Property
Spring 2014
Syllabus

Professor Render
Monday, Wednesday, and Friday, 2:00 pm – 3:10 pm
Text: Dukeminier, Krier, Alexander, Schill, PROPERTY (7th ed.).
Room 187
Office hours: Room 306, Monday and Friday 12:00 – 1:00 pm, and by appointment

A. COURSE OBJECTIVES:

The purpose of this course is to introduce you to the basic principles of American property law. We will study the methods and mechanisms by which property rights are created, transferred, limited, and extinguished in American law. We will also spend time considering the broader legal principles that inform our property rules, paying particular attention to the ways in which judicial and legislative decisions about property rules ultimately affect distributive outcomes.

In the first part of our course, we will concentrate on the ways in which property rights are acquired and transferred. In this context, we will first consider the nature of American property rights, and explore a number of methods by which property rights are acquired. In the second section of the course, we will focus on the system of estates, wherein we will discuss the creation, conveyance and destruction of possessory (present), future and concurrent (e.g. joint tenancies) interests in real property (land). In the third section of the course, we will engage in a brief study of the rules concerning the sale and purchase of real property.

In the fourth section of the course, we will turn our attention to limitations on the use of property. Here, we will focus first on limitations that are created or enforced by "private" or individual action (e.g., an easement that limits a land-owner's use of his own land so as to protect the interest of another individual), before turning to "public" or collective actions that limit land use (e.g. zoning laws and government takings) in the fifth and final section of the course.

B. CLASS AND READING SCHEDULE:

I may adjust the readings throughout the semester, but the assignment schedule that I anticipate is as follows. Unless otherwise indicated, all page assignments refer to our casebook, Dukeminier, Krier, Alexander, Schill, PROPERTY (7th ed.).

I. INTRODUCTION TO PROPERTY LAW: ACQUISITION OF PROPERTY RIGHTS

Class 1:	Introduction and Acquisition by Discovery	pp. 3-18, 39-50	
Class 2:	Acquisition by Capture	pp. 18-39	(1)
Class 3:	The Law of Finders	pp. 97-116	(2)
Class 4:	Gifts	pp. 164-181	(3)
Class 5:	Adverse Possession	pp. 89 (begin with *Jacque*)-96, pp. 116-134	(4)
Class 6:	Adverse Possession	pp. 134-149	(5)
Class 7:	Adverse Possession	pp. 149-164	(6)

II. THE SYSTEM OF ESTATES: POSSESSORY (PRESENT), FUTURE, AND CONCURRENT INTERESTS

Class 8:	Fee Simple and Life Estate	pp. 191-198, 202-2018	(1)
Class 9:	Defeasible Estates	pp. 221-234	(2)
Class 10:	Defeasible Estates, cont.	pp. 236-251	(3)
Class 11:	Future Interests	pp. 253-263	(4)
Class 12:	Future Interests, cont.	pp. Future interests handout & pp. 270-275	(5)
Class 13:	Future Interests & RAP	pp. 285-292	(6)
Class 14:	Concurrent Interests	pp. 319-330	(1)
Class 15:	Concurrent Interests, cont.	pp. 337-358	(2)
Class 16:	Leaseholds	pp. 419-438	(3)
Class 17:	Leaseholds	pp. 459-481	(4)
Class 18:	Leaseholds	pp. 482-503, 508-515	(5)

III. INTRODUCTION TO LAND TRANSACTIONS

Class 19:	Contract of Sale	pp. 517-529 (skim), 541-564	(6)
Class 20:	Contract of Sale and Deed	pp. 564-572, 585-600	(1)
Class 21:	Mortgages	pp. 616-639	(2)

IV. PRIVATE LAND-USE CONTROLS

Class 22:	Easements	pp. 763-779	(3)
Class 23:	Easements	pp. 785-800, 812-820	(4)
Class 24:	Easements	pp. 820-842 (exclude note 6)	(5)
Class 25:	Covenants running with the land	pp. 854-876	(6)
Class 26:	Covenants running with the land	pp. 876-896	(1)
Class 27:	Covenants running with the land	pp. 896-913	(2)

V. PUBLIC LAND-USE CONTROLS: ZONING AND TAKINGS

Class 28:	Zoning	pp. 925-945	(3)
Class 29:	Zoning	pp. 945-968	(4)
Class 30:	Zoning	pp. 968-1000	(5)
Class 31:	Zoning	pp. 1019-1036	(6)
Class 32:	Takings	pp. 1061-1080	(1)
Class 33:	Takings	pp. 1081-1103	(2)
Class 34:	Takings	pp. 1103-1131	(3)
Class 35:	Takings	pp. 1131-1158	(4)

C. CLASS POLICIES

1. Contacting Me

Please do not hesitate to contact me (via phone, email, or simply drop by my office) if you should have questions or concerns related to our coursework (or any other law school matter) during the semester. I am pleased to be a resource for you, and while I particularly encourage you to take advantage of my posted office hours (Monday and Friday 12:00 - 1:00 pm), I am happy to be available at other times by appointment.

2. Class preparation and participation

Adequate class preparation is a requirement for this course. To assist in your class preparation, I have divided the class into six "on-call" groups. I have indicated on the syllabus which group will be primarily responsible for each class session. It is my expectation that students "on-call" will be especially prepared to discuss the assigned material with their colleagues, but all students are encouraged to participate in class discussion and, particularly, to ask questions as they arise.

A maximum of 3 students who make a particularly excellent contribution (as measured by quality rather than quantity of contributions) to class discussions may have their final grades raised by one third of a letter grade (e.g., from a B to a B+). Also, in the extraordinary circumstance in which a student's classroom contribution is particularly unsatisfactory (due, for example, to lack of preparation, distracting use of internet, or other markedly unprofessional behavior), that student may have his or her final grade lowered by one third of a letter grade.

3. Attendance policy

You are permitted 6 absences per semester. However, an absence during your on-call day is **not** permitted unless it is unavoidable due to an emergency or illness. Should you find yourself in this circumstance, you must make arrangements to meet with me to discuss the absence. Failure to do so will result in a reduction of your final grade.

For every absence over the 6 permitted (that is not excused due to emergency or extended illness), I will reduce your final grade by 1/3 of a letter grade (e.g., from B to B-). A student who misses more than 8 classes during the semester will not be permitted to sit the exam. You are responsible for monitoring your compliance with this policy, including making arrangements with me to discuss absences due to emergency or illness. You are also responsible for signing the attendance sheet provided for each class session.

4. Tardiness Policy

Entering the classroom after I have begun lecturing counts as an absence. If you must enter after I have begun lecturing, please do not sign the attendance sheet.

5. Use of electronic devices

You are permitted to use laptop computers during class time to take notes. However, the recreational use of computers and other electronic devices during class time can be distracting and annoying to your colleagues (and your instructor), so please confine your in-class computer use to note-taking. The use of cell phones and other mobile devices is not permitted during class sessions. The recording of classes is not permitted without prior permission.

6. Evaluation

This is an exam course. Except for allowances concerning class participation (see above), your grade for this class will be based on a 4 ½ hour, open-book, blind-graded exam. The exam format will be both short-answer and essay.

7. Accommodations

The Law School is committed to meeting the needs of students with disabilities. To request disability accommodations, please contact the Office of Disability Services at 8-4285. Once you have made initial arrangements with that office, please feel free to contact me (if you wish) to discuss accommodations.

On-Call Groups
Spring 2014

Group 1
ALEXANDER, Sarah Elizabeth
BAIN, James Daniel
BAXLEY, Robert W.
BECKER, Christopher M.
BOONE, Forrest D.
BORMOLINI, Martin L.
BROWN, Hunter D.
BUCHWALTER, Axel N.
BURKE, Kelly C.
CAMPBELL, Nicholas K. (Nic)
CAUSBY, Thomas C. (Tom)
CAVEN, Cayman Leigh

Group 2
CHRISTIAN, Caleb G.
COGAR, Richard S. (Scott)
CONNOR, Tyler Scott
CRITZ, Anna G.
CRUICKSHANK, Lesley S.
CUMMINS, Manley Lafayette
CURRY, Lyndsie Michelle
DRESSEN, Trenton J. (Trent)
DUNN, William M. (McKinley)
FISHER, Nicole E.
FISHER, Todd A.

Group 3
GAFRIEA, Julie Ann
GRAYSON, Katie Louise
GRIMES, Samuel S. (Sam)
HALL, James P.
HAMMOCK, Austin M.
HAYNES, Jonathan E.
HERRING, Brittany R.
HICKS, Hannah E.
HORNSBY, Warner O.
HUNDSCHEID, John Mark
HURT, Jonathan S.

Group 4
JEFFREYS, James G. (Garrett)
KOMAR, Griffin K.
KUSTOFF, Hilary Ryan
LILJENQUIST, Joseph K.
LIND, John David
LUIKEN, David G. (Grant)
LYNN, John N.
MALMAT, Christina M.
MAMMONE, Joseph J.
MARCUM, Robert Andrew (Robby)
MITCHELL, Catherine A. (Katie)
MOORE, Dylan M.

Group 5
MOTLES, Irene S.
MUNNS, Julie Rae
PATE, Gayla Antigone
PERKINS, William A. (Andy)
PETERSON, Paige D.
PICKELL, Lindsay A.
PRICHARD, Caitlyn C.
RICHARDSON, Bennett T. (Ben)
RODEN, Matthew Tyler (Matt)
RUTLEDGE, Victoria Crittenden
SCHELLACK, Courtney N.

Group 6
SMITH, Shalyn C.
STROECKER, Elizabeth Rebekah
TERRY, David S.
THEODORE, Nicholas G. (Nick)
THOMPSON, William K. (Kyle)
TRAYLOR, Emily R.
UNRUH, Kelsey D.
VANCE, Sara H.
WHITAKER, Elle W.
WIGGINS, Roenika C.
WILSON, Nicolas J. (Nick)