

PROPERTY
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2025 SYLLABUS – LAW 5400 – 4 CREDITS

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Office Hours: Mondays and Thursday, 4-5 PM

MEETING TIME: Monday and Thursday, 10 AM to 12 noon
LOCATION: HH 355B

COURSE DESCRIPTION AND OBJECTIVES:

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.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should:

- be skilled and experienced at reading cases carefully and efficiently,
- get in the habit of looking up definitions of unfamiliar terms and citing relevant authority for any and all legal propositions,
- be prepared to understand and advocate more than one side of an issue if there is not one definite answer,
- write well-organized answers to essay questions that spot issues, relate the relevant law to the pertinent facts, and resolve those issues,
- appreciate how our legal rules and doctrines are products of societal, economic, political, and historical developments,
- be familiar with Anglo-American property doctrines regarding acquisition of ownership, adverse possession, present estates and future interests, landlord-tenant, concurrent ownership, servitudes, real property transactions, and takings.

REQUIRED READING MATERIALS:

(1) MICHAEL ALLAN WOLF, PROPERTY CASES, QUESTIONS, AND DOCTRINE (2025)

(2) POWELL ON REAL PROPERTY MICHAEL ALLAN WOLF DESK EDITION (MAWDE)
(excerpts)

Both of the titles above are available on the Canvas course. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION:

I expect that students will have done the assigned readings for each class. I will rely on student participation to facilitate the learning of challenging concepts. Students who participate at a consistently

high level may be rewarded by a one-half grade bump (e.g., from B+ to A-). I reserve the right to lower the grades of students who disrupt the learning environment.

There will be three graded tests during the semester. The first test, a closed-book essay test, will be administered after we complete Topic II (on adverse possession). There will be 0-5 points awarded for this test. The second test will be a closed-book, multiple-choice test that will only cover present estates in land and future interests (Topic III). It will be administered after we complete Topic III, and there will be 0-25 points awarded for this test. The third test (the final exam) will be a cumulative, limited-source, open-book, essay test. This 3.5-hour test will be administered during the final exam period (currently scheduled for December 9, 2025), and there will be 0-70 points awarded for this test.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. Students are allowed three absences during the course of the semester. Within one week of missing class, you are responsible for reporting to me via email that you missed class. There is no need to explain your absence, as I do not differentiate between excused and non-excused absences. I reserve the right to reduce the grade for a student with excessive absences and to bar the student from taking the final exam. The law school's policy on attendance can be found [here](#).

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so.

INFORMATION ON UF LAW GRADING POLICIES:

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. The following chart describes the specific letter grade/grade point equivalent in place:

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

The law school grading policy is available [here](#).

OBSERVANCE OF RELIGIOUS HOLIDAYS:

UF Law respects students' [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

EXAM DELAYS AND ACCOMMODATIONS:

The law school policy on exam delays and accommodations can be found [here](#).

STATEMENT RELATED TO ACCOMODATIONS FOR STUDENTS WITH DISABILITIES

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

STUDENT COURSE EVALUATIONS

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](#) 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, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

RECORDINGS OF CLASS

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. A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session. 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 and Student Conduct Code.

INTERNET USE IN THE CLASSROOM: I expect that during each class all students will be prepared to conduct research on the internet (usually Lexis or Westlaw) using a laptop, tablet, or other device. Of course, students are not to use these devices (including smart phones) for any non-pedagogical purposes.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each week of class totals 4 hours in length, requiring at least **8 hours of preparation** outside of class including reading the assigned materials, preparing answers to assigned problems, and anticipating class discussions.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

You will find below a list of the topics that I anticipate we will cover during the semester, along with a *rough estimate* of how many class hours per topic. Please note, however, that the pace at which we cover the materials in our reading list will depend on your pace of learning. I will not leave a topic until I believe that the students who are prepared for class have a good understanding of the material. In the event we are moving more slowly than anticipated, I will not speed up to cover all of these readings. Instead, I will make cuts in the assigned readings.

COURSE INTRODUCTION AND FIRST CASE (3 hours)

Myers v. Kleinhans, 418 Mont. 113, 556 P.3d 529 (2024) (casebook pages 7-12)

TOPIC I: FIRST POSSESSION (2 hours)

Pierson v. Post, 3 Cai. R. 175, 2 Am. Dec. 265 (N.Y. 1805)

Hammonds v. Central Kentucky Nat. Gas Co., 255 Ky. 685, 75 S.W. 2d 204 (1934)

TOPIC II: ADVERSE POSSESSION (Part 1) (2 hours)

Lessee of Ewing v. Burnet, 36 U.S. 41 (1837)

Mastroianni v. Wercinski, 158 N.H. 380, 965 A.2d 1139 (2009)

MAWDE Sections 91.01–.09

TOPIC II: ADVERSE POSSESSION (Part 2) (3 hours)

In re .88 Acres of Property Owned by the Town of Shelburne, 676 A.2d 778 (Vt. 1996)

MAWDE Sections 9.10–.13

FIRST TEST

TOPIC III: ESTATES IN LAND AND FUTURE INTERESTS (Part 1) (2 hours)

Johnson v. Whiton, 34 N.E. 542 (Mass. 1893)

MAWDE Sections 13.01–.04

TOPIC III: ESTATES IN LAND AND FUTURE INTERESTS (Part 2) (3 hours)

Long v. Long, 45 Ohio St. 2d 165, 343 N.E.2d 100 (1976)

MAWDE Sections 14.01–.07

TOPIC III: ESTATES IN LAND AND FUTURE INTERESTS (Part 3) (1 hour)

Melms v. Pabst Brewing Co., 104 Wis. 7, 79 N.W. 738 (1899)

MAWDE Sections 15.01–.03, 20.02[1,2], 56.01, 56.03–.06, 56.11

TOPIC III: ESTATES IN LAND AND FUTURE INTERESTS (Part 4) (2 hours)

Questions Charlotte Park and Recreation Commission v. Barringer, 242 N.C. 311, 88 S.E. 2d 114 (1955)

MAWDE Sections 13.05, 20.01–.03

TOPIC III: ESTATES IN LAND AND FUTURE INTERESTS (Part 5) (7 hours)

Popp v. Bond, 28 So. 2d 259 (Fla. 1946)

Buck v. Banks, 668 N.E. 2d 1259 (Ind. Ct. App. 1996)

MAWDE Sections 20.04-.05; 31.07, 31.08, 30.04[1]; 72.06, 72.01-.05, 72.09-.10, 75A.01, 75A.06

SECOND TEST

TOPIC IV: LANDLORD-TENANT (Part 1) (2 hours)

Harry's Village, Inc. v. Egg Harbor Township, 89 N.J. 576, 446 A.2d 862 (1982)
Bostonian Shoe Co. v. Wulwick Associates, 119 A.D.2d 717, 501 N.Y.S.2d 393 (1986)
Pendleton v. U.S. 60 Assocs., LLC, 318 S.W.3d 604 (Ky. Ct. App. 2010)
Julian v. Christopher, 575 A.2d 735 (Md. 1990)
MAWDE Sections 16.02, 16.03-16.06, 17.04

TOPIC IV: LANDLORD-TENANT (Part 2) (2 hours)

Jacobs v. Morand, 59 Misc. 200, 110 N.Y.S. 208 (Sup. Ct. App. Term, 1908)
Javins v. First Nat'l Realty Corp., 428 F.2d 1071 (D.C. Cir. 1970)
Leeth v. J & J Props., 69 So. 3d 176 (Ala. Civ. App. 2010) (majority opinion only)
MAWDE Sections 16B.01-.05

TOPIC V: CONCURRENT ESTATES (4 hours)

Land Am. Commonwealth Title Ins. Co. v. Kolozetski, 159 N.H. 689, 992 A.2d 681 (2010) Wengel v. Wengel, 270 Mich. App. 86, 714 N.W.2d 371 (2006) (edited)
In re Estate of Johnson, 739 N.W.2d 493 (Iowa 2007)
Sawada v. Endo, 57 Haw. 608, 561 P.2d 1291 (1977) (majority opinion)
MAWDE Sections 50.01-50.03, 51.01-51.04, 50.04-.07, 52.01-.03, 52.05

TOPIC VI: Servitudes (Part 1) (4 hours)

Rowe v. Lavanway, 180 Vt. 505, 904 A. 2d 78 (2006)
Mcclung v. Ayers, 352 S.W.3d 723 (Tex. App. 2011)
Willard v. First Church of Christ, Scientist, 7 Cal. 3d 473, 498 P.2d 987 (1972)
Mohr v. Midas Realty Corp., 431 N.W.2d 380 (Iowa 1988)
U.S. v. Blackman, 613 S.E.2d 442 (Va. 2005)
Kitchen v. Kitchen, 465 Mich. 654, 641 N.W. 2d 245 (2002)
MAWDE Sections 34.01-.02, 34.04, 34.07-.08, 34.10-.11, 34.13-.16, 34.18-.27

TOPIC VI: Servitudes (Part 2) (5 hours)

Morse v. Aldrich, 36 Mass. 449 (1837)
Wheeler v. Schad, 7 Nev. 204 (1871)
Tulk v. Moxhay, [1843-1860] All ER Rep 9 (Ch.)
Patch v. Springfield School District, 989 A.2d 500 (Vt. 2009)
Vernon Twp. Volunteer Fire Dep't, Inc. v. Connor, 579 Pa. 364, 855 A.2d 873 (2004)
MAWDE Sections 60.01-.10

TOPIC VII: Real Estate Transfer (Part 1) (4 hours)

Hans v. Lucas, 270 Neb. 421, 703 N.W. 2d 880 (2005)
Melican v. Parker, 289 Ga. 420, 711 S.E. 2d 628 (2011)
Fairbourn Commer., Inc. v. Am. Haus. Ptnrs., Inc., 94 P. 3d 292 (Utah 2004)
Haisfield v. Lape, 264 Va. 632, 570 S.E. 2d 794 (2002)
Thomas v. Sloan Homes, LLC, 81 So. 3d 309 (Ala. 2011)
MAWDE Sections 81.01, 81.03, 81.05, 84C.04

TOPIC VII: Real Estate Transfer (Part 2) (3 hours)

Salt Lake County v. Metro W. Ready Mix, Inc., 89 P. 3d 155 (Utah 2004)
Tefft v. Munson, 57 N.Y. 97 (1874)
Gulfco of La., Inc. v. Brantley, 430 S.W.3d 7 (Ark. 2013)
MAWDE Sections 82.01-.03, 84.02, 37.36

TOPIC VIII: Takings Discussion Questions (2 hours)

Kelo v. City of New London, 545 U.S. 469 (2005)

Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922)

MAWDE Section 79F.03