Course-focused and comprehensive, the Textbook on Land Law provides an accessible overview of one key area on the law curriculum. This chapter examines the case of David Derby, owner of the freehold estate in 4 Trant Way, who has decided to give the estate to one of three relations and is considering three possible dispositions. It is necessary to consider whether each of these three possible gifts would vest in the person concerned a legal fee simple absolute in possession, or would create an interest in land which is less than a legal estate. The phrase ‘fee simple absolute in possession’ imposes a series of requirements, all of which must be satisfied if the estate is to qualify as a legal one. The chapter examines these requirements in more detail, and considers whether the proposed gifts would satisfy them. The chapter contains a short consideration of commonhold.
8. The freehold estate