**PROPERTY**

Spring 2019

Law 5400-16421 (Section 3)

Professor Christine Klein

**Course Instructor:**

ProfessorChristine A. Klein, (352) 273-0964, [kleinc@law.ufl.edu](mailto:kleinc@law.ufl.edu). The class meets on Tuesdays and Thursdays, 10:00-11:50 am in HOL 355B.

**Office Hours: Tuesdays 2:15-4:15 pm (HOL 313):**

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). If you purchase a version of the casebook that includes “Connected Casebook,” I encourage you to use the study materials made available by the publisher on that site.

**Course Description and Objectives**:

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

**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 list the 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.

**TWEN Course Webpage and Course Announcements:**

There is a course webpage on TWEN, available at www.lawschool.westlaw.com. The syllabus is posted there, as well as occasional handouts and supplemental readings. Class announcements will be sent to your UF email address, which you are responsible for checking on a daily basis.

**Attendance:**

Class attendance is mandatory. If you miss more than ***five*** class sessions for any reason, you may be administratively dropped from the course. Tuesdays (10-11:50 am) and Thursdays (10-11:50 am) each count as a single class session. You are expected to arrive on time for class. You will be counted absent unless you sign the attendance roster when it comes down your row. ***You may not sign in if you arrive late for class or forget to sign the roster.*** 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 five absences for whatever purpose you choose. Therefore, there is ***no need***for you to inform me as to the reason for your absence. However, 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 five permitted absences.

**Class Preparation:**

You are expected to read the material thoughtfully and prepare carefully for each class. To do so, you should plan to spend about 2 hours outside of class preparing for each hour of class (for a total of about 8 hours of preparation each week). 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. You should not be unprepared for more than 2 class sessions.

**Class Synthesis:**

After each week of class, you should synthesize your class notes and the readings for the week. You should also clarify any areas of uncertainty immediately rather than wait until the end of the semester. To do so, you may wish to attend office hours, consult study aids, and/or use the “Casebook Connect” online resources made available by your casebook publisher. I strongly suggest that you prepare an outline throughout the semester, *updating weekly* (I know this is contrary to conventional student wisdom that outlining should wait until after the semester has ended). Then, you can refine your outline (“outline your outline”) at the end of the semester. To encourage you to outline thoughtfully and consistently, you will be permitted to bring your outlines into the final exam (see “Final Exam” section below). With advance notice, I may also require you to upload your most recent outline on TWEN several times throughout the semester as a credit/no credit assignment. Outlines should be prepared *in whole or substantial part* by you. The value of an outline is in its preparation; you would lose much of that benefit if you simply rely on an outline handed down to you from previous students.

**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/).

**Examination information:**

**Midterm:** As shown on your syllabus assignment schedule, there will be a 90-minute midterm exam on the topic of estates and future interests. The exam will be in a multiple choice, matching, or similar short-answer format. It will be limited open book, for which you may use only your hard copy casebook. More information will be provided in class. The midterm will comprise 20% of your blind grade for the semester.

**Final exam:** Your final exam will be a 3.5-hour test administered on campus by Student Affairs (using Exam Soft) on May 7, 8:30 am – noon. It will be limited open book, for which you may use only your hard copy casebook and an outline consisting of *no more than 50 pages that has been prepared in whole or substantial part by you*. This would include an outline prepared by your study group, provided you were an active and contributing member to the group.

--**Delay policy:** 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 “blind” grade will be based upon the midterm (20%) and final exam (80%). In rare cases, if your score places you on the border between two grades, your final grade may be raised by one-third letter grade (e.g., from an A- to an A or a B to a B+) in cases of consistent and excellent class participation. Conversely, consistent lack of preparation or violation of the attendance policy may lower your grade by one-third letter grade.

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/>.

**Reading Assignments:**

Below is a tentative list of reading assignments. If necessary, I will revise the assignments and post an amended version on the class TWEN site:

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| Week | Dates | Topics | Casebook Reading |
| 1 | Jan. 8 & 10 | What Can Be Owned?  What Does Ownership Mean? | 3-30  30-45 |
| 2 | Jan. 15 & 17 | “ ”  Skills: Common Law Analysis & Outlining  Finders | 45-56  56-58, 59 (n. 2)  61-62, 82-94 |
| 3 | Jan. 22 & 24 | Adverse Possession  Skills: Policy and Statutory Analysis  Skills: Essay Questions (write out answers *without* referring to models in casebook Appendix) | 94-118  118-22  122-23 (n. 1 & 2) |
| 4 | Jan. 29 & 31 | Present Estates  Defeasible Present Estates | 127-44  144-58 |
| 5 | Feb. 5 & 7 | Future Interests  Remainders—A Closer Look  Destructibility of Contingent Remainders  The Rule Against Perpetuities  Test Your Understanding | 158-62  162-67  167-68  170-78  178-79 |
| 6 | Feb. 12 & 14 | “ ”  Private, Public, and Commons Property | --  321-49 |
| **Mid-term Exam** | Feb. 15 | **MIDTERM EXAM**  Estates & Future Interests  Friday, 1:00-2:30 pm (tentative date) |  |
| 7 | Feb. 19 & 21 | The Lease  Rights & Duties Related to Possession | 191-206  206-28 |
| 8 | Feb. 26 & 28 | Maintaining the Premises  Nondiscrimination  Concurrent Ownership  Practice Exam (write at home and discuss in class) | 229-39  239-46  253-67  Available online |
| **SPRING BREAK** | | | |
| 9 | Mar. 12 & 14 | Challenges of Shared Ownership  Modern Applications of Concurrent Ownership  The Real Estate Transaction | 267-68, 275-93  293-98  369-86 |
| 10 | Mar. 19 & 21 | The Statute of Frauds  Equitable Conversion & Remedies for Breach  The Physical Condition of the Premises  The Mortgage & Foreclosure | 386-91  391-99  399-407  407-23 |
| 11 | Mar. 26 & 28 | Title Security  The Real Estate Bubble  The Recording System | 423-41  441-46  451-63 |
| 12 | Apr. 2 & 4 | “ ”  Easements | 463-83  489-99 |
| 13 | Apr. 9 & 11 | “ ”  Conservation Easements  Real Covenants | 499-525  529-38  545-52 |
| 14 | Apr. 16 & 18 | Equitable Servitudes  Termination and Nonenforcement  Modern Applications | 552-64  564-79  579-89 |
| **Exam** | May 7 | **FINAL EXAM** 8:30 a.m.- noon |  |