**Property Law Syllabus**

Fall 2021

Professor Annie Brett

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**Required Coursebook**

Readings for this class will primarily be from *Open Source Property.* Electronic versions of the material are available on our course Canvas page. If you wish to purchase a hard copy, a royalty-free version is available on Amazon and linked from Canvas.

**Class Meetings**

Tuesday, Wednesday, Thursday: 9:00-10:15

Location: HH 355B

**Office Hours**

Wednesday 10:30-12:30 or by appointment

Location: HH 333

I encourage you all to come to office hours. I will hold these in person by default but if you would prefer to meet virtually I am happy to accommodate this if you send me an email.

**Course Description**

This course covers the acquisition and possession of real and personal property; estates in land; introduction to future interests; landlord and tenant; survey of modern land transactions and methods of title assurance; easements; and licenses, covenants, and rights incident to land ownership.

**Learning Outcomes**  
After completing this course, students should be able to:

1. Understand the basics of different types of property and how these are subject to ownership.
2. Determine how property rights can be gained, divided, transferred and terminated.
3. Articulate constitutional, statutory, and common law limitations on the scope of property rights and government regulation of these rights.

**COVID Policies**

Students are strongly encouraged to wear approved face coverings during class and within buildings. If you are not feeling well, please do not attend class. The Office of Student Affairs will provide support for students who are sick or withheld from campus, including providing class recordings for any meetings that you may miss.

**Attendance Policy**

Per ABA requirements, please attend all classes unless you have a compelling reason not to do so, in which case you should email me beforehand. Missing more than 4 classes may negatively impact your grade.

**Class Participation**

Active participation is an essential component of this class. I ask that each of you arrive to class having done the readings and prepared to meaningfully engage in discussion. Participation will account for 10% of your final grade.

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to speak and listen honestly, thoughtfully, and respectfully and allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

**Recordings**

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled.  The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding.  All other purposes are prohibited.

Specifically, students may not publish recorded lectures without the written consent of the instructor. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.”

**Evaluation**

This class will have an open-book final examination that will account for 90% of your final grade. The remaining 10% of your grade will be based on your active participation in class.

**Preferred Name**It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class.  If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise.  I would like to acknowledge your preferred name, and pronouns that reflect your identity.  Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name.

**UF Law Grading Policies**

This course will be graded in accordance with the law school’s grading policy.

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| Letter Grade | Point Equivalent |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0 |

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

**Accommodation for Students with Disabilities**

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**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.

**Reading Assignments**

Per ABA Standard 310, it is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

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| **Assignment** | **Topic** | **Reading** |
| **Part I: What is Property?** | | |
| 1 | Introduction | Volume I, 218-236 |
| 2 | Introduction | 237-262 |
| 3 | Personal property | 5-24 |
| 4 | Personal property | 24-40 |
| 5 | Real property | 40-63 |
| 6 | Adverse Possession | Volume II, 49-82 |
| 7 | Real property | Volume I, 63-88 |
| 8 | Intellectual property | 88-125 |
| 9 | Intellectual property | 125-150 |
| 10 | Intangible property | 150-172 |
| 11 | Intangible property | 172-192 |
| 12 | Case Study: Natural Resources | 192-218 |
| **Part II: Dividing Property** | | |
| 13 | Concurrent interests | 270-292 |
| 14 | Marital property | 293-323 |
| 15 | Estates in land | 323-346 |
| 16 | Leases | 347-383 |
| 17 | Tenants’ Rights | 383-409 |
| 18 | Easements | 410-434 |
| 19 | Bailments and Liens | 435-459 |
| **Part III: Transferring Property** | | |
| 20 | Voluntary transfers | Volume II, 4-47 |
| 21 | Accession and Eminent Domain | 82-116 |
| 22 | Recording Acts | 116-139 |
| 23 | Mortgages | 139-183 |
| **Part IV: Regulating Property** | | |
| 24 | Nuisance | Part IV, 4-24 |
| 25 | Restrictive covenants | 24-57 |
| 26 | Zoning | 57-81 |
| 27 | Zoning | 81-102 |
| 28 | Zoning | 102-118 |
| 29 | Constitutional Limits | 118-152 |

**Online Course Evaluation Process**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.