

PROPERTY

Spring 2014

Credits: 4

Time: 9:00-10:20 a.m. Tues/Th/Fri

Location: TBA

Professor Kellen Zale

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Overview and Course Goals: This course covers the doctrines, underpinnings and policy of property law. We will examine what makes property rights distinctive; how property rights are created, transferred, and destroyed; and what the powers and duties of property owners are. This course will serve as a foundation for a variety of upper-division courses, including intellectual property, real estate transactions, environmental law, land use, and trusts and estates.

Required Text: The required text is DUKEMINIER, KRIER, ALEXANDER & SCHILL, PROPERTY (7th ed.).

Required Supplement: EDWARDS, ESTATES IN LAND AND FUTURE INTERESTS: A STEP-BY-STEP GUIDE (3rd ed.) Additional supplemental readings will also be assigned from time to time and will be posted on the course website.

Course Website: Please check Blackboard regularly for assignments and other updates related to the course. You can log on through the UH website (<http://www.uh.edu/blackboard/>).

Grading: The final grade will be primarily based on an open-book, in-class exam. Details of the exam will be discussed later in the semester.

Participation: Students are expected to be prepared for every class. Any student is welcome to volunteer or ask questions at any time, but for purposes of class discussion, I will divide the class into three panels and assign each panel a day when it is "on call." Students in the on call panels will be called on to present cases and to comment on the issues we are discussing. If your panel is on call but you are unprepared, you may let me know before class and I will not call on you that day; whether you let me know in advance or not, if you are unprepared more than twice during the semester, it will affect your grade as noted below. Repeated absences or lateness may also be taken as evidence of lack of preparation. Final grades may be modified up or down by one level (i.e., from a B to a B+ or A to A-) based on class participation.

Attendance: An attendance log will be silently passed around each class; initial the log to mark your attendance. Falsifying attendance violates the Law Center's Honor Code. Pursuant to Law Center's policy, you must attend at least 80% of the classes (though you should strive to attend every class). If you miss more than 20% of the classes, I reserve the right to take appropriate disciplinary action, consistent with the Law Center's policies. If a class must be cancelled, a make-up class will be scheduled, consistent with the Law Center's policies.

Office Hours: TBA. If you would like to meet at another time, please email or call to schedule an appointment.

Class Teaching Assistant: The teaching assistant will provide students with his contact info and the time/location of his office hours during the first week of class.

Use of Technology: Computers are permitted, but should only be used for note-taking purposes. I reserve the right to treat violations of this policy as lack of preparation. Please ensure all other electronic devices (cell phones, etc.) are in silent mode or turned off during class.

Accommodation: If you have a disability and require an accommodation, please contact the Center for Students with Disabilities.

Course Structure: Below is an outline of the topics to be covered during the semester. Because it is difficult to predict how far we will get in every class, the schedule is subject to adjustment as course progresses. Additional supplemental material may also be posted on the course website that you will be responsible for. You will be given notice of any changes or supplemental materials in class and/or via the course website.

When notes/problems from the Dukeminier book are part of the assigned reading, it is not necessary to write out your answers, but you should consider how you would answer the question, since it will be part of the class discussion.

When practice exercises from the Edwards book are part of the assigned reading, you should write out your answers. They will not be collected, but in order to discuss them in class, it will be helpful to have your answers written out.

When reading assignments are posted, "DK" refers to the Dukeminier text; "Edwards" refers to the Edwards text; "Supp" refers to supplemental readings posted on the course website.

Syllabus – Topics to be Covered

Part I – Creation and Allocation of Property Rights

Acquisition by Discovery and Capture; Theories of Property Rights; Acquisition by Creation; Property in One's Person; Finders; Adverse Possession; Gifts

Part II – The System of Estates

Possessory Estates; Future Interests

Part III – Concurrent ownership

Concurrent ownership; Waste; Marital interests

Part IV – Leaseholds: Landlord/Tenant Law

Leaseholds; Subleases/Assignments; Evictions; Abandonment; Rights & Duties of Landlord and Tenant; Implied Warrant of Habitability

Part V – Land Transactions

Land Transactions; Deeds; Recording Systems

Part VI – Land Use Controls

Nuisance; Easements; Public Trust; Covenants & Equitable Servitudes; Common Interest Communities; Zoning

Part VII – Eminent Domain and Takings

Public Use Requirement; Physical Occupations; Regulatory Takings; Categorical Rules; Exactions