**PROPERTY**

Professor Christine Klein (Spring 2019)

Law 5400-16421 (Section 3)

**Course Instructor:**

ProfessorChristine A. Klein, (352) 273-0964, [kleinc@law.ufl.edu](mailto:kleinc@law.ufl.edu). The class meets on Tuesdays, Wednesdays, and Thursdays, 9:00-10:15 am in HOL 355B.

**Office Hours: Wednesdays, 2:30-3:30 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) or John Makdisi, *Estates in Land and Future Interests* (Aspen Law & Business).

**Casebook Connect:**

If you purchased 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. To register for the course, go to [www.casebookconnect.com](http://www.casebookconnect.com).

**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. Articulate constitutional, statutory, and common law limitations on the scope of property rights.
5. Based on a given fact pattern, craft cogent fact-based, law-based, and policy-based arguments on behalf of a client.

**Canvas Course Webpage and Course Announcements:**

Our class webpage is located on Canvas, available at <https://ufl.instructure.com/courses/389789>

Among the items posted there are the syllabus, a casebook *errata* sheet (highlighting minor casebook changes), handouts, and class announcements. You are responsible for checking the Canvas webpage and your UF email account on a daily basis.

**Attendance:**

Class attendance is mandatory. If you miss more than ***six*** class sessions for any reason, you may be administratively dropped from the course and not allowed to take the final exam. 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 six 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.

**Weekly 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 48 hours advance notice*, I may also require you to upload your most recent outline on Canvas 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:**

**Estates and Future Interests Midterm:** As shown on your syllabus assignment schedule, there will be a 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 later in the semester. You will be permitted to take (and retake) the exam as many times as necessary until you achieve a perfect score. Although the midterm will be ungraded, as a requirement to receive credit for the course, you must achieve a score of 100% on the midterm by February 27 (5:00 pm).

**Final exam:** Your final exam will be a 3 to 4 hour test administered on campus by Student Affairs (using Exam Soft) on April 27, 8:30 am – 12:30 pm. It will be limited open book, for which you may use only your hard copy casebook and a hard copy 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 on the final exam. 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/>.

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**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 Canvas site:

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| Week | Dates | Topics | Casebook Reading |
| 1 | Jan. 14-16 | What Can Be Owned?  Why Ownership?  What Does Ownership Mean? | 3-23, 25-30  321-26  30-32, 38-49 |
| 2 | Jan. 21-23 | “ ”  Skills: Common Law Analysis & Outlining  Finders  Adverse Possession | 50-56  56-59  61-62, 82-94  94-104 |
| 3 | Jan. 28-30 | “ ”  Skills: Policy and Statutory Analysis  Skills: Essay Questions  (Write out answers *without* referring to models in Appendix)  Present Estates | 104-18  118-22  122-23 (n. 1 & 2)  127-44 |
| 4 | Feb. 4-6 | Defeasible Present Estates  Future Interests  Remainders—A Closer Look | 144-58  158-62  162-67 |
| 5 | Feb. 11-13 | Destructibility of Contingent Remainders  The Rule Against Perpetuities  Test Your Understanding | 167-68  170-78  178-79 |
|  | Feb. 14 | Estates and Future Interests Review Session  (Friday 11 am – 12:30 pm, HOL 285B – tentative) | -- |
| 6 | Feb. 18-20 | The Lease  Rights & Duties Related to Possession | 191-206  206-28 |
| 7 | Feb. 25-27 | Maintaining the Premises  Nondiscrimination  Concurrent Ownership  Practice Exam (write at home and discuss in class) | 229-39  239-46  253-67  Available online |
|  | Feb. 27 (5 pm) | Estates and Future Interests Midterm Exam Due | -- |
| **SPRING BREAK** | | | |
| 8 | Mar. 10-12 | Concurrent Ownership--Challenges  Concurrent Ownership—Modern Applications  The Real Estate Transaction  The Statute of Frauds  Equitable Conversion & Remedies for Breach | 267-68, 275-93  293-98  369-86  386-91  391-99 |
| 9 | Mar. 17-19 | The Physical Condition of the Premises  The Mortgage  Foreclosure  Title Security | 399-407  407-16  416-23  423-36 |
| 10 | Mar. 24-26 | “ ”  The Real Estate Bubble  The Recording System | 436-41  441-48  451-73 |
| 11 | Mar. 31 & Apr. 1-2 | “ ”  Easements | 473-83  489-515 |
| 12 | Apr. 7-9 | “ ”  Conservation Easements  Real Covenants  Equitable Servitudes | 515-25  529-38  545-52  552-64 |
| 13 | Apr. 14-16 | Termination and Nonenforcement  Modern Applications | 564-79  579-90 |
| **Exam** | Apr. 27 | **FINAL EXAM** 8:30 a.m. - 12:30 p.m. |  |