

Property – Fall 2006
Mondays and Wednesdays, 6:00-7:30 PM
Visiting Assistant Professor Ashlie Warnick
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For this class, we will be using the 6th Edition of Dukeminier, Krier, Alexander, and Schill's Property (Aspen, 2006). In addition, I will provide you with problem sets that we will be completing in class. These will be distributed in class in hard copy but will also be available through TWEN. You are encouraged to use TWEN to continue in-class discussions. Each of you should sign-up to receive automatic e-mails whenever something new is posted to TWEN. You are responsible for everything that I post to TWEN and I may or may not alert you to the posting in class.

I anticipate that the exam will be approximately four hours and comprised of multiple choice, short answer, and essays. As the semester progresses, I will give you more detailed information about the exam. Laptops will be allowed, but it will be a closed laptop, open book exam (you can bring any paper resource to the exam that you like but your laptop will be nothing more than a typewriter – you will not be able to access documents on your laptop during the exam).

Property, Contracts, and Torts make up the triumvirate of first-year law courses. Contracts tells you when you are free to exchange your rights; Torts deals with how you are compensated if your rights are taken from you absent the opportunity for mutually beneficial exchange. Property is about how you got those rights in the first place. We will start out with just that question – How owns what and how did it come about? Next, we will be looking at the laws surrounding real property. When you own a piece of land, what does that mean? Who can you devise it to? What terms can you put on the devise? What rights to the land does your spouse have? If you rent your land to a tenant, what are his rights and what are yours? Next, we will look at how you can attempt to control your neighbor's land uses. Recall our discussion last semester about nuisance. We will be adding zoning and covenants to the mix. Lastly, we will address a very active area of the law – eminent domain and exactions.

PROPERTY
SYLLABUS – FALL 2006

- Monday, August 21 and Wednesday, August 23: pp. 1-51 – FIRST POSSESSION: ACQUISITION OF PROPERTY BY DISCOVERY, CAPTURE, AND CREATION – Acquisition by Discovery; Acquisition by Capture
- Monday, August 28: pp. 51-93 - FIRST POSSESSION: ACQUISITION OF PROPERTY BY DISCOVERY, CAPTURE, AND CREATION – Acquisition by Creation; Property in One's Person
- Wednesday, August 30: pp. 95-112 – SUSEQUENT POSSESSION: ACQUISITION OF PROPERTY BY FIND, ADVERSE POSSESSION, AND GIFT – Acquisition by Find
- Monday, September 4: NO CLASS – Labor Day Holiday
- Wednesday, September 6: pp. 112-136 - SUSEQUENT POSSESSION: ACQUISITION OF PROPERTY BY FIND, ADVERSE POSSESSION, AND GIFT – Acquisition by Adverse Possession: Theory and Elements
- Monday, September 11: pp. 136-157 - SUSEQUENT POSSESSION: ACQUISITION OF PROPERTY BY FIND, ADVERSE POSSESSION, AND GIFT – Acquisition by Adverse Possession: The Mechanics of Adverse Possession, Adverse Possession of Chattels
- Wednesday, September 13: pp. 157-172 - SUSEQUENT POSSESSION: ACQUISITION OF PROPERTY BY FIND, ADVERSE POSSESSION, AND GIFT – Acquisition by Gift
- Monday, September 18: pp. 173-206 – POSSESSORY ESTATES (fee simple, fee tail, life estate)
- Wednesday, September 20 and Monday, September 25: pp. 206-224 - POSSESSORY ESTATES (leasehold estate, defeasible estate)
- Wednesday, September 27: pp. 225-244 – FUTURE INTERESTS (up to Rule Against Perpetuities)
- Monday, October 2: pp. 244-274 – FUTURE INTERESTS (RAP)
- Wednesday, October 4: pp. 275-310 – CO-OWNERSHIP AND MARITAL INTERESTS: Common Law Concurrent Interests
- Monday, October 9: NO CLASS – class meets on ...

Tuesday, October 10: pp. 310-359 - CO-OWNERSHIP AND MARITAL INTERESTS:
Marital Interests

Wednesday, October 11: pp. 361-402 – LEASEHOLDS: TRADITION, TENSIONS,
AND CHANGE IN LANDLORD-TENANT LAW (leasehold estates,
discrimination, delivery of possession, subleases and assignments)

Monday, October 16: pp. 403-449 - LEASEHOLDS: TRADITION, TENSIONS, AND
CHANGE IN LANDLORD-TENANT LAW (defaulting tenants, tenants who
abandon, remedies, affordable housing)

Wednesday, October 18: p. 637; SKIM pp. 639-665 (Nuisance); READ pp. 667-709 –
PRIVATE LAND USE CONTROLS: THE LAW OF SERVITUDES (Easements)

Monday, October 23: pp. 709-750 – PRIVATE LAND USE CONTROLS: THE LAW
OF SERVITUDES (Assignability, Scope, and Termination of Easements;
Covenants Running with the Land)

Wednesday, October 25: pp. 750-786 - PRIVATE LAND USE CONTROLS: THE LAW
OF SERVITUDES (Validity and Scope of Covenants)

Monday, October 30: pp. 786-819 - PRIVATE LAND USE CONTROLS: THE LAW OF
SERVITUDES (Termination of Covenants, Common Interest Communities)

Wednesday, November 1: pp. 821-862 – LEGISLATIVE LAND USE CONTROLS:
THE LAW OF ZONING (Non-conforming use, variances)

Monday, November 6: pp. 862-901 – LEGISLATIVE LAND USE CONTROLS: THE
LAW OF ZONING (Spot zoning, Aims and Muscle of Zoning – Aesthetic
Regulation)

Wednesday, November 8: pp. 901-939 – LEGISLATIVE LAND USE CONTROLS:
THE LAW OF ZONING (Controls on Household Composition, Exclusionary
Zoning)

Monday, November 13: pp. 941-959 – EMINENT DOMAIN AND THE PROBLEM OF
REGULATORY TAKINGS: Power of Eminent Domain; Public-Use Puzzle

Wednesday, November 15: pp. 959-980 – EMINENT DOMAIN AND THE PROBLEM
OF REGULATORY TAKINGS: Physical Occupation and Regulatory Takings

Monday, November 20: pp. 980-1031 - EMINENT DOMAIN AND THE PROBLEM OF
REGULATORY TAKINGS: Physical Occupation and Regulatory Takings

Wednesday, November 22: NO CLASS – Thanksgiving holiday

Monday, November 27: pp. 1031-1065 - EMINENT DOMAIN AND THE PROBLEM
OF REGULATORY TAKINGS: Physical Occupation and Regulatory Takings

Wednesday, November 29: Wrap-up and Review