes) Does CCU have security in the . . . that’s effective against third persons? Why or why not?

. . .

11 (5 minutes) Does BIG Bank have security in the . . . that’s effective against third persons? Why or why not?

. . .

12 (7 minutes) As between CCU’s security and BIG Bank’s security in the . . ., which has priority? Why?

. . .

B
(25 of the 44 minutes for Part IV)

13 (7 minutes) Does CASH Bank have a mortgage on Darlene’s construction yard that’s effective against third persons? Why or why not?

. . .

xii (18 minutes) As among BIG Bank, CASH Bank, Destrehan, and the IRS, explain exactly how much of the $130,000 value of the construction yard each creditor is entitled to as against the other creditors in rank order and why.

. . .

V
(41 minutes)

A
(27 of the 41 minutes for Part V)
xiii  (5 minutes) If the “notice of contract” that Juan filed . . .?

   

xiv  (5 minutes) If CC was to preserve his rights against Harper, then he, of course, would have been required to have filed . . . .

   

14  (6 minutes) By what date would CC have had to have filed . . .?

   

xv  (5 minutes) Is there anything else that CC must do, aside from filing . . ., if he wants to keep his rights against Harper alive?

   

15  (6 minutes) Can Harper now (as of May 4, 2006) “avoid” the various constructor’s claims against him and their rights against his house by . . .?

   

B
(14 of the 41 minutes for Part V)

16  (6 minutes) Should Walker’s mortgage be deemed to have priority over the constructors’ liens in the house? Why or why not?

   

xvi (8 minutes) FPB, Walker, . . ., and . . ., none of whom has yet been paid, all claim various kinds of rights in Harper’s land house. These claims, it may be assumed, are sound. But in what order do these rights rank? Why?