**PROPERTY**

Professor Christine Klein (Spring 2022)

Law 5400-25586 (Section 1) (4 credits)

**Professor Contact Information:**

ProfessorChristine A. Klein

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Holland Hall 313

Zoom room: <https://ufl.zoom.us/j/2429547950>

**Class meetings:**

Tuesday, Wednesday, Thursday, 10:45 a.m.–12:00 p.m. in HOL 285B.

**Office Hours:** I encourage you to attend office hours to discuss property, law school, life, or simply to introduce yourself to me.

* Tuesdays, 3:00–4:00 p.m. via Zoom - <https://ufl.zoom.us/j/2429547950> (open simultaneously to multiple students on drop-in basis)
* Wednesdays, 9:00–10:00 a.m., in-person - Holland Hall 313, or
* By appointment

**Casebook:**

* Required: Klein, *Property: Cases, Problems, and Skills* (2d edition 2020) (please note that we will be working out of the second edition). As stated on the UF Textbook Adoption form for this course, “Laptops and other electronic devices may not be used in the classroom, with very limited exceptions. Therefore, I ask you to purchase the hardback casebook.”
* Connected casebook: 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. You can register [here](https://www.casebookconnect.com/).
* Supplements: 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).

**Canvas Course Webpage and Course Announcements:**

You are responsible for checking the Canvas webpage, [located here](https://ufl.instructure.com/courses/444633), and your UF email account regularly. Your "Display Name" is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Then, click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear on our class webpage in Canvas.

**Course Description, Objectives, and Learning Outcomes**:

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, mortgages and foreclosures, the recording system, easements, and running covenants. After completing this course, students should be able to:

1. Articulate the meaning 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.

**Attendance:**

* **Absences**: Class attendance is mandatory. You are allowed ***6 absences*** without penalty for job interviews, school-related activities, illness, medical appointments (other than those related to COVID-19), family issues, or similar. If you miss *7 or 8 classes,* your final grade may be reduced by 1/3 point (e.g., from A- to B+). If you miss *9 or more* classes, you may be administratively dropped from the course and not allowed to take the final exam. 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 a set number of absences for whatever purpose you choose. Therefore, there is no needfor you to inform me as to the reason for your absence.
* **Be on time!** You are expected to arrive on time, which means being in your seat and ready to begin class. *If you arrive late, I reserve the right to mark you as absent for that class.*
* **Sign-in sheet:** I will circulate a sign-in sheet each day. It is your responsibility to make sure you signed it and to keep track of your total absences. It is an *honor code violation* if you sign in for a classmate who is absent or late.
* **Exceptions:** Absences documented as COVID-related (illness or quarantine) will not be counted toward your permitted absences. In addition, under UF policy “students, upon prior notification to their instructors, shall be excused from class to observe a religious holy day of their faith” and “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 your permitted absences, but please notify me in advance to facilitate recordkeeping.

**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 ***the evening before class*** (you need provide no reason) and I will not call on you. Absent extraordinary circumstances, you should not be unprepared for ***more than 2 class sessions***.

**Laptop use not allowed:**

Laptops and other electronic typing devices are *not allowed in class.* As a 1-L student, it is essential to develop the skills of cognitive processing and active listening, instead of simply transcribing the classes verbatim. Neuroscience studies, which you can find [here](https://www.scientificamerican.com/article/a-learning-secret-don-t-take-notes-with-a-laptop/) and [here](https://observatory.tec.mx/edu-news/study-reveals-the-advantages-of-taking-notes-by-hand), suggest that handwritten note-taking promotes learning. If you have a documented disability or other reason that makes laptop use necessary for you, please see me.

**Written Assignments:**

* **Essays:** There will be two essay assignments, for which you will be required to upload brief written responses to Canvas. The due dates are shown on your list of reading assignments. *Canvas does not accept late assignments. Unless otherwise indicated, the assignments will be due promptly at 10 p.m. and you will be given no credit for tardy submissions*. Occasional technical difficulties are a fact of life; you should develop the professional habit of submitting your assignments well before the deadline to account for such potential difficulties. The assignments will be graded credit/no credit. To receive credit for any particular assignment, your work must represent a timely, professional, good-faith effort. You will receive detailed instructions before each assignment.
* **Course outlines by chapter:** 
  + Assignments: You should work on your course 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). This will leave you ample time to refine and study from your outline at the end of the semester. We will discuss outlining techniques at the end of the Chapter 1 material. To help you develop the habit of outlining thoughtfully and consistently, you will be required to upload an outline installment to Canvas*by 10 pm on the Sunday after we complete every two chapters of the casebook*, with the exception of Chapter 3, which will not require an outline. The due dates are shown on your list of reading assignments.
  + Grading: The outlines will be graded credit/no credit; to receive credit, your submission must be timely, up-to-date, and represent a good faith, professional effort. The value of an outline is in its preparation; you lose much of that benefit if you rely on outlines prepared by previous students or other sources. Therefore, it is *an honor code violation* to submit an outline that does not represent the original work of you and/or your group (it is easy for me to spot such outlines!) You may work individually or with a group totaling no more than 5 students (with each student contributing substantially to the effort). If you work in a group, *each group member* is responsible for uploading the outline to Canvas as due (this creates a credit/no credit Canvas gradebook entry for each student); also, please list clearly *all authors* at the top of your outline.
  + Software mastery: The skill of outlining is a powerful tool to help you master the course material. To enhance the readability of your outlines, it is important to use a multilevel list (with labels such as I, A, 1) rather than numerous levels of bullets. Helpful information on the “multilevel” list feature of Microsoft Word is available [here](https://www.howtogeek.com/355561/how-to-create-and-work-with-multilevel-lists-in-microsoft-word/), [here](https://www.youtube.com/watch?v=FMsZAXt8srM), and [here](https://www.officetooltips.com/word_365/tips/customizing_multilevel_lists.html); information for Google docs is available [here](https://www.howtogeek.com/486410/how-to-create-multilevel-lists-in-google-docs/). If you use a different word processing program, please search online for how to make lists with that program.
* **Penalty for late or missing submissions:** If you fail to make a good-faith professional effort on each assignment and meet all deadlines, your final grade may be reduced by up to one full letter grade (e.g., from A- to B-). (This is in addition to the penalty that potentially applies to excessive class absences, as described above.)

**Exams and Grading Policy:**

* **Midterm exam – estates and future interests:** When we complete Chapter 3, there will be an open-book, open-notes, take-home midterm on the topic of estates and future interests. The exam will be in a multiple choice, matching, or similar short-answer format. The exam date is shown on the list of assigned readings below.
* **Final exam:** Your final exam will be an open-book, open-notes 4-hour exam on May 6 composed of essay and/or short answer questions. It will *not* include a separate section on labelling estates and future interests, although the essays may incorporate some references to the material we studied in Chapter 3.
* **Accommodations:** The law school policy on exam delays and accommodations can be found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form).
* **Grading policy:** Your grade will be based on the following approximate percentages: Final exam (80%); midterm (20%). In rare cases, if your final 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-) in cases of consistent and excellent class participation. Conversely, as described above, your grade may be adjusted downward for violation of the attendance policy or failure to satisfactorily complete your written assignments**.** The law school recognizes the following grades, in accordance with the grading policy available [here:](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies)

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| --- | --- |
| Grade | Points |
| A  A-  B+  B  B-  C+  C  C-  D+  D  D-  E | 4.0  3.67  3.33  3.0  2.67  2.33  2.0  1.67  1.33  1.0  0.67  0.00 |

**Miscellaneous Policies:**

* **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).
* **Accommodations for students with disabilities:** Students requesting accommodation should first register with the [UF Disability Resource Center](https://disability.ufl.edu/students/accommodations/). Once registered, students will receive an accommodation letter, which must be presented to law school’s Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). This procedure should be followed as early as possible in the semester.
* **Class recordings:** 
  + **Student Affairs:** All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected.
  + **Student recordings:** Students are allowed to record video or audio of “class lectures” as defined by statute. 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. Publication without permission of the instructor is prohibited. 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.
* **Online course evaluation:** Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](https://gatorevals.aa.ufl.edu/students/) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals. Summaries of course evaluation results are available to students [here](https://gatorevals.aa.ufl.edu/public-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 Canvas site:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Week | Dates | Topics | Casebook Reading | Assignments Due(Due 10 p.m. unless otherwise specified) |
| 1 | Jan. 18 | What Can Be Owned? | 3-23 |  |
|  | 19 | “ ”  What Does Ownership Mean? | 25-36  36-38, 43-55 |  |
|  | 20 |  | 55-60 |  |
| 2 | 25 | Why Property Rights?  Skill: Common Law Analysis  Skill: Outlining | 61-64  64-66  66 |  |
|  | 26 | Gifts  Finders | 69-73  90-101 |  |
|  | 27 | Adverse Possession | 102-12 |  |
| 3 | Feb.  1 | “ ” | 112-27 | Essay 1 due  *Canvas does not accept late submissions!* |
|  | 2 | Essay 1: Discuss  Skills: Policy/Statutory Analysis | 127-31 |  |
|  | 3 | Present Estates | 137-53 |  |
|  | *Sun. 2/6* |  |  | Outline – Ch. 1-2 |
| 4 | 8 | Defeasible Present Estates | 153-67 |  |
|  | 9 | Future Interests  Remainders—A Closer Looks | 167-73  173-77 |  |
|  | 10 | Pulling It All Together | 177-78 |  |
| 5 | 15 | Destructibility of C-Remainders  (Omit Shelley’s & Worthier)  The Rule Against Perpetuities | 178-80  181-82  182-93 |  |
|  | 16 | “ ”  Skills Practice: Savings Clauses | 197-200  200-01 |  |
|  | 17 | Review Problems | TBA |  |
| 6 | 22 | “ ” | -- |  |
|  | 23 | The Lease | 205-20 |  |
|  | 24 | Possession | 220-43 |  |
|  | *Sat. 2/26* |  |  | **Midterm exam** (take-home) |
| 7 | Mar. 1 | Maintaining the Premises  Fair Housing Act (leases)  FHA Worksheet | 243-56  256-62  Canvas handout |  |
|  | 2 | Discussion Problems  Concurrent Ownership | 263-68  271-78 | Essay 2 due |
|  | 3 | Essay 2: Discuss  Destroying the ROS | 278-85 |  |
| **SPRING BREAK** | | | | |
| 8 | 15 | “ ”  Challenges of Sharing | 285-92 (skim)  292-311 |  |
|  | 16 | Condominiums  Private and Public Property  Commons Property | 311-16  343-46, 351-56  357-63, 373-80 |  |
|  | 17 | The Real Estate Transaction  Discrimination  The Real Estate Contract | 387-93  393-400  400-10 |  |
|  | *17*  *3-5 pm* | **Optional:** Review Midterms Responses |  |  |
|  | *Sun.*  *3/20* |  |  | Outline – Ch. 4-5 |
| 9 | 22 | “ ”  The Physical Premises | 410-18  418-26 | ***No office hours today*** |
|  | 23 | Calculating mortgage payments  The Mortgage  Foreclosure | Canvas handout  426-35  435-38 |  |
|  | 24 | “ ”  Title Security | 439-47  447-56 |  |
| 10 | 29 | “ ” | 457-67 |  |
|  | 30 | The Climate Bubble  Skills: Purchase Offers  Recording System | 467-71  471-74  477-86 |  |
|  | 31 | Recording System  Recording Acts | 486-94  494-500 |  |
| 11 | Apr. 5 | The BFP  Estoppel Statements | 500-09  509-10 |  |
|  | 6 | Easements – Introduction | 515-24 |  |
|  | 7 | Easements – Creation | 524-40 |  |
|  | *Sun. 4/10* |  |  | Outline – Ch. 6-7 |
| 12 | 12 | Easements – Scope & Termination | 541-50 |  |
|  | 13 | Problems  Conservation Easements  Real Covenants | 553-54  555-63  569-78 |  |
|  | 14 | Equitable Servitudes | 578-90 |  |
|  | *Sun. 4/17* |  |  | Outline – Ch. 8-9 |
| 13 | 19 | Termination & Nonenforcement | 591-605 |  |
|  | 20 | Common Interest Communities  Discussion Problem & Skills | 605-17  621-23 |  |
|  | 21 | “ ” |  |  |
|  | *Fri. 4/22* | **Tentative:** Optional Review Session (12-2 p.m.) |  |  |
|  | *Sun. 4/24* |  |  | Outline – Ch. 10 |
|  | May 6 | **FINAL EXAM** |  |  |