**FIRST INSTALLMENT:**
SYLLABUS OF READINGS FOR PROPERTY
PROFESSOR CRUMP, SUMMER 2005

Welcome to Property! This is a difficult, challenging course, but it also is a wonderful, exciting course, one that will repay the hard work you and I will put into it.

This is a list of readings from the casebook and other sources. The list is not exhaustive – there will be certain other readings and projects, including certain individual projects–and it may at times become necessary to deviate from the syllabus.

**Certain readings are set out in CAPITAL letters. These cases or readings are to be emphasized. Others are in lower case; this indicates that our treatment of the case will be by lecture,** and it accordingly indicates that you should not concentrate on that case as heavily as upon other readings. I hope that this device will help you manage the reading better!

1. **Fundamentals: Objectives, Terminology, Concepts, Customs, and Policy**
   
   A. What This Course Is About (Preface; Ch. 1)  
   Pages Assigned Here: 166
   -Preface to the casebook (skim this); Photocopy Supplement 1-2 (skim)
   -Notes on “Property” Interests (1); Note on Two Ways to Use This Book (3)
   
   B. Personal Property: Ownership and Possession (Chapter 8)*
   -Finder’s Cases: Armory v. Delamirie (409); Text (410); TERRY V. LOCK (414); Notes 1 (415) and 4 (416)
   -Bailment: Note on Bailment (417); WAUSAU INSURANCE V. ALL CHICAGOLAND (417)
   -Fugacious Things: Note on Capture (424); NOTES 1-7 (427-29); Popov v. Hayashi (429)
   
   C. Interferences with Personal Property (Chapter 8)
   -Conversion and Trespass: Note on Forms of Action (458-60); KREMEN V. COHEN (460); Intel Corp. v. Hamidi (467)
   -Invasion of Privacy (“Right of Publicity”): WHITE V. SAMSUNG (469); Notes 1-2 (475)
   
   D. Real Property Ownership and Transfer
   -CRUMP & CURTIS, THE ANATOMY OF A REAL PROPERTY TRANSACTION (spiral bound photocopy) (concentrate on questions in notes)**
   
   E. Policy Analysis of Property Issues: Law and Economics
   -APPENDIX A: APPLYING BASIC ECONOMIC PRINCIPLES TO PROPERTY LAW (A1 thru A39) (concentrate on questions in notes)***; PHOTOCOPY SUPPLEMENT 43-45
   -APPENDIX B: ETHICAL PHILOSOPHY (B1 thru B6) (concentrate on questions in notes)

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* These are not significant practice issues. Selected material is assigned here, however, because it is traditional–and contains potential Bar Examination subjects.

** This little book will expose you to the realities of real property transactions: the documents, methods, customs, and terminologies that we shall study one by one, later, in the casebook. The professor will cover most of the documents and will call on students for roughly half of the questions in the notes.

*** This is the first material that is covered by the handout slide copies and video reviews. These principles will arise throughout the casebook. The professor will cover the text and will call on students for about half the notes.
2. Intellectual Property: Copyrights, Trademarks, Patents, and Trade Secrets  

A. Copyrights
-Note on Copyrights (5); Constitution (5); Notes and Questions (5); COPYRIGHT ACT (6); NOTES AND QUESTIONS (7)
-Note on How to Read the OddzOn Case (7); ODDZON PRODUCTS INC. V. OMAN (8); NOTES AND QUESTIONS (11); Sample Brief (12)

B. Trademarks
-Note on Trademarks (13); Statutes (13-14); NOTES AND QUESTIONS (14); QUALITEX CO. V. JACOBSON PRODUCTS CO. (16); Notes and Questions (21)
-Notes and Questions on Unfair Competition and Trade Dress (21); Two Pesos, Inc. v. Taco Cabana, Inc. (22); NOTES AND QUESTIONS (24)

C. Patents
-Statutes (25); ANDERSON'S-BLACK ROCK, INC. V. PAVEMENT SALVAGE CO., INC. (25); Notes and Questions (27); UNITED STATES V. ADAMS (28); NOTES AND QUESTIONS (32)

D. Trade Secrets
-Note (33); Uniform Act (34); BP CHEMICALS LTD. V. JIANGSU SOPO (34); Notes and Questions (37)

E. Transferring Intellectual Property: The Documents
-Note on Documents (38); THE SIX ELEMENTS OF PROPERTY TRANSFER AGREEMENTS (39)
-PROBLEM 2A (43); Copyright Assignment and Publishing Agreement (44); Worksheet (45)

F. What Rights Are Protected?: Defining Infringement
-Note (46); Rosenthal Article (47); IP summary table (51)
-NOTE ON THE DOCTRINE OF EQUIVALENTS AND PATENT ESTOPPEL (52); Festo Corporation v. Shoketsu Kinzoku (53); NOTES AND QUESTIONS (57)

G. Problems: Putting the Concepts Together
-First, read pp. 2-6 of the photocopied Supplement.
-Problem 2B (58); PROBLEM 2C (59)

3. Real Property Ownership, Including Multiple Ownership  

A. What This Chapter Is About
-Note on Ownership (67); Note on Creation (67)

B. Creation of Property Interests
-By Gift: BREWER V. BREWER (68); Notes and Questions (70)
-By Transfer: Note (71); Calvin v. Custer County (71); How to Approach the Problem (72); PROBLEM 3A (72); Earnest Money Agreement (73)
-By Adverse Possession: Note (75); TOTMAN V. MALLOY (75); Notes and Questions (79)
-Texas Limitations Statutes, in photocopied Supplement (7-10).

C. Lawyering Strategies and Competencies in Real Property Transactions
-Note (82); DECOTIIS & STEELE ARTICLE (82); NOTES AND QUESTIONS (87)

D. Possessory and Future Interests
-Note on Multiple Ownership (88); Note on Possessory Estates and Remainders (89); PROBLEMS (90)
E. Unidivided Concurrent Interests
-Note (90); Problems (91)
-Tenancy in Common: CHINN V. CHINN (92); Notes and Questions (94)
-Joint Tenancy / Survivorship: ESTATE OF MITCHELL (95); Notes and Questions (100)
-Deed Preparation Problem: PROBLEM 3B (101); Title Report (102); DEED FORMS (104-06); Note on the Special Warranty Deed etc. (107)

F. Security Interests
-Note on Tenancy by the Entirety (107); Goldman v. Gelman (108); SECOND SET OF NOTES AND QUESTIONS (109)

G. Marital Property
-Estate of Mitchell (110); Note on Community Property (111); NOTES AND QUESTIONS (113); NOTE ON VALUATION (115); In re Graham (115); Notes and Questions (119)

4. Real Estate Transactions, I: The Purchase Agreement

A. The "Road Map"
-A SIMPLIFIED ROAD MAP (131) (Read this item carefully and study it. It will show you the "big picture" of the next four chapters!)

B. The Atmosphere of Risk in Which Property Transfers Are Negotiated
-Isaac Asimov, Foundation (133); NOTES AND QUESTIONS (134); McElroy article ("Ross and Me") (135); NOTES AND QUESTIONS (139); NOTES AND QUESTIONS ON DISADVANTAGES OF LITIGATION (140)
-Tina L. Stark, Thinking Like a Deal Lawyer, (photocopies Supplement 11-15) and NOTES AND QUESTIONS (15-16)
-Video Review # 1: At this point, please study the first video review. Go to www.law.uh.edu, click "Faculty," click “David Crump,” scroll down, and click on “Property Video Review Part 1.” It is keyed to your print of the overhead projector slides, so you will need those also.

C. Brokerage
-Note on Brokerage (141); FRADY V. MAY (142); Notes and Questions (146); Hoffman v. Connall (147); NOTES AND QUESTIONS (151); Miller v. Keyser (151)
-Model Brokerage Agreement (152); NOTES AND QUESTIONS (154)

D. Negotiations for a Contract of Purchase
-Agreements to Negotiate: Vestar Development v. General Dynamics (155); NOTES AND QUESTIONS (157)
-Negotiation Techniques: DORSANEO & CRUMP ARTICLE (158); Notes (164); Problems (165) (read the Problems briefly)

E. Conditions and Requisites of the Document Expressing the Agreement
-Statute of Frauds: Note (169); MEYER V. KESTERSON (169); Notes (173)
-PROBLEM 4A (173); PLEADINGS AND DOCUMENTS (175-80); Note on the Assignment (180)
-Conditions: Note on Inspection (180); ALLEN V. CEDAR REAL ESTATE GROUP (181); Frady v. May (186); NOTES AND QUESTIONS (187); Note on Title Conditions (187); NOTES AND QUESTIONS (187)
-Options: Note (188); BEALE STREET DEVELOPMENT CORP. V. MILLER (189); Notes 3-4 (191)
-Escrows and Earnest Money: Note (191); IN THE MATTER OF AKIVIS (192); Notes
F. The Provisions of a Typical Real Estate Agreement
-Note (193); A SAMPLE AGREEMENT (197); NOTES AND QUESTIONS (203)

G. Liability Outside the Contract
-Note (207); Note on Types (208); NOTES AND QUESTIONS (208); Stambovsky v. Ackley (209)
-AMYOT V. LUCHINI (211); Notes (215); Notes (217)

H. Negotiation Problem
-PROBLEM 4B (218)

5. Real Estate Transactions, II: Financing and Conveyancing Documents (includes part of Ch. 8)
-Note on Lenders (219); Note on Documentation ("Big Picture") (220)

A. The Core Documents: Note, Deed, and Security Instrument
-Note on the Core Documents (223)
-Note on Promissory Notes (225); Note on How to Read the Case (226); MOORE V. BANK MIDWEST (227); Notes (230); Sample Promissory Note (231); NOTES AND QUESTIONS (234)
-Note on Ownership of Promissory Notes (436, in Chapter 8); Cadle Co. v. Errato (437); Note 3 (440); Note on Holder in Due Course (440); WILSON V. TOUSSIE (442); Notes (447)
-Note on Deeds (235); THOUGHT PROBLEM (237); Note on Descriptions (237); How to Read the Case (238); FERRITER V. BARTMESS (239); NOTE 2-3 (241); Problem 5A (242); Michigan Bar Article (243)
-Ohio Rev. Code Sections (245-47); NOTES AND QUESTIONS (247); Note on Covenants (248); BROWN V. LOBER (249); Notes 1-2 (252)
-Notes and Diagram (253)
-Note on the "Straight" Mortgage (254)
-Note on the Deed of Trust Mortgage (255); DREYFUSS V. UNION BANK (257); Notes (260); Note on How to Read This Document (261); SAMPLE DEED OF TRUST (264); NOTES (270); NOTE ON DUE ON SALE (271)

B. Mortgage Foreclosure
-The Process: BANK-FUND CREDIT UNION V. VIVADO (272); Notice Form (278); PROBLEM 5B (278); Selected Forms (281-82)
-The Equity of Redemption: Note (283); EMANUEL V. BANKER'S TRUST (284); Note 1-2 (286)
-Wrongful Foreclosure: HWANG V. STEARNS (289); Notes (292); Note 3 (photocopied Supplement 17)

C. Liens That Can Arise by Operation of Law
-Note (292); CHRISSIKOS V. CHRISSIKOS (293); Notes (295)
-Lee's Home Center v. Akins (296)

D. Sale of Mortgaged Property: Assumption Sales and Subject-to Sales
-PROBLEM 5C (298); Documents (299-302)

6. Real Estate Transactions, Part III: Title Assurance
A. Title Requirements in Purchase Agreements
-Note (303); CONKLIN V. DAVI (304); Notes (305)
-Note on Texas Custom of Contracting (photocopied Supplement 16)

-Video Review # 2: At this point, please study the second video review.

B. Public Recording Acts: Race, Notice, and Race-Notice Types
-Note (306); North Carolina Statute (307); Notes (307); Texas Statute (308); Notes and Questions (308); Note on Notice and Acknowledgement (309); SANCHEZ V. TELLES (310); Notes (313); New York Statute (314); Note (314); VITALE V. PINTO (315); Notes (316)
-Notes and DIAGRAMS (316-18)

C. The Title Search and the Chain of Title
-Ellingsen v. Franklin County (319)
-Note on Indexing (321); Note on Chain of Title (322); In re Dlott (324); How to Read the Nally Case(photocopied Supplement 19); NALLY V. BANK OF NEW YORK (Supplement 22); Notes (Supplement 26)

D. Legislation: Marketable Title Acts; Indexing by Tract
-Text and Notes (329-31)

E. Title Insurance
-MANLEY V. COST CONTROL (332); Notes and Questions (333); Note on Extra-Contractual Liability (335); SOMERSET SAVINGS BANK V. CHICAGO TITLE (336) Notes (339)
-NOTE ON THE TITLE POLICY (340); AMERICAN LAND TITLE ASS’N POLICY (341); NOTES (347)
-Third-Party Liability: Notes and Questions (348)

F. Curing Title
-Note (350); PROBLEM 6A (351); TITLE REPORT (352); PROBLEM 6B, ITEMS 1-2 (355); Items 3-10 (356-360)

7. Real Estate Transactions, IV: Closing, Termination, Remedies Pages Assigned, this Chapter: 26

A. The Closing
-Note (365)

B. Termination Short of Closing
-Note on Clauses (366); THOUGHT PROBLEM (367); PENDLETON V. WITCOSKI (367); Note 1 (371)

C. Functionality v. "Plain English"
-Closing Statement (372); Note and Article (373-75); NOTES AND QUESTIONS (375)

D. Destruction before Closing
-Hilliard v. Franklin (377); NOTES AND QUESTIONS (378)

E. Contract for Deed
-Note (379); TURBIVILLE V. HANSEN (380)

F. Damages as a Remedy
-Note (382); HARRISON V. McMILLAN (385); NOTES AND QUESTIONS (389); Note on Restrictions on Remedies (395)
-KELLY V. MARX (396); Notes (398)

G. Equitable Remedies
-Note (399); Hilliard v. Franklin (400); NOTES 1-4 (400)
-Notes on Lis Pendens (401)
-Pendleton v. Witcoski (402); NOTES (402)
H. Declaratory Relief and Title Litigation
   - Text and Notes (406-08)
   - Texas Rules on Trespass to Try Title, in photocopied Supplement (29-31)

8. Personal Property [Mostly assigned elsewhere; omit other parts.]

Appendix: The Personal Dimension of Lawyering: Can a Lawyer Live a Full Life?
   - Appendix C (near end of book)