

PROPERTY

Spring 2023

Credits: 4

Time: 10:30 a.m.-11:50 a.m. Tuesdays/Thursdays; 9:00-10:20 a.m. Wednesdays

Professor Kellen Zale

University of Houston Law Center

Email: kbzale@central.uh.edu

Office: 431E

Staff assistant: Amanda Parker (amparker@central.uh.edu)

****Students are responsible for reviewing the material in this syllabus prior to our first class, so that we can begin our first class with a few brief introductory comments and then proceed with our assigned casebook reading. If you have any questions about anything in this syllabus, please email me.*

Overview and Learning Objectives: 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 rights and responsibilities of property owners are. *The objectives of the course are: (1) to gain a foundation in the substantive law of property; (2) to recognize the policy implications and legal ethics questions related to the subject matter; and (3) to provide a foundation for a variety of upper-division courses, including intellectual property, real estate transactions, environmental law, land use law, and trusts and estates.* Classes will be a combination of on-call interactive discussion, lecture, small group exercises (via breakout rooms on Zoom during remote classes), and other learning modalities.

Instructional Mode (IM): This course is designated as a face-to-face course, which means classes are in person by default, but designated classes may occasionally be held as remote classes via Zoom to accommodate other scheduling needs or other unforeseen circumstances. Students will be notified in advance of any classes that will be held remotely and a Zoom link will be posted on Blackboard at the start of the semester that is the Zoom link that will be used for any such classes.

Required information from UH administration:

- **Remote presence:** The UHLC administration has notified faculty that because of supply chain issues and ongoing construction at the new building, the availability of “remote presence” (i.e., starting a Zoom meeting from the podium computer to enable student remote access during in-person class on an occasional basis) for the semester is not known; **therefore, students should not rely on an expectation that remote presence will be available.** (As noted below, per the UH recording policy, all classes will be recorded and recordings posted to the class Blackboard page where they will remain up for the entire semester, so if a student is absent and unable to attend an occasional class in person, they may review the recording afterwards).

- **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. Modifications to the course syllabus may also be needed due to other unforeseen circumstances (such as a global pandemic, or weather-related emergency, or instructor illness). Such modifications may include changes to the mode of instruction or assigned material for the course. Notice of such changes will be announced as quickly as possible through the course website and/or email.
- **Covid-19 information for face-to-face courses:**
- **FACE COVERING POLICY:** To reduce the spread of COVID-19, the University strongly encourages everyone (faculty & students, vaccinated or not) to wear face coverings indoors on campus including classrooms.
- **VACCINATIONS:** Data shows that vaccination remains the best intervention for reliable protection against COVID-19. You can familiarize yourself with pertinent [vaccine information here](#). The University strongly encourages all students, faculty and staff to be vaccinated.
- **PRESENCE IN CLASS:** Your presence in any face-to-face class means that you:
 - Are NOT exhibiting any [symptoms](#) that make you think that you may have COVID-19
 - Have NOT tested positive or been diagnosed for COVID-19
 - Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19
 - If you are experiencing any COVID-19 symptoms, please see [Student Protocols](#) for what to do. If you have potentially been exposed to COVID-19, go here: [Potential Exposure to Coronavirus](#).
- **ADDITIONAL COVID-19 INFORMATION:** The University's [COVID-19](#) website has important information about on-campus testing, vaccines, diagnosis and symptom protocols, campus cleaning and safety practices, report forms, and positive cases on campus. Please check the website throughout the semester for updates.

Class materials: Students are responsible for all required assignments listed on the syllabus, whether in the casebook, the required supplement book, or other required readings/materials posted on the course website (i.e., Blackboard - see below for detailed information under "Course Technology") as required supplemental reading. *Note that the required casebook and the required supplement are not the most recent editions (to offer cost savings to students) and various editions are not interchangeable, so please ensure you get a copy of the edition specified on the syllabus.*

- A. **Required Casebook:** The required text is DUKEMINIER, KRIER, ET AL., PROPERTY CONCISE EDITION (2nd ed.). The casebook (new or used) is available for both purchase and rental from the publisher and third parties. Students should always have the casebook with them during class unless otherwise instructed.

❖ *As noted below, e-books are an electronic source and thus are not permitted during the final exam; therefore, students should ensure that they do not*

purchase an e-book only version of the casebook or the required supplement book.

- B. **Required Supplement Book:** EDWARDS, ESTATES IN LAND AND FUTURE INTERESTS: A STEP-BY-STEP GUIDE (5th ed.). Students should have the required supplement book with them to the classes for which material has been assigned from it.
- C. **Required supplemental readings/assigned materials:** Additional cases and other materials are assigned from time to time and will be posted under the “Supplemental Required Reading” tab on the course website.
- D. **PowerPoint slides:** There are PowerPoint presentations corresponding to each chapter we cover in the casebook/required supplement, which we will use to guide our live class sessions. (The Powerpoints are organized by chapters in the casebook, so the same set of Powerpoints may be utilized for several classes, since we spend multiple classes working through each chapter.) All PowerPoints are posted in advance of class on Blackboard in the “Powerpoints” tab.
- E. **Handouts:** Occasionally, handouts on particular topics will be used during class or provided for students as reference after class. Any such handouts will be posted on Blackboard under the “Handouts” tab.
- F. **Optional Materials:** The syllabus may list “optional materials” from time to time. These are entirely optional materials: we will not cover these materials in class and students will not be tested on them. The optional materials vary, and include materials such as full-length books, movies, newspaper articles, Youtube clips, and a variety of other sources. Links to some of the sources are posted on Blackboard (such as podcasts, Youtube clips, etc.); others are simply listed for student reference (i.e., full length books or movies). The optional materials are offered to illustrate additional points of view or offer a more in-depth look into property law issues we cover, and they are just a sampling of the multitude of sources related to these topics. I am happy to discuss any particular optional material one-on-one outside of class or during office hours, but as noted above, optional materials will not be part of the class discussion and will not be tested.

Course Technology:

- As noted above under the instructional mode, occasional classes may be designated as virtual/remote in advance to accommodate scheduling needs or unforeseen circumstances. Students will be notified in advance of any classes that will be held remotely and a Zoom link will be posted on Blackboard at the start of the semester that is the Zoom link that will be used for any such classes. *A “Policies and Protocols for Remote Class Sessions” is posted on Blackboard and contains important information regarding technology and policies for class protocols and policies on Zoom that students should review in advance of any class date that is designated as remote.*
- **Blackboard:** The course website is hosted on the UH Blackboard system. The course website is where I will post all announcements relating to the class, as well as the links to all pre-recorded class sessions and links to live class session recordings, all required supplemental readings, weekly mandatory quizzes, class handouts, Powerpoints, and the

like. Please access the class website early in the semester and regularly check it. To access our Property web course on Blackboard:

1. Log into [Access UH](https://access.uh.edu) (accessuh.uh.edu).
2. In the “University Services” box, click the “Blackboard Learn 9” icon.
3. On the Blackboard site, click on the listing for 2023 Spring Property.
4. Our Blackboard web course should be available approximately 1 to 2 weeks before our first class. You will be automatically enrolled in the Blackboard class website. *Students should contact UHLC IT for any questions about Blackboard access, since faculty have no control over student access to the course Blackboard page.*

Below are some links to useful information about Blackboard:

- [Information for new Blackboard and CougarNet users: https://uh.edu/blackboard/new-users/](https://uh.edu/blackboard/new-users/)
- [Blackboard help and resources for students: https://uh.edu/blackboard/help/](https://uh.edu/blackboard/help/)
- [Blackboard support: https://uh.edu/blackboard/support/](https://uh.edu/blackboard/support/)
- **UH E-Mail:** Email communications related to this course will be sent to will be sent to your [Exchange email account](#) which each University of Houston student receives (which is also the email that links to the course Blackboard page). Please regularly check this email account. The Exchange mail server can be accessed via Outlook, which provides a single location for organizing and managing day-to-day information, from email and calendars to contacts and task lists. Exchange email accounts can be accessed by logging into Office 365 with your CougarNet credentials or through Access UH. Additional assistance can be found at the [Get Help](#) page.
- **Video recording of classes:** Per UHLC policy (below), all class sessions (both virtual and face-to-face, pending availability of technology capacity in new building) will be recorded. A link to the recording of every class session will be posted on Blackboard (under the “Class Recordings” tab) within a day after each class (occasionally there may be technology slowdowns, in which case the link to the recording will be posted once it has been generated). The recordings will remain posted on Blackboard for the entire semester for students to review if they choose to. To promote accessibility for all users, the Zoom cloud recording includes an audio transcript that captions the audio of the session).
 - *Remote presence:* As noted above, the UHLC administration has notified faculty that because of supply chain issues and ongoing construction at the new building , the availability of “remote presence” (i.e., starting a Zoom meeting from the podium computer to enable student remote access during an in-person class on an occasional basis) for part or all of the semester is not known; therefore, students should **not** rely on an expectation that remote presence will be available.
 - *UHLC recording policy:* The Law Center will record class sessions with audio and video for the sole and limited educational purpose of allowing students to stream the recorded sessions for review or to enable students who missed a class to hear the class presentation. Any recordings created will be deleted and destroyed shortly after the final exam for the class. There is a chance that your contributions to class discussion, whether voluntary or while on call, may be

included in the recording. Your continued registration in this class indicates your acquiescence to any such incidental recording for the purposes described above.

- *Recording of Class:* Per UH policy, 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.
- **Use of Technology:** Computers are required for remote classes and permitted for in-person classes, but should only be used for note-taking purposes and connecting to classes remotely. Violations of this policy will be considered a lack of preparation and result in a deduction to final grades. Please ensure all other electronic devices (cell phones, etc.) are in silent mode or turned off during class.

Reserve books at UHLC Library: A hard copy of the required casebook for the course is available on reserve at the UHLC Library. The library staff have also worked diligently put in place a system to make electronic versions of reserve materials available when possible on short-term reserve loans to students. Students with questions about library resources and availability of books on reserve should contact the library.

Assessments:

- **Final Exam:** The final grade will be primarily based on a **three-hour, in-class**, limited open book exam. The exam will be a combination of multiple choice (66⅔%) and essay questions (33⅓%).
 - **Students must take the exam in person** (i.e., students must be physically present in the UHLC building at the date/time and room location that is assigned by UH administration for the exam, unless the student has obtained a prior accommodation from the Justin Dart, Jr. Student Accessibility Center or obtained permission for other arrangements from UHLC Office of Student Services (do **not** discuss any such arrangements with me, as it may compromise anonymity)).
 - “Limited open book exam” means students are permitted to bring into the exam: (1) the Dukeminier casebook and Edwards textbook; (2) any materials posted on the Class Blackboard page; and (3) notes or outlines prepared by the student alone or with classmates. However, no hornbooks, treatises, or commercial outlines are permitted, and no electronic sources can be consulted during the exam. **E-books are an electronic source and thus are not permitted during the exam;**

therefore, students should ensure that they do not purchase an e-book only version of the casebooks.

- **Formative Assessments:**

- **Midterm:** To aid students in exam preparation, there will be a mandatory, ungraded mid-semester assessment in the form of a one-hour take-home essay question in March. Additional information about the mid-semester assessment will be provided prior that time.
- **Weekly Blackboard review quizzes:** In addition, each week, there is a mandatory, ungraded weekly review quiz posted on Blackboard under the "Weekly Review Quiz" tab. The quizzes are designed to take no more than 10 minutes and are offered to provide a formative assessment opportunity for students to regularly test their knowledge of assigned material for that week. Select questions on the weekly review quizzes are actual past exam questions, so these also provide students with practice for the final exam. The quizzes will be primarily multiple choice questions (including actual past exam multiple choice questions, which are modeled on the Bar exam multiple choice questions), with occasional short-answer questions.
 - The weekly review quizzes are mandatory. Although mandatory, quizzes are graded for good faith completion (not on the number of correct answers). Failure to consistently complete quizzes in good faith and on time will be considered a lack of preparation and result in a deduction to your final grade.
 - Students should access and submit the quiz via Blackboard. Quiz answers (along with brief explanations) are provided automatically on Blackboard after students submit the quiz.
 - **The weekly review quizzes are due at 6 pm every Wednesday;** this timing allows for the quiz answers/scores to be reviewed and feedback addressing any issues related to quiz responses to be incorporated into our final weekly class session on Thursdays if needed. While we will not discuss every quiz question during class, there will be opportunity for students to ask questions about the quiz materials during class and students should be prepared to discuss the quiz questions as part of the in-class discussion.

Participation:

- Students are expected to be prepared for every class, which includes: presenting cases; responding to prompts/questions that were raised in pre-recorded lectures or remote learning assignments or during our in-class discussions; analyzing material in the notes and problems in the casebook; analyzing assigned problems in the required supplement book or required supplemental materials (if assigned). *Because of time limitations, we will not always cover every problem or note in the assigned materials during our live classes, but students are responsible for all assigned materials for purposes of the exam. Thus, if a student has questions about assigned material that we did not have time to*

cover in class, please either raise the question during class or during office hours or via email.

- **On-call system:** For purposes of class discussion, we utilize an on-call system. Students will be divided into assigned on-call groups (**the groups are assigned/divided alphabetically by last name – groups will be assigned prior to the start of the semester once the roster is finalized and the on-call group designations will be provided to students via Blackboard/email announcement prior to the start of the semester**). Each on-call group is assigned specific days on call; typically 5-10 students from the designated on-call group will be called on during each class period (I move through each on-call group alphabetically by last name and go down the list until all students in that group have been on-call (which may take more than one class period), then begin again at the start of that group). Students who are not on call are always welcome to volunteer or ask questions. See “pass system” below for how to opt out of being on-call.
 - Tuesday: On-call group #1 (starting with A last names)
 - Wednesday: Alternates between on-call group #1 and #2 every other week (see schedule provided in full schedule of assignments at start of semester)
 - Thursday: On-call group #2 (ending with Z last names)
- **Pass system:** If you are unprepared to be called on for a class session in which you are in the on-call group, you may utilize a “pass” up to three (3) times over the course of the semester and it will not affect the participation component of your grade. To utilize a pass, **you must email me by 8 p.m. the evening before the class you wish to utilize a pass in**. Students are responsible for keeping track of their passes; if you exceed 3 passes, it will be considered a lack of preparation and result in a deduction to your final grade.
- **Course Structure:** A schedule of topics to be covered is provided at the end of this document (an updated version will be posted on Blackboard prior to start of semester with precise breakdown of assignments by page number). This schedule is subject to adjustment to account for the pace of class and unforeseen circumstances (i.e., professor illness, extreme weather event, the evolving nature of the global pandemic, etc.). If there is any changes to the schedule, students will be given advance notice of changes by email and/or announcement posted to the course website. Students should regularly check the updated version of this document (link posted on Blackboard under “Syllabus” tab) for the most current version of the syllabus schedule.
- **Leftover material:** If we do not finish covering the assigned material for a particular class, we may start the next class with the leftover material before moving onto the current class's assignment; the on-call group of students for the current day should be prepared to discuss the leftover material from the previous class if such a situation arises. Alternately, depending on the complexity of leftover material and timing constraints, I may notify students that a short supplemental recorded lecture wrapping up the material has been posted on the course website, which will wrap up the material and which students will be responsible for reviewing as part of the assigned materials.
- **Participation component to final grades:** Final grades may be modified up or down by one-third of a letter grade (i.e., from a B to a B+ or A to A-) based on class participation.

The decision to lower a grade for participation is at my discretion and may result from exceeding the pass limit, failing to consistently complete quizzes or other assignments in good faith and on time, or from a combination of unpreparedness or inattention in class, inappropriate use of technology, or repeated lateness and absences. In exceptional circumstances, students may have their grade raised by one-third of a letter grade.

Attendance: Attendance for class will be taken through an online sign-in process using Google Forms. At the start of each class session, I will assign a passcode for the day. Students should then log onto the designated Google form link (to be provided via Blackboard prior to the start of the semester) and enter your last name and the passcode for the day. The attendance sheet will be closed 10 minutes after class ends; if you attend class but miss signing in or make a mistake in doing so, please notify temporary staff assistant, Amanda Parker, (amparker@central.uh.edu) promptly. You do **not** need to email me in advance if you will be absent. UHLC policy requires students to attend at least 80% of class meetings; excessive absences (absent extenuating circumstances) will be considered a lack of preparation and result in a deduction to your final grade.

Office Hours: Office hours will be held **remotely** via Zoom each week at a designated day/time that will be announced at the start of the semester. A specific Zoom link for office hours will be shared with students prior to the start of the semester. To better accommodate students and avoid multiple students waiting, an online sign-up form will be provided for students who wish to drop into office hours (details will be provided via Blackboard at the start of the semester). If you are unable to meet during office hours, I will also be available at other times by appointment; please email me to schedule a mutually convenient time.

Lateness: Students entering the classroom late (particularly for face-to-face classes) can be distracting to the instructor as well as to your classmates. Out of respect for everyone, please make every effort to be on time for class. If there is an exceptional situation where an outside commitment or emergency requires you to arrive late, please let me know if possible. Unless you have received permission from me (either before or after class), students are required to attend the entire class session in order to certify their attendance on the Google form.

Tutors: The teaching assistants will provide students with their contact info and information about their office hours during the first week of class via email and/or announcement on Blackboard.

Accommodations: The University of Houston System complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for students who have a disability. In accordance with Section 504 and ADA guidelines, the Student Accessibility Center strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid,

please call the Justin Dart, Jr. Student Accessibility Center at [\(713\) 743-5400](tel:7137435400) or email them at JDCenter@central.uh.edu.

Chosen Names/Preferred Pronouns: I use first names when calling on students and I will honor requests to use alternate/preferred names or gender pronouns. If you wish me to do so, please advise me of your preference early in the semester so that I may make appropriate changes to my records.

Counseling and Psychological Services: Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, which offers a (virtual) drop-in consultation service at convenient hours around campus.

http://www.uh.edu/caps/outreach/lets_talk.html. The Texas Lawyers' Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP's website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

Other Support Services: Law school can be a challenging experience, and on top of that, we are emerging from a global health crisis. In addition to the resources above, there are other resources on campus to help. If you find yourself food insecure, housing insecure, or in need of mental health or other services, the University has other free resources for students available here: <https://www.uh.edu/dsaes/coogscare/>. The Cougar Cupboard provides free groceries for all students, with no requirements. More information is available on their website: <https://uh.edu/dsa/cougarcupboard/>.

Discrimination and 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. 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. 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, available here: <http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>
<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)

Title IX/Sexual Misconduct: Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must

report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. 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/>.

Diversity and Inclusion: The University of Houston embraces diversity and recognizes our responsibility to foster an open, welcoming environment where students, faculty and staff of all backgrounds can collaboratively learn, work and serve. We value the academic, social, and broader community benefits that arise from a diverse campus and are committed to equity, inclusion and accountability. Diversity enriches our university community and is a driving force instrumental to our institutional success and fulfillment of the university's mission. We commit to engaging in an ongoing dialogue to thoughtfully respond to the changing realities of our increasingly interconnected world. We will continually strive to work together to address the challenges of the future in a way that removes barriers to success and promotes a culture of inclusivity, compassion and mutual respect. The competencies gained through diverse experiences across campus prepare all of our students, staff and faculty to thrive personally and professionally in a global society. If you feel like your class performance is impacted by your experiences inside or outside of class, please reach out to me. If you feel more comfortable speaking with someone else, Student Services is an excellent resource: 713-743-2182. Students may also bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee. The D&I committee's charge includes "[building] on the Law Center's strengths as a diverse and inclusive environment." You can contact the committee directly at UHLCD&I@uh.edu.

ABA Standard 306 Distance Education: ABA Standard 306 sets out the parameters for earning credit for study offered through distance education and provides that "A law school may award credit for distance education . . . if: (1) there is ample interaction with the instructor and other students both inside and outside the formal structure of the course throughout its duration; and (2) there is ample monitoring of student effort and accomplishment as the course progresses." The ABA has approved a waiver request from UHLC for the academic year of Fall 2020 and Spring 2021, which provides for an "emergency variance to exempt from the credit limits on distance education (currently set forth in Standard 306(e)) credits earned in courses offered through distance education during the COVID-19 emergency."

This course satisfies ABA Standard 306 by providing regular interaction between instructor and students both in and outside of the formal structure of the course for its duration through weekly synchronous classes, asynchronous assignments, and office hours, and provides ample monitoring of student effort and accomplishment as the course progresses through weekly assignments, formative assessments, participation component to the final grade, and the final exam.

COVID-19 Required Information 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 [Student 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. Consult the (select: [Undergraduate Excused Absence Policy](#) or [Graduate Excused Absence Policy](#)) for information regarding excused absences due to medical reasons.

Required Information for All Courses:

- 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.
- Vaccinations: 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.

Honor Code: The Honor Code applies to all aspects of this class. *Students are responsible for knowing all Honor Code provisions and for complying with the Honor Code.* Please ask if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations in the course.

Outline of Schedule of Assignments

Course Structure: Below is an outline of the topics to be covered during the semester (an updated version will be posted on Blackboard prior to start of semester with precise breakdown of assignments by page number). Please note that the schedule is subject to adjustment to account for the pace of class and unforeseen circumstances (i.e., professor illness, extreme weather event, global pandemic, etc.). Students should check the course website for the most up-to-date version of the syllabus. If there is any changes to the schedule, students will be given notice of any changes to the schedule by announcement in class, via email, or by posting on the course website.

First Day Assignment: Dukeminier, pgs. 1-21 (stop after note 4 on pg. 21); pg. 22 (notes 1-2 only)

Topics to be Covered

Part I – Creation and Allocation of Property Rights

- Acquisition by Discovery
- Acquisition by Capture
- Theories of Property
- Constituting Ownership - The Bundle of Rights
- The Public Trust Doctrine
- Acquisition by Creation
- Subsequent Possession: The Law of Finders
- Subsequent Possession: Adverse Possession

- Subsequent Possession: The Law of Gifts

Part II – The System of Estates

- Possessory Estates and Future Interests (multiple classes) (Edwards book required)

Part III – Concurrent ownership

- Joint Tenants, Tenants in Common and Tenancy by the Entirety
- Relations among Concurrent owners
- Marital Interests

Part IV – Leaseholds: Landlord/Tenant Law

- Leasehold estates
- The selection of tenants
- Subleases and Assignments
- Tenant Default
- Landlord Duties

Part V – Land Transactions

- The Contract of Sale
- The Deed
- Financing Real Estate Transactions
- Title Assurance and the Recording System

Part VI – Land Use Controls

- Judicial Land Use Controls: Nuisance Law
- Private Land Use Controls: Introduction to Servitudes
- Easements
- Covenants Running with the Land – Real Covenants and Equitable Servitude
- Legislative Land Use Controls – Zoning
- The 5th Amendment: Eminent Domain and Regulatory (Implicit) Takings