**Property Syllabus – Section 1B**

Prof. Christine Klein

Spring 2018, Law 5400, Section 1B (§079H) – 4 credits

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| Date | Topic | Casebook Reading |
| Jan. 9 | What Can Be Owned? | 1-14 |
| Jan. 10 | “ ” | 14-30 |
| Jan. 11 | What Does Ownership Mean? | 30-55 |
| Jan. 16 | DiscussionSkills Practice | 55-5656-68 |
| Jan. 17 | Private PropertyPublic Property | 321-26326-38 |
| Jan. 18 | Commons Property | 338-55 |
| Jan. 23 | “ ”Property Rights in WaterSkills Practice | 355-58TBA362-64 |
| Jan. 24 | GiftsSkills Practice | 61-75118-20 |
| Jan. 25 | Gifts (cont.)FindersAdverse Possession | 75-8282-9494-98 |
| Jan. 30 | “ ” | 98-118 |
| Jan. 31 | Present Estates | 127-44 |
| Feb. 1 | Defeasible Estates | 144-58 |
| Feb. 6 | Future Interests | 158-67 |
| Feb. 7 | Five Rules | 167-86 |
| Feb. 8 | Review |  |
| Feb. 13 | Practice Exam |  |
| Feb. 14 | The Lease | 191-206 |
| Feb. 15 | Rights and Duties | 206-28 |
| Feb. 20 | Maintaining the PremisesNondiscriminationDiscussion | 229-39239-45246-47 |
| Feb. 21 | Concurrent Ownership | 253-68 |
| Feb. 22 | “ ” | 269-88 |
| Feb. 27 | “ ”Marital Property | 288-98298-306 |
| Feb. 28 | “ ”The Real Estate TransactionThe Real Estate Contract | 306-13369-81381-85 |
| Mar. 1 | Statute of FraudsEquitable ConversionThe Property’s Physical Condition | 386-91391-97399-406 |
|  | **SPRING BREAK** |  |
| Mar. 13 | “ ”Mortgages and Foreclosure | 405-07407-19 |
| Mar. 14 | “ ”Title Security | 419-23423-36 |
| Mar. 15 | Title InsuranceDiscussionIntroduction to the Recording System | 436-41441-46451-59 |
| Mar. 20 | Chain of TitleThe Recording Acts | 460-67467-73 |
| Mar. 21 | The BFP | 473-81 |
| Mar. 22 | Enrichment Lecture – InsightsOverview of Easements | TBA489-93 |
| Mar. 27 | Express EasementsImplied EasementsPrescriptive Easements | 494-99499-506506-14 |
| Mar. 28 | Equitable EnforcementScope, Assignment, Termination | 514-15515-29 |
| Mar. 29 | Conservation EasementsReal Covenants | 529-37545-52 |
| Apr. 3 | Equitable Servitudes | 552-64 |
| Apr. 4 | Termination and NonenforcementCommon Interest Communities | 564-78579-90 |
| Apr. 5 | Trespass and Nuisance | 595-616 |
| Apr. 10 | Introduction to ZoningNonconforming Use | 635-46646-57 |
| Apr. 11 | What Can Be Regulated? | 657-78 |
| Apr. 12 | Eminent Domain | 687-708 |
| Apr. 17 | Regulatory Takings | 708-35 |
| Apr. 18 | “ ”Skills Exercise | 735-49749-52 |
| Apr. 19 | Open |  |
| April 30 | **FINAL EXAM**8:30 a.m. |  |

**Course Information**

**Course Instructor:**

ProfessorChristine A. Klein, (352) 273-0964, kleinc@law.ufl.edu, 313 Holland Hall. The class (Section 1B) meets on Tuesdays, Wednesdays, and Thursdays, 9:30-10:40 am.

**Office Hours:**

I encourage you to visit me in my office, either to ask questions or simply to introduce yourself to me. I will be happy to see you during office hours, by drop-in, or by appointment. If you have any questions, also feel free to contact me by email.

**Required Casebook:**

Klein, Property: Cases, Problems, and Skills (Aspen 2016). Please do not feel that you need to spend additional money for study aids. But, if you would like extra assistance on the topic of estates and future interests, I recommend Linda Edwards, *Estates in Land and Future Interests* (Aspen Law & Business).

**Course Description and Objectives**:

This is an introduction to Property Law that touches on a broad range of topics including the nature of property, gifts, lost property, adverse possession, estates and future interests, landlord-tenant law, concurrent ownership and marital property systems, real estate transactions, the recording system, easements, running covenants, trespass, nuisance, zoning, eminent domain, and regulatory takings.

**Learning Outcomes:**

After completing this course, students should be able to:

1. Describe the nature of property, including the types of things subject to ownership and methods by which title can be acquired and transferred.
2. Explain the significance of possession in property law.
3. Distinguish between freehold and nonfreehold estates, and between possessory and nonpossessory property rights.
4. Distinguish between private property, public property, and common property.
5. Identify constitutional, statutory, and common law limitations on the scope of property rights.
6. Based on a given fact pattern, craft cogent fact-based, law-based, and policy-based arguments on behalf of a client.

**CANVAS**:

Please register for the class CANVAS website, available at http://elearning.ufl.edu. Class information and announcements will be distributed by e-mail to the address you supplied on CANVAS. You are responsible for checking your e-mail on a regular basis for class announcements.

**Attendance:**

Class attendance is mandatory. If you miss more than four classes for any reason, you may be rendered ineligible to receive credit for the course. You are expected to arrive on time for class. If on a rare occasion you arrive late, it is your responsibility to see me after class to make sure I have marked you later rather than absent. Use your absences wisely. If you use them frivolously early in the semester, I will not be sympathetic if a real emergency causes you to be absent from class later in the semester. I do not distinguish between excused and unexcused absences, but simply allow you four absences for whatever purpose you choose, with the following exceptions: According to UF policy, “students, upon prior notification to their instructors, shall be excused from class to observe a religious holy day of their faith.” Further, “absences from class for court-imposed legal obligations (e.g., jury duty or subpoena) must be excused.” Such excused absence for religious observance or court-imposed legal obligations shall not count toward the four permitted absences.

**Enrichment Lecture**

Each student will be asked to attend one enrichment lecture during the semester outside of our normal class meeting (generally scheduled on a Thursday afternoon, 3:00-5:00 p.m.) Each student will be asked to submit a very brief response paper summarizing the property insights gained from the lecture. More information will be provided during the first week of classes.

**Class Preparation**

You are expected to read the material thoughtfully and prepare carefully for each class. If you are unprepared for any particular class, please inform me by email no later than 9:00 p.m. the evening before class (you need provide no reason) and I will not call on you. Please do not leave a note on the podium.

**American Bar Association Out-of-Class Hours Requirement:**

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Property law has 4 “classroom hours” of in-class instruction each week, requiring at least 8 hours of preparation outside of class. You will have about 60 pages of reading each week, including property documents, problems, and skills exercises that require careful reading and thoughtful advance preparation. You should spend at least one hour on every 10-15 pages of reading.

**Laptop Policy:**

Unless instructed otherwise in advance, you will not be permitted to use laptops during class.

**Accommodations for Students with Disabilities:**

Students requesting accommodation should first register with the UF Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive an accommodation letter, which should be presented to the UF Law Office of Student Affairs when requesting accommodation. This procedure should be followed as early as possible in the semester. Law students with disabilities can also contact the Levin College of Law Office of Student Affairs for assistance on these matters in 164 Holland Hall, 273-0620, [www.law.ufl.edu/students/](http://www.law.ufl.edu/students/).

**Final Exam:**

Your final exam will be a 4-hour exam, administered through Exam Soft on April 30, 8:30 am – 12:30 pm. It will be an open-book exam, during which you may consult your notes, outline, and casebook, but not any other person. The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/students/policies.shtml#12>.

**UF Law Honor Code:**

Students are bound by the UF Law Honor Code, which can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

**Grading Policy:**

Your grade will be based upon the final exam. The law school recognizes the following grades, in accordance with the grading policy available at: <http://www.law.ufl.edu/students/policies.shtml#9>:

Grade Points

A (excellent) 4.0

A- 3.67

B+ 3.33

B 3.00

B- 2.67

C+ 2.33

C (satisfactory) 2.0

C- 1.67

D+ 1.33

D 1.0

D- 0.67

E (failure) 0.00

**Online Course Evaluation:**

UF expects each student to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open by the Office of Student Affairs. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.