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

| Tues. Jan. 15: | Acquisition by Capture | pp. 18-39 |
Thurs. Jan. 24: Adverse Possession pp. 149-164 (6)

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

Wed. Jan. 30: Defeasible Estates pp. 221-234 (2)

Tues. Feb. 5: Future Interests pp. 253-263 (4)

Wed. Feb. 13: Concurrent Interests pp. 319-330 (2)
Thurs. Feb. 14: Concurrent Interests, cont. pp. 337-358 (3)

Tues. Feb. 19: Leaseholds pp. 419-438 (4)
Thurs. Feb. 21: Leaseholds pp. 482-503, 508-515 (6)

III. INTRODUCTION TO LAND TRANSACTIONS

Tues. Feb. 26: Contract of Sale pp. 517-529 (skim), 541-564 (1)
Wed. Feb. 27: Contract of Sale pp. 564-585 (2)
Thurs. Feb. 28: Deed pp. 585-600 (3)

Tues. Mar. 5: Mortgages pp. 616-639 (4)

IV. PRIVATE LAND-USE CONTROLS

Thurs. Mar. 7: Easements pp. 763-779 (6)

Tues. Mar. 12: Easements pp. 785-800, 812-820 (1)
Wed. Mar. 13: Easements pp. 820-842 (exclude note 6) (2)
Thurs. Mar. 14: Covenants running with the land pp. 854-876 (3)

Tues. Mar. 19: Covenants running with the land pp. 876-896 (4)
Wed. Mar. 20: Covenants running with the land pp. 896-913 (5)
Thurs. Mar. 21: No Class

Tues. Mar. 26: No Class – Spring Break
Wed. Mar. 27: No Class – Spring Break
Thurs. Mar. 28: No Class – Spring Break
V. PUBLIC LAND-USE CONTROLS: ZONING AND TAKINGS

Tues. Apr. 2: Zoning pp. 925-945 (6)
Thurs. Apr. 3: Zoning pp. 945-968 (1)
Fri. Apr. 4: Zoning pp. 968-1000 (2)

Tues. Apr. 9: Zoning pp. 1019-1036 (3)
Thurs. Apr. 10: Takings pp. 1061-1080 (4)
Fri. Apr. 11: Takings pp. 1081-1103 (5)

Tues. Apr. 16: Takings pp. 1103-1131 (6)
Wed. Apr. 17: Takings pp. 1131-1158 (1)

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 (Wednesdays and Thursdays 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 strong 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 (i.e. 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.

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 (i.e. from B to B-). A student who misses more than 9 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. If you come into class after I have begun lecturing, please do not sign the attendance sheet.

4. Use of electronic devices

You are, of course, 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.

5. 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.

6. 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 2012

Group 1
AARON, Brett W.
AGUIRRE, Joseph M.
ALFORD, Barbara C.
ANDERSON, Jerrika C.
ANKUMAH, Kobina P.
ANTHON, Brandon M.
BALAGIA, Alice M.
BEDSOLE, James D.
BOHANNON, Nicole C.
BOOKER, Morgan Leigh
BRELAND, Gloria L.
BRETT, Brock E.

Group 2
CAMPBELL, Kristopher M.
CARTER, Thomas B.
CARTMELL, Nathaniel M.
CLARK, Justin G.
COMLEY, Clayton A.
COOMBS, Stuart T.
COVINGTON, Caroline M.
CRANFORD, Jaley A.
CRAYTON, Darius A.
CROTTST, Caleb N.
DARBY, Alexandria Wendlin
DAVIDSON, Summer Lynn

Group 3
DAVIS, Madison R.
DEAL, Kara
DRIVER, Christopher B.
DUMAS, Amy R.
EXANTUS, Miller
FAIR, Madison L.
FINLEY, Kevin D.
FLINT, Murray S.
FRIDOVICH, Ashley N.
GAMBLE, John J.
GILLMAN, Alyse N.
GORE, Thomas A.
Group 4
GUNDER, Seve P.
HEILMAN, Joseph M.
HITSON, Kenneth Bryant
HITTEL, Brett W.
HUDSON, Andrew C.
HUSTED, Mark A.
JONES, James L.
KIDD, David A.
KRUGER, Colin M.
LOONEY, Caitlin J.
LUBART, Summer E.
LUERS, Ayla G.

Group 5
MIELK, Bradley
MINNES, Casey O.
MORGAN, Mary L.
PADGETT, Brian L.
PARK, Justin Shepherd
POWELL, Allyn C.
PROCTOR, Harrison Weaver
PROUDFOOT, Drew A.
RAY, Tiffany N.
ROGERS, Jordan A.
RUCKER, Erika
SARTIN, Evan M.

Group 6
SCHOTT, Samantha M.
SIMS, Caroline C.
SKEES, Taylor Richard
SMITH, Brandon N.
SNIDER, Michael Calup
SOPER, Brandi E.
SWINDLE, Andrew M.
WAGNER, Austin
WALKER, Kaleb S.
WHITTEN, Austin B.
WILHELM, Johnathan N.
ZACEK, Brita C.