

Property Law, Sec. 3
Law 5400, §24467
Fall 2025
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SYLLABUS

This is a course in the law of real and personal property. We will cover basic principles in the law of land (real property) and movable (personal) property, government regulation of private property, private land use planning, landowner-tenant law, nuisance, and trespass.

Class meets on **Mondays and Wednesdays from 8:30-10:30**, Room 285C

Required Materials: There are several sources of reading material for this class. The first is an open-source book, available for free at <https://opensourceproperty.org/>. The book includes some of the cases we will cover. Others are publicly available. I will post some of them (as well as other supplementary materials) on Canvas.

The second source is John G. Sprankling, *Understanding Property Law*, 5th edition, (Carolina Academic Press, 2023). The 3rd or 4th editions are acceptable as well. This is a short treatise that will provide some discussion of many of the relevant cases, as well as treatise-like explanations of many of the rules we will be covering. We will progress through the treatise by subjects as they arise in the course packet.

Throughout the course I will have you do many writing assignments and there will be at least 5 graded quizzes/exams, to help you assess how you are doing in the class and to take some of the pressure off of having a single final exam.

Assignments: There are three kinds of assignments that will be due for this class. They are:

Treatise Outline: There are about thirty chapters in the treatise that you will need to outline. Most of the chapters are only about 20 pages long, with some longer and some shorter. Each outline should be roughly a page, and you will need to write down the relevant rules, exceptions, elements, factors, and other information. Similarly, I ask you to brief all assigned cases. We will work on these skills throughout the semester.

These should be submitted on Canvas. These will be ungraded, but you will get participation points on these. The treatise outlines are not due right away – they will be due the weekend after we finish that section. They are intended to get you to focus on outlining the substantive rules as we go along. The idea with these is that you outline them in your notes and then cut and paste them into canvas – then, when it's time to study for the exams your course outline is complete.

Quizzes: You will be given one or more short essay questions calling for answers of 300-500 words every few weeks or so. The first one will be ungraded, but at least 5 quizzes after that will be graded.

Final Examination: There will not be a final examination for this course but there will be two two-hour quizzes. One in the middle of the semester and a final one in the last week of classes on most of the course's material (we will discuss that at length in class). This test will be with closed books, but you may bring in 1 piece of paper with notes on it, front and back. Accommodations, Exam delays and/or make-up exams will be coordinated through the office of student affairs. You can find additional information at this link: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

Final Grade: Your final grade will be calculated as follows:

Five tests	65%
Other assignments	5%
In-Class contribution	<u>30%</u>
Total	100%

Attendance is required. I reserve the right to dismiss from class any student who misses more than 2 of regularly scheduled classes. This policy reflects bar requirements that you actually be physically present in the classroom for a significant amount of scheduled class meetings. Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. Let me know of any issues or emergencies by email before class.

Outlines and Supplements: Many of you may have already obtained outlines for this course or have talked to upper level students and received their outlines. Although I will not prohibit use of those outlines, I will caution you. The reason most A students receive A grades is that they actually drafted their own outlines. It is the process of writing your own outline that helps you make sense of the vast array of material we will have covered in class. Other outlines are worth consulting, but if they are not your own work, they are more likely to give you a false sense of security than actually provide answers for the exams. I would ask that you not bring those outlines to class, or use them when answering questions or participating in discussions, because the point of class is to reach the appropriate discussion topics through a procedure of talking and analyzing. It is the working through the problems that teaches you, not getting to the final answer.

Office Hours: I will hold regularly-scheduled office hours from 12-13:00 on Mondays and on Wednesdays, but I am generally available whenever I am on campus, so simply email me to set up a time if you cannot make these times, or just drop by.

Honor Code: As you no doubt realize, you are bound by the University of Florida Levin College of Law Honor Code and Conduct Code while in this class. Outside of class, I believe you should cooperate with each other as much as possible. You should form a study group and take practice exams together. In class, you may share notes, books, and outlines and feel free to

come to a colleague's aid if he/she is stumbling over a question (not on your cell phones, however). But ultimately you will need to master this material if you are to competently represent a client. I encourage you to ask questions during office hours and get involved in the issues we will discuss. I ask that you not interrupt your classmates, disparage their questions or answers, or imply (either inside or outside of class) that their questions are not worthy of our attention. I also ask that if you are not going to pay attention in class that you not distract your classmates, but rather sit quietly and do other work.

Laptops: I reserve the right to prohibit the use of laptops in class. In the meantime, you may use any electronic devices so long as they won't disrupt the discussion in class.

UF Levin College of Law Standard Syllabus Policies:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at [this link](#).

Learning Outcomes: This is a traditional first year course, which means that the focus is primarily on learning the basic rules and principles of American Property law. You will need to read cases carefully to extract not only the relevant rules and precedents, but to understand the dynamic nature of law and the pressures pushing to expand or extend the law's reach. At the end of the semester, I expect you to be able to identify the property rights at issue in a hypothetical situation, analyze the rules that would be used to resolve any disputes, apply the rules, and then comment on whether the outcome comports with traditional norms of justice and equity.

Grading: The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. Please be aware that any grade below a B places you at risk of failing the bar exam. This is not meant to scare or intimidate you, but to help you recognize which subjects may require additional bar preparation. More importantly, however, it is meant to give you a sense of how well you are mastering the very specialized skill of legal analysis that we are endeavoring to teach here. Although some of you will receive grades below a B, please use that information to guide your further course choices and to motivate you to take advantage of the many special courses and opportunities we offer to students to improve your analytical skills. And if you get a grade of B or below, please come see me after the exam to discuss specific challenges you may have.

Reading Assignments: These reading assignments are grouped categorically in sections by topic. I have found that it is difficult to stick to a daily calendar of reading assignments, so plan to read 4 cases per day, plus any treatise chapters, unless I indicate otherwise in class. I will tell you, each day, how far ahead I expect we will get for the next day. But you are responsible for being adequately prepared each day. So please stay well ahead in the readings. **It is anticipated that you will spend at least 2 hours out of class reading and/or preparing for in-class assignments for every 1 hour in class.** We will discuss the readings in the order assigned below.

Aug. 18 – Introduction [**you should be ready with these for the first class!**]

Read *Pierson v. Post*

Katarina Pistor: The Code of Capital, Ch. 1

https://lsolum.typepad.com/legal_theory_lexicon/2006/08/property_rules_.html

Open Source: Ch. 1

Supplementary (non-mandatory) reading: Treatise (Sprankling): Chapter 2

Aug. 20 – Acquisition of Property Rights

Read *Popov v. Hayashi*

Open Source: Ch. 3

Treatise: Chapters 1 and 3

Aug. 25 –

Read *Armory v. Delamirie* (in open source text book (OSTB)); *Columbus-America*

Open Source: Ch. 6

Treatise: Chapter 4

Supplementary reading:

https://lsolum.typepad.com/legal_theory_lexicon/2004/03/legal_theory_le_3.html

Guido Calabresi & A. Douglas Melamed, Property Rules, Liability Rules, and

Inalienability: One View of the Cathedral, 85 Harv. L. Rev. 1089 (1972)

Aug. 27* – Adverse Possession (+first ungraded quiz!)

Read *Tieu & Cahill* (in OSTB), *Moore*

Open Source: Ch. 5

Treatise: 7.02

Supplementary reading:

https://lsolum.typepad.com/legal_theory_lexicon/2004/03/legal_theory_le_2.html

Louis Kaplow & Steven Shavell, Property Rules versus Liability Rules: An Economic Analysis, 109 Harv. L. Rev. 713 (1996).

Sept. 1 – Labor Day – no class.

Sept. 3 – Optional class on Zoom – review of the first two weeks and discussion of first (ungraded quiz)

Sept. 8 - Gifts

Read *Gift Cases* on Canvas

Treatise: Chapter 5

Supplementary reading: Open Source: Ch. 15

Sept. 10 – Estates and Future Interests

Read *Wood ; Gilliams v Koonsman*

Open Source: Ch. 8

Treatise: Chapter 8 and 9

*Sept. 15 – (+first quiz – all the material until Sept 8, including)

Open Source: Ch. 9

Packet on Canvas (cases: *Cathedral of the Incarnation*, *Webb v. Underhill*, *Est. of Kroos*)

Treatise: Chapters 12-14.07

[the reading for this class is extensive – take that into account in your time management]

Sept. 17 – Rule against perpetuities

Packet of cases posted on Canvas

Treatise: Chapter 14.08-end

Sept. 22 – Co-ownership and Marital Property

Read: *Carr v. Decking*, *Tenhet v. Decking*, *Olivas*, *Kresha*, *Sawada v Endo*

Treatise: Chapters 10 & 11

Supplementary reading: Open Source: Ch. 13

*Sept. 24 – Trusts and Corporations (+second quiz – future interests)

Open Source: Ch. 12

Sept. 29 - Easements and Licenses

Open Source: Ch. 11

Read *Holbrook v. Taylor*, *Rase v. Castle Mt. Ranch*, *Granite Prop. v. Manns*, *Finn v. Williams*

Treatise: Chapter 32

Oct. 1 – Bailments and Bona Fide Purchases

Open Source: Ch. 7A

Packet on Canvas (including *Allen v. Hyatt*, *Shamrock Hotel v. Caranas*, *Porter v. Wertz*)

Treatise: Chapter 7.03 and 7.04

*Oct. 6 – in class test (2 hours) - all the material until Sept 29, including.

Oct. 8 - Optional class on Zoom / make up if needed – review of the first two months and discussion of tests

Oct. 13 – Land Transactions

Open Source: Ch. 17

Cases in OSTB

Treatise: Chapters 23-24

- Oct. 15 - Recording
 Open Source: Ch. 19
 Treatise: Chapters 25-26
- Oct. 17 – Mortgages and Foreclosures
 Open Source: Ch. 18
 Treatise: Chapter 22
- *Oct. 20 – Eminent Domain
 Open Source: Ch. 20
 Treatise: Chapter 39
- Oct. 22 – Prescription
 Read *Brown v. Gobble*, *Romero v. Garcia*, *Nome 2000*, *Community Feed*, *Somerville v. Jacobs*
 Treatise: Chapters 29 and 31
- Oct. 27 – Nuisance and Support
 Read *Armstrong v. Francis Co.*, *Noone v. Price*, *Friendswood*, *Page v. Honeywell*
 Open Source: Ch. 21
- Oct. 29 – Covenants
 Read *Prah v. Maretti*, *Whitinsville Plaza v. Kotseas*, *Evans v. Pollock*, *Sanborn v. McLean*
 Treatise: Chapter 33-34
- Nov. 3 – HOAs
 Read *Horse Pond Fish & Game*, *NW Real Est. v. Serio*, *Riste v. E Wash Bible Camp*, *Aquarian*
 Open Source: Ch. 25
 Treatise: Chapter 35
- Nov. 5 – Landowner/Tenant
 Read *Wolinsky v. Kadison*, *Breene v. Plaza*, *Vasquez v. Glassboro*, *Sommer v. Kridel*
 Treatise: Chapters 15, 16, 19
- Nov. 10 -
 Read *Kendall v. Ernest Pestana*, *Minjak v. Randolph*, *Blackett v. Olanoff*, *Javins v. 1st Realty*
 Treatise: Chapters 17 and 18
 Florida Residential LL and T Act
- Nov. 12 – Trespass and Public Accommodation
 Read *State v. Shack*, *Desnick v. ABC*, *Uston v. Resorts Int'l*
 Treatise: Chapter 30

*Nov. 17 – in class test (2 hours)

Nov. 19 – Introduction to Intellectual Property / reserve class time

Read (again) Open-source: Chapter 2 (including *Kremen*)

Cases *G.S. Rasmussen & Assocs. v. Kalitta Flying Serv., Inc.*; *United States v. Turoff*

Recommended: Reich, The New Property

Paul M. Schwartz, Property, Privacy, and Personal Data, 117 HARV. L. REV.
2055 (2004)

*Quiz expected

Make up classes, if needed will be conducted on Fridays 11:30-13:00 room 359 - as needed and announced in class.