
PROPERTY

Law 5408/10709

Spring 2026

Professor Chris Mirasola

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GENERAL COURSE INFORMATION

Semester: Spring 2026

Course Location & Time: Room TBD; M/T/Th 10:30 AM – 12:00 PM

Instruction Mode: Face-to-Face

Office Hours: Mondays, as follows –

12:00 – 1:00 PM (drop-in, no appointment needed)

2:30-3:00 PM (drop-in, no appointment needed)

3:00 – 4:00 PM (by appointment only, via CANVAS)

I'm also happy to set up an alternate meeting time (please email)

Assistant: Njari Sharif

Course Description

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.

Course Prerequisites

None.

Course Materials

The primary text is THOMAS MERRILL, HENRY SMITH, & MAUREEN BRADY, PROPERTY: PRINCIPLES AND POLICIES (4th edition, 2022). In addition to new copies available at the university book store (and elsewhere), there are used copies available through online retailers.

I may occasionally provide supplemental materials via our Canvas site.

Use of CANVAS

This course makes considerable use of CANVAS. Updates regarding readings and assessments will all be communicated via CANVAS as well as in-person during class.

Learning Outcomes

By the end of this semester, you will be able to:

1. Identify the attributes, rights, and duties attendant to real property, particularly relating to the estates in land, leaseholds, easements, licenses, and forms of co-ownership.
2. Distinguish the means by which individuals can claim title to, and divest ownership of, various forms of real property.
3. Articulate the characteristics of public property and commons and describe the nature (and limits) of government regulation of private property.
4. Anticipate and evaluate the merits of causes of action that may be made regarding the rights and duties attendant to the forms of property discussed this semester.

Assessment

Your grade will be determined as follows:

10% -- Participation. This includes responding to cold-calls and submitting the small assignments we will periodically complete during class. These assignments will be graded complete/incomplete (i.e., the substance of your responses will not be graded).

10% -- Group Exercise. Details regarding the group exercise will be distributed later in the semester.

20% -- Midterm Exam. Details regarding the in-class midterm will be distributed later in the semester. The exam will take place during our regularly scheduled class time. It will be closed book and will be entirely composed of multiple-choice questions.

60% -- Final Exam. Details regarding the final exam will be distributed later in the semester. It will be closed book and include a mix of essay questions and multiple-choice questions.

Attendance

UHLC requires students to attend 80% of classes to take the final exam. This class will take attendance electronically, with an attendance code being provided at the beginning of each class. Please reach out to my administrative to communicate any absences required due to illness, etc.

Class Expectations

My aim is to create a collaborative classroom environment where we are able to discuss difficult legal questions in a professional, respectful manner. This entails a number of duties on my part.

First, I will be transparent in my expectations for the class. You will have advance notice about expectations regarding assessments well before they occur. And I will post to CANVAS any slides used during class.

Second, I will ensure that our class discussions and readings expose the wide range of views that exist on the issues we discuss.

And third, I will conduct class in a manner that promotes everyone's participation in class discussion. Practically, this means that you should expect a mix of cold-calls and requests for volunteers to facilitate our discussions. The only audio or visual recordings authorized for this class are those made available by the Law Center.

The success of this class will also depend on efforts on your part. First, this includes making a good-faith effort to prepare for each class session. Each assignment for this class will require close reading, and it will therefore take time for you to complete. Reading property law cases and other legal materials, especially at the very beginning, will involve lots of new terminology, concepts, and writing styles. So, make sure to budget sufficient time to read assignments carefully, including looking up unfamiliar terms and taking notes.

Second, this includes attending and actively participating in class discussions and group work. And third, in terms of classroom conduct, I expect that discussions will be respectful, especially when we disagree. I encourage you to speak up and share your views throughout the semester; and, when you disagree, I ask that you express disagreement in the manner in which you would argue before a judge in a formal courtroom setting, with professionalism.

Artificial Intelligence

Generative artificial intelligence is a form of machine learning that creates new and original output based on the data it has been trained on, in response to prompts. Examples include generative "large language models" (LLMs), such as ChatGPT. LLM output can include text, images, music, code, and more. This syllabus policy covers the textual output of generative LLMs (AI-Generated Text). Because AI-Generated Text can often mimic human intelligence, it

could potentially be used as a substitute for a student's own work product. Such use is potentially problematic to the extent that it becomes a substitute for internalized student understanding of the material or creates a dependency on AI-Generated Text, which may be strictly prohibited in settings that include the bar examination.

Therefore, subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Work Product—whether from yourself or others—in relation to any assessment in this course. The term “assessment” means *any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in an oral or written graded assessment for this course.*

The following AI-Generated Work Product uses are narrowly defined exceptions to the preceding prohibition:

- You may generate and use AI-Generated Text for class preparation, although you must disclose the full extent of that use if I ask. You may generate and use AI-Generated Text for study supplements to aid with general understanding of course content. This could take different forms that include creating examples or explanations of a concept, generating diagrams and flow charts, “gamifying” course content, creating flash cards for study, or creating sample questions and answers.
- You may generate and use AI-Generated Text for an outline that summarizes the course content.
- You may use AI-Generated Text for the purpose of language translation.
- You may use AI-Generated Text when specifically authorized for class exercises.

Use of Computers and Other Electronics in Class

Out of respect for other students and the classroom environment, during class sessions computers should be used only for the purposes of accessing electronic class materials or taking notes. This prohibits computer use for internet surfing, chat rooms, e-mail, or other uses not related to the class. I reserve the right to treat violations of this policy as either a lack of preparation, a constructive lack of attendance, or, in appropriate circumstances, as a disruption of the class. In addition, during class please disable the speaker on your computer and refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates. Also, please ensure that all other noise-making electronics, such as watches, cell phones, etc., are silenced.

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.

COURSE SCHEDULE

Please reference the separately distributed reading schedule for the assigned readings for each class. All readings are required unless otherwise noted.

The following is our intended schedule of topics for the semester. Since syllabi are living documents, I may make adjustments both before the semester and as the semester proceeds.

I. Forms of Property

By the end of this unit, you will be able to:

- *Articulate the competing theories of property that animate American jurisprudence and identify how they shape judicial decisions, statutory law, and common law traditions.*
- *Understand the basics of the estates system.*
- *Identify the foundational attributes of the forms of private and public property that we will be addressing this semester.*

1/20: Class Overview; Theories of property; Accounts of private property

1/22: Private Property—General: The Present Possessory Estates

1/26: Private Property—General: The Future Interests

1/27: *Designated catch-up day for the estates system*

1/29: Private Property—Leaseholds: Types of Tenancy

2/2: Private Property—Leaseholds: Possession, Rent, Assignment, and Sublease

2/3: Private Property—Easements (affirmative, negative, appurtenant, in gross)

2/5: Private Property—Co-Ownership: Types of Tenancy (in common, joint, by the entirety)

2/9: Private Property—Co-Ownership: Community Property (condominiums, cooperatives)

2/10: Public Property—Custom & State and Federal Lands

2/12: Commons—Public Rights

II. Acquiring Property

By the end of this unit, you will be able to:

- *Distinguish the means by which one can claim title as a matter of original acquisition and identify (and criticize) the normative underpinnings that justify these doctrines.*
- *Describe to a client how the government regulates the acquisition of real property, easements, and licenses, and the steps necessary to purchase real property.*

2/16: Private Property – General: Forms of original acquisition I (first possession, discovery)

2/17: Private Property – General: Forms of original acquisition II (creation, sequential possession, accession I)

2/19: Private Property – General: Forms of original acquisition III (accession II and adverse possession)

2/23: Private Property – General: Transfer of Property

2/24: Private Property – General: Good Faith Purchaser & Recording Acts

2/26: *Designated catch-up day*

3/2: Private Property – General: Mortgages and liens

III. Mid-Semester Assessment

3/3: Review Session

3/5: Midterm

IV. Rights of and Limitations on Property Owners

By the end of this unit, you will be able to:

- *Describe the rights of private property owners, in general and as to licenses, leaseholds, and forms of co-ownership.*

- *Anticipate and evaluate the likelihood of success of lawsuits asserting these rights by private property owners.*
- *Distinguish permissible from impermissible limits on the future uses of private property, whether those be imposed by an individual owner, a homeowners association, or the government (at the local, state, and federal level).*
- *Identify and criticize the normative underpinnings of these limitations.*

3/9: Private Property – Licenses

3/10: Private Property – Leaseholds: Actual and constructive eviction; termination of lease

3/12: Private Property – General: Civil and Criminal Remedies

3/16 – 3/20: Spring Break—No Class

3/23: **Group Exercise Day**

3/24: Private Property – General: Restrictive Covenants (affirmative, negative, and equitable servitudes)

3/26: No Class

3/30: *Designated Overflow Day*

3/31: Private Property – General: Nuisance

4/2: Private Property – General: Necessity, Custom, & Public Accommodations

4/6: Private Property – General: Zoning

4/7: Private Property – General: Eminent Domain and Takings

4/9: Private Property – Overflow & Practice Day

4/13: Private Property – General: Implied Warranties, Public Policy, & Anti-discrimination

V. Getting Rid of Property

By the end of this unit, you will be able to:

- *Articulate common law limits on an individual's ability to devise property to future interest-holders.*

- *Describe the special considerations that apply to terminating interests in leaseholds, easements, and licenses.*

4/14: Private Property – General: Making the Estate System Work

4/16: Private Property – General: Waste & Rule against Perpetuities

4/20: Private Property – General: Rule against Perpetuities (cont'd)

4/21: Private Property – General: Abandonment & destruction

4/23: Private Property – Easements, Covenants, and Co-tenancy: Methods and Effects of Termination

VI. Conclusion

4/27: Class Wrap-Up

4/28: **Optional Review Session.**

4/30: **Optional Review Session**

TBD: Final Exam

GENERAL UNIVERSITY OF HOUSTON POLICY INFORMATION

The University wants you to have the following general information about resources and policies at UH:

Mental Health and Wellness 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/caps, 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.

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.

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/>.

Reasonable Academic Adjustments/Auxiliary Aids:

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.

More Student Support

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. 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:

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.

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.

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 (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

UH Email:

Please check and use your CougarNet email for communications related to this course. Faculty use the CougarNet email to respond to course-related inquiries such as grade queries or progress reports for reasons of FERPA. To access your CougarNet email, login to your Microsoft 365 account with your CougarNet credentials. Visit University Information Technology (UIT) for instructions on how to connect your CougarNet e-mail on a mobile device.

Security Escorts and Cougar Ride:

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The 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/>.