

PROPERTY LAW
SPRING 2008 SYLLABUS

Professor Jason J. Czarnezki

COURSE DESCRIPTION

This course focuses on ownership, the varieties of interest in land, considerations in the buying and selling of land, and the control of land use through private arrangements and the common law of nuisance. The course also emphasizes multi-stage analysis of legal problems, the intersection of diverse doctrines, and the unique concerns in the practice of transactional law.

COURSE OBJECTIVES

By the conclusion of the Property Course, each student is expected to have achieved:

- An understanding of how property law organizes the relationship among people as to things subject to governmental regulatory policy and intervention.
- A practical and theoretical understanding of how real property is acquired and distributed.
- An understanding of how different human relationships impact and facilitate various forms of property law.
- An understanding of how various regulatory, statutory, and common law mechanisms control property interests and land use.

TEXT

- Dukeminier & Krier, *Property* (Aspen 5th ed. 2002).
- Additional cases and other reading materials may be assigned during the semester. These materials will be available online or handouts will be provided.

READING AND CLASS PREPARATION

- Daily reading assignments will be provided. A list of topics to be covered can be found below. Some topics may take longer to complete than others. On average, we will cover three topics per week. If there is any particular day on which you will be unable to prepare appropriately for class, please email me in advance of class.

EVALUATION

- Grades will be based on a take-home final examination. Grades may be adjusted in exceptional circumstances on the basis of class participation and attendance.

LIST OF TOPICS

- I. FIRST POSSESSION: ACQUISITION OF PROPERTY BY DISCOVERY, CAPTURE AND CREATION**
 - A. Acquisition by Discovery
 - 1. Pages 3 – 19
 - B. Acquisition by Capture
 - 2. Pages 19 – 31
 - 3. Pages 31 – 41
 - A. Acquisition by Creation
 - 4. Pages 59 – 77
 - 5. Pages 77 – 93
 - 6. Pages 93 – 105
- II. ACQUISITION OF PROPERTY BY FIND, ADVERSE POSSESSION, AND GIFT**
 - A. Acquisition by Find
 - 7. Pages 107 – 118
 - 8. Pages 118 – 129
 - B. Acquisition by Adverse Possession
 - 9. The Theory and Elements of Adverse Possession
 - a. Pages 129 – 145
 - b. Pages 145 – 153
 - 10. The Mechanics of Adverse Possession
 - a. Pages 153 – 162
- III. POSSESSION & OWNERSHIP BY INDIVIDUALS**
 - A. System of Estates
 - 11. Pages 197-215 (Freehold Estates)
 - 12. Pages 221-238 (Life Estate)
 - 13. Pages 240-257 (Defeasible Fees)
 - B. Future Interests
 - 14. Pages 269-278*
 - 15. Pages 284-286*
- IV. CO-OWNERSHIP AND MARITAL INTERESTS**
 - A. Common Law Concurrent Interests
 - 16. Pages 339 – 350
 - 17. Pages 350 – 358
 - 18. Pages 358 – 369
 - 19. Pages 369 – 381
 - B. Marital Interests
 - 20. Pages 382 – 399
 - 21. Pages 399 – 419
 - 22. Pages 419 – 441
- V. LEASEHOLDS: THE LAW OF LANDLORD AND TENANT**
 - A. Leasehold Estates
 - 23. Pages 443 - 460
 - B. Delivery of Possession/Subleases and Assignments
 - 24. Pages 477 – 490
 - 25. Pages 490 - 500
 - C. The Tenant Who Defaults
 - 26. Pages 500 – 509*
 - 27. Pages 509 – 521*
 - D. Duties, Rights and Remedies (Especially Regarding Condition of the Leased Premises)
 - 28. Pages 521 - 533
 - 29. Pages 533 - 549
 - 30. Omitted

VI. LAND USE CONTROL & THE REGULATORY STATE

- A. The Law of Nuisance
 - 31. Pages 745 – 755
 - 32. Pages 755 – 766*
 - 33. Pages 766 – 779*
- B. Easements
 - 34. Pages 781 – 790
 - 35. Pages 791 – 802
 - 36. Pages 802 – 811*
 - 37. Pages 811 – 824*
 - 38. Pages 824 – 833*
 - 39. Pages 833 – 843*
 - 40. Pages 843 – 858*
- C. Covenants Running With the Land
 - 41. Pages 858 – 869*
 - 42. Pages 869 – 882*
 - 43. Omitted
 - 44. Pages 893 – 911*
 - 45. Pages 911 – 924*
 - 46. Pages 925 – 949*
- D. Zoning & Regulatory Takings (if time permits)
 - 47. Pages 951 – 970
 - 48. Pages 1093 – 1116
 - 49. Pages 1116 - 1132
 - 50. Pages 1132 - 1151
 - 51. Pages 1151 - 1171
 - 52. Pages 1171 - 1193
 - 53. Pages 1220 – 1228