

# Property Law

Prof. Ashley/Spring 2009

## Course Syllabus

In this course you will study the various interests that can be created, transferred or forfeited in real and intangible property. We will use the problem method of instruction which means that, unless otherwise noted, your class preparation should include not only the reading from the Foundation Press text, *Rabin, Kwall & Kwall*, Fundamentals of Modern Property Law, but also the accompanying Principal Problem and the notes.

Do not fall behind. If you need help or if you want to explore a topic deeper, I'm available before and after class, during office hours which are posted at my office, Room 827, and at other times by appointment. My phone is (312) 362-8325 and my email is [pashley@depaul.edu](mailto:pashley@depaul.edu).

Your entire grade will be based on a comprehensive three-hour, open-book (actually open "everything"), final exam that will be part essay and part multiple choice.

Prof. Ashley

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Tue. Jan. 13<sup>th</sup>: The Right to Exclude Others, pp 1-38.

Thr. Jan. 15<sup>th</sup>: Landlord-Tenant: The Right of Exclusive Physical Possession, pp. 39-56.

Tue. Jan. 20<sup>th</sup>: Implied Landlord's Duties and Implied Conditions to Tenant's Obligations, pp. 57-82.

Thr. Jan. 22<sup>nd</sup>: Landlord's Tort Liability for Personal Injuries, pp. 83-105.

Tue. Jan. 27<sup>th</sup>: Landlord's Motives in Selection or Removing Tenants, pp. 107-128.

Thr. Jan. 29<sup>th</sup>: Assignments and Subleases, pp 129-152.

Tue. Feb 3<sup>rd</sup>: Tenant's Breach: Landlord's Remedies, pp 153-172.

Thr. Feb 5<sup>th</sup>: Life Estates and Associated Future Interests: The Doctrine of Waste, pp. 233-249.

Tue. Feb. 10<sup>th</sup>: Concurrent Estates: Creation, pp. 271-288.

Thr. Feb. 12<sup>th</sup>: Joint Tenancies: Termination, pp. 303-313.

Tue. Feb. 17<sup>th</sup>: Express Easements: Classification and Creation, pp. 337-359.

Thr. Feb. 19<sup>th</sup>: Express Easements: Interpretation and Extent, pp. 361-377.

Tue. Feb. 24<sup>th</sup>: Express Easements: Succession, pp. 379-397.

Thr.. Feb. 26<sup>th</sup>: Termination, pp. 399-423.

Tue. Mar. 3<sup>rd</sup>: Non-Express Easements: pp. 425-444.

Thr. Mar. 5<sup>th</sup>: Covenants Running With The Land: Creation & Validity, pp. 445-469.

Tue. Mar. 10<sup>th</sup>: Enforcement and Running of Covenants, pp. 471-512.

Thr. Mar. 12<sup>th</sup>: Defenses to the Enforcement of Covenants, pp. 513-525.

Tue. Mar 17<sup>h</sup>: Nuisance, pp. 545-570.

Thr. Mar 19<sup>th</sup>: Governmental Power to Take Property: The Public Use Requirement, pp. 571-591.

SPRING BREAK — NO CLASS on Mar 24<sup>th</sup> or 26<sup>th</sup>

Tue. Mar 31<sup>st</sup>: Regulatory Takings Part a: pp 593-611.

Thr. Apr 2<sup>nd</sup>: Regulatory Takings Part b: 612-648

Tue. Apr 7<sup>th</sup>: Development Exactions: pp. 649-659.

Thr. Apr. 9<sup>th</sup>: Adverse Possession: 799-814.

Tue. Apr. 14<sup>th</sup>: Adverse Possession: pp 814-841.

Thr. Apr. 16<sup>th</sup>: The Theory of Protection and Trademark Law, pp. 1195-1236

Tue. Apr 21<sup>st</sup>: Copyright Law, pp 1237-1266.

Thr. Apr. 23<sup>rd</sup>: Right of Publicity, pp. 1267-1291

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Final Exam: May 8<sup>th</sup> beginning at 9:00 a.m.