

Property

Law 104-004 (Fall 2026)

Section 4 (Flex JD)

Instructor: Professor Adams

Course Logistics

Our class meets on Tuesdays and Thursdays, from 6:05-8:05pm (ET). All classes will be held in-person unless specified otherwise.

Our final exam will be held on Monday, December 14, at 6:00pm (ET).

Expected Learning Outcomes

This course is structured to cover the core subjects of property law, including the black letter law that will be tested on the bar exam. By the end of the semester, you should be able to:

- Understand the fundamental principles of property law as applied to real estate, personal goods, and intangibles.
- Understand the basic legal analysis of estates, mortgages, and conveyances.
- Assess and weigh the policy arguments frequently raised in property law and policy.
- Recognize the intersection of property law with other private and public law subjects.

Office Hours & Contact Information

My office is Room 421, Van Metre Hall. My e-mail is: gadams6@gmu.edu. My office phone number is: (703) 993-8048.

I will use our course Canvas page to post announcements, upload any readings that are not from the casebook, and provide updates for the week. Please ensure that you check the Canvas page and that you have notifications activated.

Tentatively, I plan to host office hours twice a week, one virtual and the other in-person. My in-person office hours will be on Thursdays immediately following class. My virtual office hours will be on Wednesdays, from 4:30-5:30pm (ET). For virtual office hours, a Zoom link will be on the course Canvas site. Go to the calendar and find the date and time for an office hour; a Zoom link should display.

While I strongly encourage you to attend office hours, I recognize that other commitments may occasionally prevent you from doing so. If my office hours conflict with other commitments that you have that week, please reach out to schedule an appointment. If you are unable to meet or your questions are time sensitive, I encourage you to send me an e-mail. If your e-mail addresses an

issue that would be of general interest, I will remove all identifying information and distribute the question along with our answer to the entire class.

Cancellations & Make-up Classes

If I need to reschedule a class due to a conflict, I will notify the class well in advance of the cancellation and provide a rescheduled day and time. I note that I may need to hold class over Zoom on Thursday, November 5; I will provide an update as we get closer to that date.

Should I need to cancel class suddenly due to an illness or emergency, I will have my secretary post notices on the door of our classroom. I will also send an e-mail to the class.

Course Casebook & Materials

Our course will use the following casebook:

GREGORY S. ALEXANDER ET AL., *DUKEMINIER & KRIER'S PROPERTY*, 11th ed., 2026, Aspen Publishing, ISBN-13: 9798894104874.

You will need to possess a physical copy of the book, as I do not allow the use of electronic devices in the classroom.

Additionally, several assigned cases are not included in the casebook. Excerpts of the cases will be made available on Canvas and should be accessible through either the files or modules tabs.

Class Attendance

Regulation 4.1-1 in the law school's academic regulations requires that students attend class on a regular basis: "If a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course." Generally, if a student misses more classes than allowed by AR 4.1-1, the student is not eligible to sit for this course's examination.

For a 4-hour course like Property, AR 4.1-1 requires that students not be absent for more than 12 hours of class (i.e., 6 2-hour class sessions). I will administer it by circulating a sign-in attendance sheet (if we're studying in person) or by printing an attendance report (if we're studying remotely). AR 4.1-1 applies to absences "for any reason." In other words, it is your responsibility to keep track of your absences and anticipate possible absences. I do not need to be notified in advance if you're going to be absent. This requirement does not apply to rescheduled classes. Additionally, I reserve the right to make an exception, consistent with AR 4.1-2, in instances of debilitating illness or similar exigencies.

If a student misses more classes than allowed by AR 4.1-1, and does not receive the benefit of an exemption consistent with AR 4.1-2, I will notify the law school's administration with the default presumption that the student is not eligible to sit for this course's final examination.

Class Preparation & Participation

I expect you to come prepared for class. That includes having read each page assigned and, for each excerpted case, understanding the facts, the lawsuit, and the theories of the case adopted in the opinion(s). The same expectation applies to the assigned cases that are not from the casebook.

Additionally, I may initiate discussion of the cases referenced in the casebook's notes (i.e., "squib" cases). In such instances, I will not expect you to know more about the case than what is provided in the casebook text. When the casebook or excerpted cases refer to statutes, I expect you to read them closely enough to answer questions about their content.

I teach using the modified Socratic method, which means I call on students during class to discuss material that a lawyer would be expected to digest from the readings. I do not use panels; my cold calls are completely random. As a result, you should enter each class with the expectation that you may be called on.

I recognize that cold calls can be intimidating, but they are a central component of your class participation and, I believe, foundational to your learning. All students will be expected to participate when called on. If a student refuses to answer questions when called on or is clearly unprepared, I reserve the right to take disciplinary action in the form of a discretionary reduction in the student's grade.

During class, I expect you to be respectful to me and your fellow classmates. You are training to receive a professional degree, so be professional.

Class Recordings

I reserve all property rights in my class lectures, presentations, and discussions. I generally prefer that classes not be recorded. I like to encourage free and frank discussions of class materials, and in my experience the recording of class tends to chill class discussions.

That said, I will grant permissions in instances where a student has a special need. If you have a disability related need, please contact GMU's Office of Disability Services (ODS). ODS has a process for administering disability-related requests for accommodations, and in that process ODS serves as a go-between between a student-applicant and that student's instructor. If, alternatively, your need is not disability-related, you are free to ask me or ask me anonymously by contacting GMU's Office of Student Affairs.

Computer Use Policy

No technology (laptops, tablets, phones, etc.) is permitted in the classroom. Please come prepared to take notes by hand. You are welcome to bring any outlines, case briefs, or pre-writes that you have prepared to class, so long as they are physical copies.

Anyone seeking a waiver of this policy must place a formal request with ODS for an accommodation under the Americans with Disabilities Act.

AI Use Policy

There are no written assignments in this course aside from your final exam; accordingly, there is no need for a formal AI policy, other than the policy which will apply to the exam. AI tools will not be allowed on the exam. Should circumstances change, I reserve the right to revise this decision, and more definitive guidelines will be provided as the final exam approaches.

You may find that the use of AI tools, as with any other supplement or guide, may aid your learning outside of class. AI use is permitted for these purposes, including class preparation, summarizing notes and creating outlines, or developing practice questions in preparation for the final exam. However, I strongly encourage you to carefully and critically evaluate the output of any AI, recognizing that the current generation of these tools often generate results that are misleading, incomplete, or wholly inaccurate. Further, like any unofficial supplement or other outside material, AI-generated content may or not accurately reflect the content covered in this course.

Grading

Your grade in this course will solely be based on a final examination administered at the end of the semester. The exam is scheduled to be 4 hours long, though I reserve the right to change the duration of the exam. You will be expected to take the exam in person.

The exam will be closed-book, closed-note, closed-access to any tool besides your laptop, running ExamPro or similar software. You will not be able to access any digital files, websites, or programs for the duration of the exam.

I reserve the right to increase borderline grades for students who have made unusually strong contributions to the classroom discussions. I also reserve the same right to reduce student grades for repeated lack of preparation or outright refusals to participate.

Course Readings & First Assignment

A listing of all expected readings for the semester is provided below.

References to “D&K” are to the casebook. All the numbers listed are references to pages and accompanying notes. For example, if an assignment reads as “D&K 82-83 n.3-5” you do not need to read any material on page 83 past note 5.

You will notice that the course readings are not designated by day. That is intentional. We will pace the course according to your learning and our progression in class, not a predetermined schedule. I will announce at the end of our Thursday class what readings we expect to cover for the upcoming week.

I have provided a full forecast of the material that I anticipate covering for the entirety of the course. Please note, this is a projection, not a promise. I reserve the right to change the projected reading schedule depending on how fast or slow we are progressing through the material.

For our first class on Tuesday, August 18, please read unit 1 below.

1. Introduction; Acquisition & Claim Scope: Capture
 - a. D&K 17-24. *Pierson v. Post*
 - b. D&K 31-34. *Keeble v. Hickeringill*
 - c. D&K 24-31. *Ghen v. Rich*
 - d. D&K 41-47. *Popov v. Hayashi*
2. Acquisition & Claim Scope: Discovery
 - a. D&K 4-17. *Johnson v. M'Intosh*
 - b. D&K 218-22. *Pocono Springs Civic Ass'n, Inc. v. MacKenzie*
3. Acquisition & Claim Scope: Accession, Ad Coelum, & Other Rights
 - a. D&K 37-41. Appurtenant Rights and Fugitive Resources
 - b. *Edwards v. Sims*
 - c. *Hammonds v. Central Kentucky Natural Gas Co.*
 - d. *Coffin v. Left Hand Ditch Co.*
 - e. *Stratton v. Mt. Hermon Boys' School*
4. Acquisition & Claim Scope: Subsequent Possession
 - a. D&K 50-52. *Armory v. Delamirie*
 - b. D&K 58-63. *McAvoy v. Medina*
 - c. D&K 101-105. *In re Estate of Oaks*
 - d. D&K 105-106. *Newman v. Bost*
 - e. D&K 106-11. *Gruen v. Gruen*
5. Acquisition & Claim Scope: Creation & Property's Limits
 - a. D&K 120-122; 140; 177-79 (read n. 4 and 6; as well as introductory discussion on Copyright, Patents, and Trademarks).
 - b. D&K 128-39. *Authors Guild v. Google, Inc.*

- c. D&K 145-55. *Moore v. Regents of University of California*
 - d. *White v. Samsung*
- 6. Acquisition & Claim Scope: Public Property
 - a. D&K 170-77. *Matthews v. Bay Head Improvement Ass'n*
 - b. *Hinman v. Pacific Air Transport*
 - c. D&K 177-88. *United States Patent and Trademark Office v. Booking.com*
- 7. Ownership's Contours (Land): The Right to Exclude
 - a. D&K 188-193. The Right to Exclude and Its Limits
 - b. D&K 194-205. *Iron Bar Holdings, LLC v. Cape*
 - c. *Ploof v. Putnam*
 - d. *McKee v. Gratz*
- 8. Ownership's Contours (Land): The Right to Exclude (cont'd); Right to Transfer; Right to Dispose
 - a. D&K 82-83 n. 3-5. Encroachments and Good Faith Improvers
 - b. D&K 205-209. *Davis v. Davis*
 - c. D&K 223-29. *Eyerman v. Mecantile Trust Co.*
- 9. Ownership's Contours (Land): Adverse Possession and Nonconsensual Loss
 - a. D&K 64-69. Commentary on Adverse Possession
 - b. D&K 69-77. *Sellers v. Claudson*
 - c. D&K 78-81. *Mannillo v. Gorski*
 - d. D&K 83-90. *Howard v. Kunto*
- 10. Ownership's Contours (Chattel): Conversion; Trespass; Transfer
 - a. Restatement (Second) of Torts, §§ 217, 218.

- b. *Intel v. Hamidi*
- c. *Russell-Vaughn Ford, Inc. v. Rouse*
- d. D&K 209-215. *Impression Products, Inc. v. Lexmark International, Inc.*

11. Ownership's Contours (Chattel): Bailments; Licenses; Adverse Possession

- a. Uniform Commercial Code §2-403.
- b. *Allen v. Hyatt Regency-Nashville Hotel*
- c. D&K 91-99. *O'Keefe v. Snyder*
- d. D&K 229-35. *In re Estate of Kievernagel*

12. The Estate System: Present Estates

- a. D&K 242-248; 261-64. Overview of Present Estates
- b. D&K 249-52. *Knopf v. Gray*
- c. D&K 252-57 n.3. *Baker v. Weedon*
- d. D&K 259-60. Seisin
- e. D&K 264-67. *Paul Smith's College of Arts & Sciences v. Roman Catholic Diocese of Ogdensburg*

13. The Estate System: Future Interests

- a. D&K 277-84. Overview of Future Interests
- b. D&K 284-87. *Folsom v. Rowell*
- c. D&K 288-94. Future Interests pre-1536
- d. D&K 290-94. Future Interests post-1536

14. The Estate System: Future Interests (cont'd)

- a. D&K 296-98. Trusts
- b. D&K 298-302. *Broadway Nat'l Bank v. Adams*
- c. D&K 305-309. Rule Against Perpetuities

- d. D&K 314-22. *The Symphony Space, Inc. v. Pergola Properties, Inc.*

15. The Estate System: Co-Tenancies

- a. D&K 327-330. Concurrent Interests
- b. D&K 332-36. *Riddle v. Harmon*
- c. D&K 336-41. *Harms v. Sprague*
- d. D&K 342-50. *Delfino v. Vealencis*
- e. D&K 352-55. *Spiller v. Mackereth*
- f. *Swarzbaugh v. Sampson*
- g. D&K 360-65. *Sawada v. Endo*
- h. D&K 257-59. Waste

16. Landlord/Tenant Law: Forms; Tenant's Rights

- a. D&K 381-87. Leaseholds
- b. *Effel v. Rosenberg*
- c. D&K 404-07. *Hannan v. Dusch*
- d. D&K 387-404. *Wetzel v. Glen St. Andrew Living Community, LLC*
- e. D&K 441-49. *Village Commons, LLC v. Marion County Prosecutors' Office*

17. Landlord/Tenant Law: Tenant's Rights (cont'd); Landlord's Remedies

- a. D&K 450-59. *Hidler v. St. Peter*
- b. D&K 459-64. Retaliatory Eviction; Liability
- c. D&K 439-40. Landlord's Remedies
- d. D&K 422-31. *Berg v. Wiley*
- e. D&K 431-39. *Sommer v. Kridel*
- f. D&K 412-413. Assignment & Sublease
- g. D&K 414-21. *Kendall v. Ernest Pestana, Inc.* (restraints on alienation)

18. Land Transactions: Security Interests

- a. D&K 507-11. *Rockafellor v. Gray*
- b. D&K 517-21. Law of Mortgages
- c. D&K 521-25. *Murphy v. Fin. Dev. Corp.*
- d. D&K 578-81. *Orr v. Byers*

19. Land Transactions: Recordation and Transfer

- a. D&K 564-69; 583-85; 607-10. Recording System
- b. D&K 569-75. *Luthi v. Evans*
- c. D&K 586-93. *Allen v. Allen*
- d. D&K 600-602. *Harper v. Paradise*

20. Law of Neighbors: Nuisance

- a. D&K 623-30. *Morgan v. High Penn Oil*
- b. *Jost v. Dairyland Power Cooperative*
- c. *Campbell v. Seaman*
- d. D&K 630-33. Noninvasive nuisance
- e. D&K 644-49. *Spur Industries, Inc. v. Del E. Webb Development Co.*
- f. D&K 652-54. Public Nuisance

21. Law of Neighbors: Nuisance Remedies

- a. D&K 634-639. *Estancias Dallas Corp. v. Schultz*
- b. D&K 639-44. *Boomer v. Atlantic Cement Co.*
- c. D&K 644-52. Review *Spur* and read n. 1-4.

22. Law of Neighbors: Servitudes

- a. D&K 656-659. Easements

- b. D&K 659-64. *Willard v. First Church of Christ, Scientist*
- c. D&K 667-73. *Van Sandt v. Royster*
- d. D&K 680-86. Necessity; Prescription
- e. D&K 686-93. *Miller v. Lutheran Conference & Camp Ass'n*
- f. D&K 693-702. *Brown v. Voss* (scope)
- g. D&K 711-715. Negative Easements

23. Law of Neighbors: Servitudes (cont'd)

- a. D&K 715-18; 721-22 n. 2-4. Covenants & Equitable Servitudes
- b. D&K 722-31. *Neoposit Property Owners' Ass'n, Inc. v. Emigrant Industrial Savings Bank*
- c. D&K 731-32. Third Restatement Approach
- d. D&K 732-36. *Sanborn v. McLean*
- e. D&K 736-740 n.2. *Shelley v. Kramer*
- f. D&K 742. Termination & Changed Conditions

24. Law of Neighbors: Servitudes (cont'd); Common Interest Communities

- a. D&K 702-11. *Marvin M. Brandt Revocable Trust v. United States* (skip n. 4-6)
- b. *El Di, Inc. v. Town of Bethany Beach*
- c. D&K 759-72. *Nahrstedt v. Lakeside Village Condominium Ass'n, Inc.*

25. Law of Neighbors: Zoning

- a. D&K 785-91. Zoning Background
- b. D&K 791-800. *Village of Euclid v. Ambler Realty Co.*
- c. D&K 809-16. *PA Northwestern Distributors, Inc. v. Zoning Hearing Board*
- d. D&K 817-19 n.3; 821 n.1. *Commons v. Westwood Zoning Board of Adjustment*
- e. D&K 853-66. *Southern Burlington County NAACP v. Mount Laurel*

26. Eminent Domain: Overview

- a. D&K 910-12. Justification & Elements
- b. *Board of Regents v. Roth*
- c. D&K 912-27. *Kelo v. City of New London*
- d. D&K 927-29
- e. D&K 930-40. *Hadacheck v. Sebastian*

27. Eminent Domain: Regulatory Takings

- a. D&K 940-47. *Pennsylvania Coal v. Mahon*
- b. D&K 947-61. *Penn Central Transportation Company v. City of New York*
- c. D&K 963-73 *Loretto Teleprompter Manhattan CATV Corp.*

28. Eminent Domain: Regulatory Takings (cont'd)

- a. D&K 974-988. *Lucas v. South Carolina Coastal Council*
- b. D&K 988-998 n.5. *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*
- c. D&K 1027-42 n.4; 1043-45 n.7-8. *Cedar Point Nursery v. Hassid*