

# PROPERTY

Fall 2026 ★ Professor Jessica Bregant

T 6p-8p ★ Th 6p - 7:20p

Room 102A

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## PROPERTY: READING ASSIGNMENTS

## OVERVIEW

Every society on earth has grappled with questions of property rights and responsibilities, and virtually every society has come up with its own answers. This course is designed to introduce you to some of those questions and some of the answers modern societies have adopted. We will cover ownership and transfer, estates and future interests, leases and landlord-tenant relationships, selling and mortgaging real property, and government takings. Throughout the semester, we will also talk about the role of property in society, paying special attention to the way property rules support and are supported by institutions of inequality.

## ADMINISTRIVIA - INFORMATION

### Instructor

Dr. Jessica Bregant

[jbregant@cougarnet.uh.edu](mailto:jbregant@cougarnet.uh.edu)

Office: 343Q

### Office Hours

My experience with students in the part time program is that regular limited office hours are less useful than making myself available by appointment. I'll identify some blocks of time and let you know how to make an appointment, but if those times won't work for you, I'm always happy to schedule a time that works for us both. I can meet in person or online.

### Tutors

Your tutors' contact information will be posted on Canvas. They are all former students of mine who excelled in their classes, and they will be happy to answer your questions. They'll also be running review sessions throughout the semester; more information on those will be coming soon!

### Required Materials

The required book for this course is *Sprankling & Coletta, Property: A Contemporary Approach* (6th Ed.), ISBN: 9781685614812. It has been ordered in the bookstore, but you should feel free to get it from whatever source you can get the best deal. An ebook version is available from westacademic.com, and you can get a 15% discount on the print or ebook versions with the code WAHOUSTON.

In addition, you should have access to a Canvas page for this course. Important information, including updates to the reading schedule and changes to office hours, will be posted on Canvas. If you don't have access, please let me know!

### Teaching Modes

*[NOTE: This is always subject to change as conditions change.]*

Class will be held in person. It may be recorded by the Law Center, and I will endeavor to make any recordings available to you all. Zoom may also be available in rare instances for students who are ill or have emergency issues arise, but it should not be used as a substitute for regular attendance.

If you attend via Zoom, please consider leaving your camera on if possible, as a favor to me. I have no intention of monitoring you, but it is difficult for me to gauge how well you are following our discussion without being able to see you (and it's hard for me personally to teach to a sea of black boxes!). I know that when you are attending remotely, you are more likely to be interrupted by children, pets, and other surprises, and I understand that you may not be comfortable with your camera on, so I do not require it. If you do have such an interruption occur on camera, I may also ask you to introduce your pets or children (let me know if you are not comfortable with this)!

### LEARNING OUTCOMES

Upon completion of this course, students should be able to:

1. Demonstrate knowledge of foundational doctrines and concepts in property law.
2. Apply legal reasoning using relevant case law, statutes, and policy to identify property issues, interpret and apply rules, develop arguments, and evaluate potential outcomes.
3. Analyze theoretical and policy justifications for property rights and the role of property as an institution in shaping society.
4. Develop lawyering skills, including effective oral and written communication, and consideration of ethical and professional responsibilities in property disputes.

## GRADING & EVALUATIONS

### Grading Policy

Your course grade will be based on attendance and preparation, assignments and quizzes, and a final exam, broken down approximately as follows:

**80-90%** Final Exam

**10%** Participation & Attendance

Up to **10%** Other Assignments

#### Final Exam (80-90%)

The final exam will include short answer, multiple choice, and essay questions. It will be closed book and include all assigned readings, class discussions, and any other materials covered in class. Grading will be anonymous. More details will be discussed in class.

#### Participation, Preparation, and Attendance (~10%)

I expect you to be present and prepared for every class, having done the assigned readings. I will take volunteers for class discussions, but I will also assign an on-call panel for each week. Students on the panel will be primarily responsible for answering questions about the readings. I'll assign the panels randomly, and the schedule will be posted on the course Canvas page.

I reserve the right to raise or lower your final course grade by one "unit" based on exceptional participation. That is, your grade may be raised from a B to a B+, for example, if your participation is exceptionally good and contributes positively to our class discussions; or lowered from an A- to a B+ if you are repeatedly unprepared or do not meaningfully contribute to class discussions.

When you're on call, expect to be called on! But I reserve the right to call on any student at any time, so please try to be prepared for every class. If something comes up so that you are not prepared, please let me know as soon as you can. If you're on the panel, I'll modify the list accordingly. We all have unexpected challenges arise, and I do my best to be flexible. Please do not abuse this flexibility. Changing panel dates will not adversely affect your participation grade, as long as you let me know in advance.

#### Other Assignments (up to 10%)

Throughout the semester, I may post a handful of additional assignments to the course site. These assignments will generally be graded for completeness (a good-faith effort)

and may include surveys, short quizzes, practice exam questions, videos to watch, or discussion board prompts.

### **Mock Midterm (not part of final grade)**

Approximately halfway through the semester, I will make a mock midterm available via the Canvas page. The midterm will be written in essentially the same format as the final exam, but will cover only the material covered in class to that point. My goal for the midterm is to mimic the conditions of the final exam in terms of length, question type, and difficulty, and I recommend that you take it under conditions that likewise mimic the final (i.e., closed book and time-limited). You'll be given at least a week to complete the midterm. There is no grade for the midterm, but you will be able to turn in your responses on Canvas and get detailed feedback from the tutors and myself.

### **Attendance**

Per UHLC policy, you must attend at least 80% of classes. Failure to do so will be reported to the Office of Student Affairs and may result in disciplinary action. In addition, missing more than 2 or 3 class sessions will make it difficult for you to meet my expectations for participation.

### **Names & Pronouns**

Chosen names and pronouns (including non-binary ones such as they/them/their) *must* be respected in my classroom. My pronouns are she/her/hers, and I'd prefer that you address me as "Professor Bregant" or "Dr. Bregant." "Bregant" is pronounced similarly to the word "pregnant" (minus the first "n") or to "Beggin'" (as in the dog treat brand "Beggin' Strips"), but I happily answer to most conceivable variants.

I usually address students by their first names. If you would prefer to use a name that is different than what appears in the registrar's list for the course, including (but not limited to) a nickname, just let me know. Similarly, please feel free to let me know your pronouns. If I use the wrong name or wrong pronouns in class, please correct me, either immediately or after class in person or by email.

## SUPPORT POLICIES

**IMPORTANT:** *Even if you read nothing else in the rest of the syllabus, please read this box! Your wellbeing matters to me.*

### Basic Needs Policy

**Your safety and wellbeing are more important than anything going on in class.**

Please feel free to reach out to me if you need to talk. Any student who faces challenges securing their food or housing or personal safety is urged to contact the Dean of Students for support. Furthermore, please notify me if you are comfortable in doing so. This will enable me to provide any resources that I can.

### Need Support Now?

**If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat [988lifeline.org](https://988lifeline.org).**

### University of Houston Resources

The University of Houston has a number of resources to support students' mental health and overall wellness, including **CoogsCARE** and the UH Go App. **UH Counseling and Psychological Services (CAPS)** offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit [uh.edu/cap](https://uh.edu/cap), call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html).

The **Student Health Center** offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The **A.D. Bruce Religion Center** offers spiritual support and a variety of programs centered on well-being.

The **Center for Student Advocacy and Community (CSAC)** is where you can go if you

need help but don't know where to start. Here's their statement:

*CSAC is a “home away from home” and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: @uh\_CSAC and @uhcupbrd. YOU belong here.*

**Women and Gender Resource Center (WGRC):** The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.

### **Academic Accommodations**

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing [jdcenter@Central.UH.EDU](mailto:jdcenter@Central.UH.EDU).

If you need other kinds of help or accommodation, please come talk with me as soon as possible.

### **Discrimination & Sexual Misconduct Policy**

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available

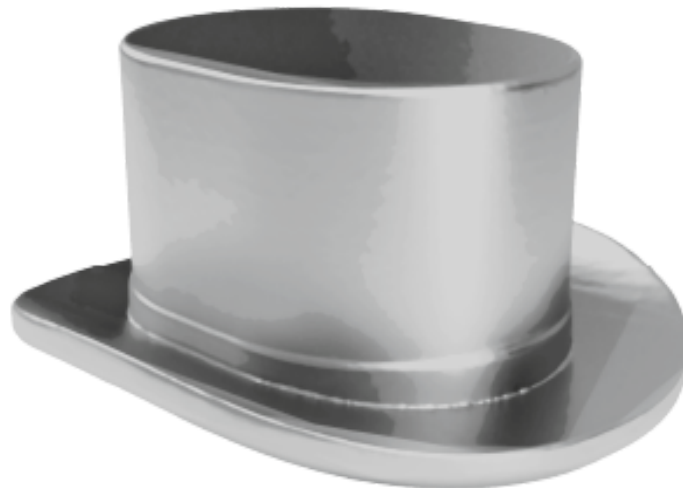
to you. For more information, please refer to the University system's [Anti-Discrimination Policy SAM 01.D.07](#) and [Sexual Misconduct Policy SAM 01.D.08](#):

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf>

(antidiscrimination)

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf> (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.





## **ADDITIONAL POLICIES (UHLC Required Language)**

### **Required Language For Courses With A Face-to-Face Component**

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, **do not come to class**. Please see [COVID-19 Diagnosis/Symptoms Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.

### **COVID-19 Information**

Students are encouraged to visit the University's COVID-19 website for important information including diagnosis and symptom protocols, on-campus testing, and vaccine information. Please check the website throughout the semester for updates.

Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent vaccine information and to consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

### **Recording of Class**

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform.

Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the dean of students office and may result in disciplinary action.

### **Syllabus Changes**

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible via email.

## Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

## AI & Large Language Models, etc.

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human mimicking “intelligence” and is thus potentially usable as a substitute for written material one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course obligates you to not knowingly prompt, generate, or use any AI Generated Text in relation to any assessment in this course. This applies to AI Generated Text from yourself or others. This obligation specifically extends to not plagiarize any writing required of you for assessment in the course: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any material generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include midterms and final exams.

### Addendum to AI Policy - A Warning for Property

If you choose to use AI Models to help you study, be warned: they are still very bad at several of the most difficult concepts in Property Law! Even programs designed specifically to work with estates and future interests, for example, are only minimally reliable so far. I have asked several current models to generate example multiple choice questions and answers for Property Law, and none of them has so far managed to create correct questions and answers more than about 65% of the time.

### **Helpful Information**

Coogs Care: <https://uh.edu/dsa/coogscare/>

Student Health Center: <https://www.uh.edu/healthcenter/>

### **Resources For Online Learning**

The University Of Houston is committed to student success, and provides information to optimize the online learning experience through our [Power-On](#) website. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Canvas; requesting a laptop through the laptop loaner program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact [uhonline@uh.edu](mailto:uhonline@uh.edu).

### **Security Escorts And Cougar Ride**

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our security escort service is designed for the community members who have safety concerns and would like to have a security officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD security officer or police officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a security officer to walk with you for your safety please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH GO app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

# PROPERTY: READING ASSIGNMENTS

All readings are in *Sprankling & Coletta* unless otherwise noted. This plan will probably change throughout the semester, so be sure to check in on the course page frequently.

*NOTE: We're moving to a new edition to the textbook, and I'll be updating the pages for the reading assignments accordingly. If this message is still here, then I haven't done it yet!*

| Wk | Topic(s)                                                            | Reading(s) in 5th Ed.                 |
|----|---------------------------------------------------------------------|---------------------------------------|
| 1  | <b>What is Property? What is Ownership?</b><br>Theories of Property | Ch. 1 - pp. 1-45<br>Ch. 1 - pp. 45-86 |
|    | Bundle of Sticks                                                    |                                       |
| 2  | <b>Acquiring Property</b><br>Finders                                | Ch. 3 - pp. 163-182                   |
|    | Gifts                                                               | Ch. 3 - pp. 195-211                   |
| 3  | Adverse Possession                                                  | Ch. 2 - pp. 89-125                    |
|    | Intro to Inheritance                                                |                                       |
| 4  | Concurrent Ownership / Cotenancy                                    | Ch. 6 - pp. 355-379                   |
|    | Easements                                                           | Ch. 10 - pp. 638-668                  |
| 5  | <b>Estates and Future Interests</b><br>Fee Simple                   | Ch. 5 - pp. 287-296                   |
|    | Life Estate, Fee Tail                                               | Ch. 5 - pp. 297-310                   |
| 6  | Defeasible Estates & Future Interests                               | Ch. 5 - pp. 310-352                   |
|    | Rules Furthering Marketability                                      |                                       |

| Wk        | Topic(s)                                                                         | Reading(s) in 5th Ed.                                                                          |
|-----------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <b>7</b>  | Future Interest & RAP Problems                                                   |                                                                                                |
|           | Marital Property                                                                 | Ch. 6 - pp. 379-400                                                                            |
|           | <b>Leasing Real Property</b><br>Discrimination/Fair Housing                      | Ch. 7 - pp. 411-426                                                                            |
| <b>8</b>  | Nonfreehold Estates & Possession                                                 | Ch. 7 - pp. 427-439                                                                            |
|           | Condition of Premises & Constructive Eviction                                    | Ch. 7 - pp. 439-460                                                                            |
|           | Assignment and Sublease                                                          | Ch. 7 - pp. 460-477                                                                            |
| <b>9</b>  | Abandonment & Eviction                                                           | Ch. 7 - pp. 478-498                                                                            |
|           | <b>Selling &amp; Buying Real Property</b><br>Statute of Frauds, Marketable Title | Ch. 8 - pp. 501-516                                                                            |
|           | Equitable Conversion & Duty to Disclose                                          | Ch. 8 - pp. 501-533                                                                            |
| <b>10</b> | Delivery of Deeds, Remedies for Breach                                           | Ch. 8 - pp. 533-549                                                                            |
|           | Title Assurance: Covenants, Search                                               | Ch. 8 - pp. 550-569                                                                            |
|           | Recording Acts, Notice, Title Insurance                                          | Ch. 8 - pp. 569-598                                                                            |
| <b>11</b> | Mortgages: Financing, Obligation, Security                                       | Ch. 9 - pp. 601-634                                                                            |
|           | Foreclosure                                                                      |                                                                                                |
| <b>12</b> | <b>Land Use &amp; Regulation</b><br>Restrictive Covenants & Equitable Servitudes | Ch. 10 - pp. 684-716                                                                           |
|           | Defenses to Enforcement                                                          | Ch. 10 - pp. 717-727                                                                           |
|           | Nuisance (skim)<br>Zoning                                                        | Ch. 11 - (skim) pp. 743-749<br>Ch. 11 - pp. 749-760;792-805                                    |
| <b>13</b> | Public Use/ Eminent Domain                                                       | Ch. 13 - pp. 851-871<br>Ch. 14 - pp. 873-900,                                                  |
|           | Takings                                                                          | + <i>Cedar Point Nursery</i><br>(2021) - abridged version<br>on Canvas<br>Ch. 14 - pp. 910-926 |

| Wk | Topic(s)                    | Reading(s) in 5th Ed. |
|----|-----------------------------|-----------------------|
| 14 | Overflow, Catch Up & Review |                       |