

REAL ESTATE LITIGATION
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SEMESTER SYLLABUS – LAW6930 – 2 CREDITS

Professor Christian W. Waugh

Office Phone: 321-800-6008

Email: admiral@ufl.edu

Office Hours: Thursdays, 2-3pm (by Zoom by appointment); Fridays, 1-3pm (by Zoom)

MEETING TIME: Thursday, 3-5pm ET

LOCATION: Rm 285B

COURSE DESCRIPTION AND OBJECTIVES:

In the old days, real estate lawyers were called “dirt” lawyers. They had to know a little bit about most areas of law, but they had to know a lot about dirt. Dirt lawyers had to know not only about drafting contracts, but also litigating to enforce those contracts. These days, real estate law is highly specialized and most real estate lawyers have a transactional practice. Many do not litigate or *want* to litigate. But most litigators lack the expertise to effectively dig into the well of real estate law necessary to cover all bases and be lethally effective when real estate is at issue. This course will be useful for anyone who intends on going into a courtroom to litigate civil cases because it will help those litigators to properly analyze the unique issues of a real estate case. This course will also be useful for lawyers who intend on creating outstanding transactional practices because they can better understand the risks in their documents, likely outcomes in court, and counsel their clients accordingly—or perhaps even enter the courtroom themselves. Finally, this course will be useful to non-practitioners who make decisions about litigation or who are principals in development themselves, so that the lawyers themselves do not drive strategic corporate decision-making.

It is a “Defense Against the Dark Arts” class but without any magic or, hopefully, wand duels. This is, however, an advanced course. Civil procedure is a prerequisite, while some knowledge of real property, contracts, and evidence would be useful, but is not necessarily essential. Through the course, we will discuss all aspects of litigation at length, but inside the context of real property relationships. These relationships include: landlords and tenants, buyers, sellers, and real estate agents, buyers, sellers, and title companies, literally anybody with insurance companies, large private equity companies and mass lease guarantors or sureties, creditors and debtors in bankruptcy, and more. A real estate litigator must understand all potential tools that are available to enforce, defend, create, modify, or terminate the many rights and responsibilities that exist in real property relationships.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to, *inter alia*:

- Identify most possible causes of action that arise from a given real property-related fact pattern;
- Craft discovery to maximize the amount of relevant information for one’s case;
- Determine the best court (state, federal civil, or federal bankruptcy) or jurisdiction to bring or defend an action;
- Draft, review, and/or improve contracts, development agreements, or other real property-related documents to minimize exposure to a client;
- Understand the difference between puffery and genuine threats in demand letters;
- Prosecute or defend a case from beginning to end relating to a construction issue;

- Defend a client against a code enforcement action; and
- Identify the correct client as well as potential conflicts of interest that exist when litigation issues arise in real property contexts.

REQUIRED READING AND VIEWING MATERIALS: (SUBJECT TO CHANGE)

- Materials posted on CANVAS
 - Selection from Florida Real Estate Litigation
 - Selection from *The Uncommon Knowledge of Elinor Ostrom: Essential Lessons for Collective Action* (material from first woman winner of Nobel Prize in Economic Science regarding dispute resolution mechanisms in real property rights) (Chapters 1 through 4)
 - Selection from *The Firm, the Market, and the Law* by Ronald Coase (an essay about the allocation of scarce property rights in FCC-regulated airwaves)
 - Selection from *The Mystery of Capital* by Hernando de Soto (material regarding importance of low barriers to entry to a legal system to enforce rights in property)
 - Selection from *Information Theory: A Tutorial Introduction* by Claude Shannon (material used to show how the litigation process is analogous to a communication channel and why that matters for every decision in litigation)
 - Selection from *The Checklist Manifesto* by Atul Gawande (compare success of checklists in other professions and demonstrated success with importance of using checklists to reduce potential error in discovery process)
 - Selection from *Kidnap: Inside the Ransom Business* by Anja Shortland (used to explain the economics of the litigation process, including plaintiffs' incentives, insurance incentives, and economics of settlements versus trials)
 - Selection from *The Common Law* by Oliver Wendell Holmes, Jr.
 - Selection from *On the Laws and Governance of England* by Sir John Fortescue
 - Selected cases (as identified in course schedule, *infra*, and which are subject to change)
 - Selected statutes (as identified in course schedule, *infra*, and which are subject to change)
 - Selected rules (as identified in course schedule, *infra*, also subject to change)

ADDITIONAL READING AND RECOMMENDED VIEWING:

- Portions of *Taylor v. Thomas, et al.*, Western District of Tennessee Case No. 12-cv-2309, jury trial regarding intellectual property rights for real estate agents: <https://www.uscourts.gov/cameras-courts/taylor-v-thomas-et-al> and related case materials
- Portions of *Novogroder v. NOM Lima Shawnee LLC*, Northern District of Ohio Case No. 07-cv-1284, jury trial regarding slander of title, tortious interference, and quiet title: <https://www.uscourts.gov/cameras-courts/novogroder-v-nom-lima-shawnee-llc> and related case materials
- Portions of *CadleRock Joint Venture, L.P. v. Royal Indemnity Company*, Northern District of Ohio Case No. 02-cv-16012, jury trial regarding lease bonds / guarantees / securitization of real property products and causes of action deriving from them such as fraudulent inducement and breach of contract: <https://www.uscourts.gov/cameras-courts/cadlerock-joint-venture-lp-v-royal-indemnity-company> and related case materials, especially the progression of pleadings

- Portions of *Sierra 76, Inc. v. TA Operating LLC*, Northern District of Ohio Case No. 11-cv-1264, advisory jury regarding proper exercise of a lease renewal: <https://www.uscourts.gov/cameras-courts/sierra-76-inc-v-ta-operating-llc>
- Portions of other cases and motions being heard, such as the pending arguments over water resource allocation in
- Portions of code enforcement hearings from various Florida cities and counties, from both special magistrates (including myself in Citrus County) and code enforcement boards

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:

Generally, I expect students to have completed reading assignments prior to each class. I will solicit class participation in discussion, sometimes in a Socratic method, but sometimes more conversationally. By the end of the class, I would expect each student to be able to: (1) understand and explain the many elements of litigation exposure that exist along the vertical and horizontal elements of a real estate relationship; and (2) contribute to a conversation in a law firm regarding tactical and strategic decisions to be made in litigating real property matters for all the topics that we covered.

Students will be evaluated based upon:

- (1) Biweekly written assignments, including multiple choice and short answer (40%);
- (2) Midterm (20%); and
- (3) Final (40%)

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed 2 absences during the course of the semester. 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. 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. In this course, I will on at least one occasion ask you to use ChatGPT.

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.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

RECORDINGS OF CLASS

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will work with faculty to determine when students may have access to these recordings, and the recordings will be password protected. It is the student’s responsibility to contact the Office of Student Affairs as soon as possible after an absence.

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 weekly class is approximately 2 hours in length, requiring at least **4 hours of preparation** outside of class including but not limited to reading the assigned materials, writing critical analyses, and developing your final paper.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change. A note about the cases: rarely will a case need to be read from start to finish. Rather, they are used for certain propositions and I will identify the relevant portions of the cases and post such on Canvas. The required readings will generally be short and not consume one's life.

WEEK 1: GENERAL LITIGATION FOUNDATION	
1/17	<p>Topics: Introduction of Fact-Finding through Lens of Communication Channels, Pleading and Standing, Jurisdiction, Statutes and Common Law, Federal and State Courts</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none">• Portions of Information Theory: A Tutorial• Chapter 1 of <i>The Common Law</i>• Fed. R. Civ. P. 1, 5, 7, 8, 9, 12, 15• Portion of: <i>Steel Co. v. Citizens for a Better Env't</i>, 523 U.S. 83 (1998)• Portion of: <i>Arbaugh v. Y&H Corp.</i>, 546 U.S. 500 (2006)• Portion of: <i>Nicklaw v. CitiMortgage, Inc.</i>, 839 F.3d 998 (11th Cir. 2016)• Portion of: <i>Spokeo, Inc. v. Robins</i>, 578 U.S. 330 (2016)• Portion of: <i>Lawrence v. Dunbar</i>, 919 F.2d 1525 (11th Cir. 1990)• Entirety of: <i>Lujan v. Defs. Of Wildlife</i>, 504 U.S. 555 (1992)• Portion of: <i>A&M Gerber Chiropractic LLC v. Geico Gen. Ins. Co.</i>, 925 F.3d 1205 (11th Cir. 2019)
WEEK 2: GENERAL LITIGATION FOUNDATION	
1/24	<p>Topics: Motion Practice and Experts</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none">• §95.11, Fla. Stat.• Fed. R. Civ. P. 12, 15, 24, 26, 30, 32, 33, 34, 35, 36, 37• Portion of: <i>Bell Atlantic Corporation v. Twombly</i>, 550 U.S. 544 (2007)• Portion of: <i>ITT Real Estate Equities, Inc. v. Chandler Ins. Agency, Inc.</i>, 617 So. 2d 750 (Fla. 4th DCA 1993)• Entirety of: <i>Daubert v. Merrell Dow Pharmaceuticals</i>, 509 U.S. 579 (1993)• Portion of: <i>Crown Custom Homes, Inc. v. Sabatino</i>, 18 So. 3d 738 (Fla. 2d DCA 2009)• Entirety of: <i>Erie R. Co. v. Tompkins</i>, 304 U.S. 64 (1938)• Portion of: <i>Cohen v. Office Depot, Inc.</i>, 184 F.3d 1292 (11th Cir. 1999) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none">• Portion of: <i>Celotex Corp v. Catrett</i>, 477 U.S. 317 (1986)• Portion of: <i>In re Amendments to Florida Rule of Civil Procedure 1.510</i>, 309 So. 3d 192 (Fla. 2020)
WEEK 3: CONTRACTS	

1/31	<p>Topics: Contracts, including Form Contracts (FAR BAR / AIA), Special Clauses, Disclosures, Breaches, and Appeals</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • Fla. R. Civ. P. 1.330 • Fed. R. App. P. 4, 7, 8, 10, 21, 27, 28, 34 • Browse FAR BAR Contract and provided disclosures (HOAs, Seller, etc.) • Browse AIA Contract (to be provided) • Browse Custom Contract (to be provided) • Portion of: <i>Tome v. State Farm Fire & Cas. Co.</i>, 125 So. 3d 864 (Fla. 4th DCA 2013) • Portion of: <i>Advanced Mktg. Sys. Corp. v. ZK Yacht Sales</i>, 830 So. 2d 924 (Fla. 4th DCA 2002) • Portion of: <i>Greenwald v. Food Fair Stores Corp.</i>, 100 So. 2d 200 (Fla. 3d DCA 1958) • Portion of: <i>Hillcrest Pac. Corp v. Yamamura</i>, 727 So. 2d 1053 (Fla. 4th DCA 1999) • Portion of: <i>Dows v. Nike, Inc.</i>, 846 So. 2d 595 (Fla. 4th DCA 2003) • Portion of: <i>ABC Liquors, Inc. v. Centimark Corp.</i>, 967 So. 2d 1053 (Fla. 5th DCA 2007) • Portion of: <i>W.R. Townsend Contracting, Inc. v. Jensen Civil Const., Inc.</i>, 728 So. 2d 297 (Fla. 1st DCA 1999) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none"> • Complaint, Answer, Motion to Dismiss, and Order in <i>Ducool USA, Inc. v. PAR FAMILY</i>, S.D. Fla. Case No. 12-cv-21989 • Second Amended Complaint, Answer, Motion to Compel, Order on Motion to Compel, Motions for Summary Judgment, Order, Notice of Appeal, and Hearing on MSJs in <i>M&M Realty Partners at Hagen Ranch v. Mazzone, et al.</i>, S.D. Fla. Case No. 9:17-cv-81135
WEEK 4: CONTRACTS	
2/7	<p>Topics: Evidence and Discovery, Escrow, Title Companies, Interpleader, and Insurance</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • Selection regarding juries from <i>On the Laws and Governance of England</i> • Fed. R. Civ. P. 22, 26 through 37 • Selection from <i>Kidnap: Inside the Ransom Business</i> by Anja Shortland • Portion of: <i>BankDirect Cap. Fin., LLC v. Cap. Premium Fin., Inc.</i>, 2018 WL 1616725 (N.D. Ill. Apr. 4, 2018) • Portion of: <i>Green Leaf Nursery v. E.I. DuPont De Nemours & Co.</i>, 341 F.3d 1292 (11th Cir. 2003) • Portion of: <i>Beasley v. Girtten</i>, 61 So. 2d 179 (Fla. 1952) • Entirety of: <i>SO5 501, LLC v. Metro-Dade Title Co.</i>, 109 So. 3d 1192 (Fla. 3d DCA 2013) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none"> • §626.8473, Fla. Stat. • Browse Typical Title Insurance Company E&O Insurance Policy [REDACTED]

	<ul style="list-style-type: none"> • Browse EXAMPLE Requests for Admission, Requests for Production, and Interrogatories • Portion of: <i>Scarborough v. Virginia Coll., LLC</i>, 2019 WL 121277 (N.D. Ala. Jan. 7, 2019) • Portion of: <i>Zubulake v. UBS Warburg LLC</i>, 220 F.R.D. 212 (S.D.N.Y. 2003) • Portion of: <i>Carter Dev. of Massachusetts, LLC v. Howard</i>, 285 So. 3d 964 (Fla. 1st DCA 2019)
WEEK 5: TORTS	
2/14	<p>Topics: Easements and Injunctions (Hr 1), Negligence, Fraud, Conspiracy, and Class Actions (Hr 2)</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • Fla. R. Civ. P. 1.120, 1.610 • Portion of: <i>Liberty Counsel v. Fla. Bar Bd. of Governors</i>, 12 So. 3d 183 (Fla. 2009) • Entirety of: <i>Rittirucksa v. Barrette</i>, 254 So. 3d 1194 (Fla. 5th DCA 2018) • Entirety of: <i>Thompson v. Planning Commission</i>, 464 So. 2d 1231 (Fla. 1st DCA 1985) • Portion of: <i>Autozone Stores, Inc. v. New Plaza Venture, LLC</i>, 934 So. 2d 670 (Fla. 2d DCA 2006) • Entirety of: <i>Trice v. Herring</i>, 717 So. 2d 181 (Fla. 1st DCA 1998) • Portion of: <i>Sandlake Residences, LLC v. Ogilvie</i>, 951 So. 2d 117 (Fla. 5th DCA 2007) • Entirety of: <i>Johnson v. Davis</i>, 480 So. 2d 625 (Fla. 1985) • Portion of: <i>Walters v. Blankenship</i>, 931 So. 2d 137 (Fla. 5th DCA 2006) • Portion of: <i>Florida Fern Growers Ass’n, Inc. v. Concerned Citizens of Putnam County</i>, 616 So. 2d 562 (Fla. 5th DCA 1993) • Portion of: <i>Churruca v. Miami Jai-Alai, Inc.</i>, 353 So. 2d 547 (Fla. 1977) • Portion of: <i>Mejia v. Jurich</i>, 781 So. 2d 1175 (Fla. 3d DCA 2001) • Portion of: <i>Cedar Hills Props. Corp. v. E. Fed. Corp.</i>, 575 So. 2d 673 (Fla. 1st DCA 1991) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none"> • EXAMPLE Deposition Transcripts • Portion of: <i>Reform Party of Fla. v. Black</i>, 885 So. 2d 303 (Fla. 2004) • <i>Diefenderfer v. Forest Park Springs</i>, 599 So. 2d 1309 (Fla. 5th DCA 1992) • <i>Halifax Drainage Dist. of Volusia County v. Gleaton</i>, 137 Fla. 397 (Fla. 1939) • <i>H&F Land, Inc. v. Panama City-Bay County Airport and Industrial District</i>, 706 So. 2d 327 (Fla. 1st DCA 1998) • <i>Vallejos v. Lan Cargo S.A.</i>, 116 So. 3d 545 (Fla. 3d DCA 2013) • <i>Ashcroft v. Calder Race Course, Inc.</i>, 492 So. 2d 1309 (Fla. 1986) • <i>SE Property Holdings, LLC v. Welch</i>, 65 F.4th 1335 (11th Cir. 2023) • <i>Williams v. Bear Stearns & Co.</i>, 725 So. 2d 397 (Fla. 5th DCA 1998) • <i>Weisman & S. Wine & Spirits of Am., Inc.</i>, 297 So. 3d 646 (Fla. 4th DCA 2020) • <i>Saunders Leasing Sys., Inc. v. Gulf Cent. Distribution Ctr., Inc.</i>, 513 So. 2d 1303 (Fla. 2d DCA 1987)
WEEK 6: TORTS AND REAL ESTATE SECURITIES	

2/21	<p>Topics: Investment Contracts and Securities in Hour 1; Mid-Term in Hour 2</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • Portions of: 15 U.S.C. §77a, et seq. (1933 Securities Act) • Portions of: 15 U.S.C. §78a, et seq. (1934 Securities Act) • Entirety of: <i>SEC v. W.J. Howey Co.</i>, 328 U.S. 293 (1946) • Entirety of: <i>Liu v. SEC</i>, 591 U.S. __ (2020) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none"> • Docket, including pleadings, motions, notices, orders, and judgments in <i>SEC v. Bretzel, et al</i>, M.D. Fla. Case No. 6:07-cv-609 • <i>United Housing Found., Inc. v. Forman</i>, 421 U.S. 837 (1975) • <i>Revak v. SEC Realty Corp.</i>, 18 F.3d 81, 87-88 (2d Cir. 1994) • <i>SEC v. Koscot Interplanetary, Inc.</i>, 497 F.2d 473 (5th Cir. 1974)
WEEK 7: CODE ENFORCEMENT	
2/28	<p>Topics: City and County Code Enforcement Structure, Constitutional Issues, Due Process, Appeals</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • Portion of; Chapter 162, Fla. Stat. • Portion of: Chapters 19, 20, Citrus County Code • Fla. R. App. 9.110 and 9.190 • Entirety of: <i>Haines City Cmty. Dev. v. Heggs</i>, 658 So. 2d 523 (Fla. 1995) • Portion of: <i>Central Florida Investments, Inc. v. Orange County</i>, 295 So. 3d 292 (Fla. 5th DCA 2019) • Portion of: <i>Holiday Isle Resort & Marina Assoc. v. Monroe County</i>, 582 So. 2d 721 (Fla. 3d DCA 1991) • Portion of: <i>Ober v. Town of Lauderdale-by-the-Sea</i>, 218 So. 3d 952 (Fla. 4th DCA 2017) • Portion of: <i>Colson v. State Farm Bank, F.S.B.</i>, 183 So. 3d 1038 (Fla. 5th DCA 2015) • Entirety of: <i>Occupy Fort Myers v. City of Fort Myers</i>, 882 F. Supp. 2d 1320 (M.D. Fla. 2011) • Entirety of: <i>Jennings v. Dade County</i>, 589 So. 2d 1137 (Fla. 3d DCA 1991) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none"> • EXAMPLE Code Enforcement Hearing Videos from YouTube • Portion of: Chapter 30, City of Gainesville Code • <i>Evergeen the Tree Treasurers, et al. v. Charlotte County, et al.</i>, 810 So. 2d 526 (Fla. 2d DCA 2002) • Portion of: <i>General Motors Acceptance Corp. v. Laesser</i>, 791 So. 2d 517 (Fla. 4th DCA 2001) • Portion of: <i>Gulf & Eastern Development Corporation v. City of Fort Lauderdale</i>, 354 So. 2d 57 (Fla. 1978)
WEEK 8: COMMON CAUSES OF ACTION	

3/6	<p>Topics: Partition, Quiet Title and Declaratory Judgment, Timeshare</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • Portion of: Chapter 64, Florida Statutes • Portion of: Chapter 65, Florida Statutes • Portion of: Chapter 86, Florida Statutes • §689.15, Fla. Stat. • Entirety of: <i>Geraci v. Geraci</i>, 963 So. 2d 904 (Fla. 2d DCA 2007) • Portion of: <i>Keyes v. Rymer Realty Corp.</i>, 219 So. 2d 711 (Fla. 3d DCA 1969) • Portion of: <i>O'Donnell v. Marks</i>, 823 So. 2d 197 (Fla. 4th DCA 2002) • Portion of: <i>Rose v. Hansell</i>, 929 So. 2d 22 (Fla. 3d DCA 2006) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none"> • Pleadings, Motions, Orders in <i>Wyndham Vacation Ownership, Inc., et al v. Slattery, Sobel & Decamp, LLP, et al.</i>, M.D. Fla. Case No. 6:19-cv-1908 • Pleadings, Motions, Orders in <i>Central Florida Tourism Oversight District v. Disney</i>, Orange County Case No. 2023-CA-11818
WEEK 9: COMMON CAUSES OF ACTION	
3/20	<p>Topics: Eviction, Ejectment, Unlawful Detainer, Eminent Domain (Hr 1), Foreclosure (Hr 2)</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • Portions of: Chapter 66, Fla. Stat. • Portions of: Chapter 73, Fla. Stat. • Portions of: Chapter 83, Fla. Stat. • Entirety of: <i>Pro-Art Dental Lab, Inc. v. V-Strategic Grp., LLC</i>, 986 So. 2d 1244 (Fla. 2008) • Portion of: <i>Babcock v. Golden Acres South, LLC</i>, 361 So. 3d 406 (Fla. 5th DCA 2023) • Portion of: <i>Palm Beach Florida Hotel v. Nantucket Enterprises, Inc.</i>, 211 So. 3d 42 (Fla. 4th DCA 2016) • Entirety of: <i>Bell v. Kornblatt</i>, 705 So. 2d 113 (Fla. 4th DCA 1998) • Portion of: <i>State, Dept. of Transp. V. Ansbacher</i>, 672 So. 2d 660 (Fla. 1st DCA 1996) • Portion of: <i>Department of Agriculture and Consumer Services v. Mid-Florida Growers, Inc.</i>, 521 So. 2d 101 (Fla. 1988) • Entirety of: <i>Lucas v. Barnett Bank of Lee County</i>, 705 So. 2d 115 (Fla. 2d DCA 1998) • Portion of: <i>Perry v. Fairbanks Capital Corp.</i>, 888 So. 2d 725 (Fla. 5th DCA 2004) • Portion of: <i>Deutsche Bank Nat. Trust Co. v. Alaqua Property</i>, 190 So. 3d 662 (Fla. 5th DCA 2016) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none"> • Article X, Section 6, Florida Constitution • §51.011, Fla. Stat. • §673.3091, Fla. Stat. • §695.01, Fla. Stat. • §697.07, Fla. Stat. • Portions of: Chapter 702, Fla. Stat.

- Fla. R. Civ. P. 1.115
- EXAMPLE Complaint for Eviction
- EXAMPLE Florida Foreclosure Forms, i.e., 1.944(a), (b)
- *Herrell v. Seyfarth, et al.*, 491 So. 2d 1173 (Fla. 1st DCA 1986)
- *Florida Department of Agriculture and Consumer Services v. Mahon*, 293 So. 3d 1091 (Fla. 5th DCA 2020)
- *Gonzalez v. OneWest Bank, FSB*, 204 So. 3d 167 (Fla. 4th DCA 2016)
- *Konsulian v. Busey Bank*, 61 So. 3d 1283 (Fla. 2d DCA 2011)

WEEK 10: PROPERTY ASSOCIATIONS AND ALTERNATIVE DISPUTE RESOLUTION

3/27

Topics: Declarations of Covenants and Restrictions, HOAs Statutory Causes of Action, Declarations of Condominium, COAs Statutory Causes of Action (also FDUTPA), and Alternative Dispute Resolution

Required Materials:

- Portion of: Chapter 501, Fla. Stat.
- Portion of: Chapter 558, Fla. Stat.
- Portion of: Chapter 718, Fla. Stat.
- Portion of: Chapter 720, Fla. Stat.
- Entirety of: *Pelican Island POA, Inc. v. Murphy*, 554 So. 2d 1179 (Fla. 2d DCA 1989)
- Portion of: *Reisdences at Bath Club Condominium Association, Inc. v. Bath Club Entertainment, LLC*, 355 So. 3d 990 (Fla. 3d DCA 2023)
- Portion of: *Fiore v. Hilliker*, 993 So. 2d 1050 (Fla. 2d DCA 2008)
- Portion of: *Pepe v. Whispering Sands Condominium Ass’n, Inc.*, 351 So. 2d 755 (Fla. 2d DCA 1977)
- Portion of: *Woodside Village Condominium Ass’n, Inc., Jahren*, 806 So. 2d 452 (Fla. 2002)
- Portion of: *Taylor v. Wellington Station Condominium Ass’n*, 633 So. 2d 43 (Fla. 5th DCA 1994)
- Entirety of: *Beacon Prop. Mgmt v. PNR*, 890 So. 2d 274 (Fla. 4th DCA 2004)

Recommended Materials:

- Chapter 712, Fla. Stat. (Marketable Record Title Act)
- “The Marketable Record Title Act Made Easy” by Gregory M. Cook, *The Florida Bar Journal*, Vol. 66, No. 9, October 1992
- EXAMPLE Declaration of Covenants and Restrictions
- EXAMPLE Declaration of Condominium
- *Hidden Harbour Estates, Inc. v. Basso*, 393 So. 2d 637 (Fla. 4th DCA 1981)
- *Coquina Club, Inc. v. Mantz*, 342 So. 2d 112 (Fla. 2d DCA 1977)
- *Lehman v. Coconut Bayou Assoc.*, 157 So. 3d 289 (Fla. 2d DCA 2014)
- *Barney v. Silver Lakes Acres Property*, 159 So. 3d 181 (Fla. 5th DCA 2015)
- *Mercedes Homes, Inc. v. Colon*, 966 So. 2d 10 (Fla. 5th DCA 2007)
- *Tempel v. Southern Homes of Palm Beach, LLC*, 90 So. 3d 848 (Fla. 3d DCA 2012)
- *Berkovich v. Casa Paradiso North, Inc.*, 125 So. 3d 938 (Fla. 4th DCA 2013)
- *Luani Plaza v. Burton*, 149 So. 3d 712 (Fla. 3d DCA 2014)
- *Arnold v. JLM Inv. Assoc. Ltd. Ptnr.*, 762 So. 2d 993 (Fla. 4th DCA 2000)
- *Foonberg v. Thornhill HOA*, 975 So. 2d 601 (Fla. 4th DCA 2008)

	<ul style="list-style-type: none"> • <i>McMillan v. Oaks of Spring Hill HOA</i>, 754 So. 2d 160 (Fla. 5th DCA 2000)
WEEK 11: CONSTRUCTION	
4/3	<p>Topics: Liens, Lis Pendens, Defects, Notices of Contest, Substantial Performance</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • §48.23, Fla. Stat. • Portion of: Chapter 713, Fla. Stat. • Portion of: <i>J.M. Beeson Co. v. Sartori</i>, 553 So. 2d 180 (Fla. 4th DCA 1989) • Portion of: <i>National Constructors, Inc. v. Ellenberg</i>, 681 So. 2d 791 (Fla. 3d DCA 1996) • Entirety of: <i>F.H. Paschen, S.N. Nielsen & Associates LLC v. B&B Site Dev., Inc.</i>, 311 So. 3d 39 (Fla. 4th DCA 2021) • Portion of: <i>Daake v. Decks N Such Marine, Inc.</i>, 201 So. 3d 179 (Fla. 1st DCA 2016) • Portion of: <i>Grasso v. Grasso</i>, 143 So. 3d 1050 (Fla. 2d DCA 2014) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none"> • §57.105, Fla. Stat. • §736.1013, Fla. Stat. • <i>Viverette v. State, Dep't of Transp.</i>, 227 So. 3d 1274 (Fla. 1st DCA 2017) • <i>Moore v. Leisure Pool Service</i>, 412 So. 2d 392 (Fla. 5th DCA 1982) • <i>Helfling v. WDM Corp</i>, 391 So. 2d 357 (Fla. 2d DCA 1980) • <i>Parc Central Aventura East Condominium v. Victoria Group Services, LLC</i>, 54 So. 3d 532 (Fla. 3d DCA 2011) • <i>Delta Fire Sprinklers, Inc. v. Onebeacon Ins. Co.</i>, 937 So. 2d 695 (Fla. 5th DCA 2006) • <i>Bridgeport, Inc. v. Rinker Materials Corp.</i>, 849 So. 2d 1193 (Fla. 4th DCA 2003) • <i>Smith Original Homes, Inc. v. Carpet King Carpets, Inc.</i>, 896 So. 2d 844 (Fla. 2d DCA 2005)
WEEK 12: DEVELOPMENT	
4/10	<p>Topics: Principal-Agent Issues, Conflicts of Interest, Land Use Litigation</p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • Rules 4, 4-1.7, 4-1.8, 4-1.9, 4-4.3, 4-1.13 of Florida Rules of Professional Conduct • Portion of: <i>Browning v. Young</i>, 993 So. 2d 64 (Fla. 1st DCA 2008) • Portion of: <i>Broward County v. Narco Realty, Inc.</i>, 359 So. 2d 509 (Fla. 4th DCA 1978) • Entirety of: <i>Euclid v. Ambler Realty Co.</i>, 272 U.S. 365 (1926) • Portion of: <i>City of Miami Beach v. Ocean & Inland Co.</i>, 3 So. 2d 364 (Fla. 1941) • Portion of: <i>City of Miami Beach v. Lachman</i>, 71 So. 2d 148 (Fla. 1953) • Portion of: <i>Bd. of County Commissioners v. Snyder</i>, 627 So. 2d 469 (Fla. 1993) <p><i>Recommended Materials:</i></p> <ul style="list-style-type: none"> • Conflict of Interest Waiver Template

	<ul style="list-style-type: none"> • “ABCs of Local Land Use and Zoning Decisions” by Gary K. Hunter, Jr. and Douglas M. Smith, <i>The Florida Bar Journal</i>, Vol. 84, No. 1, January 2010 • “Conquering the Maze of Certiorari Review of Local Government Quasi-Judicial Land Use Decisions,” by Gary K. Hunter, Jr. and Jennifer A. Tschetter, <i>The Florida Bar Journal</i>, Vol. 78, No. 9, October 2004 • “Success in Litigating Local Permit Denials: Alternative Theories of Obtaining Justice” by Scott A. McLaren and Jeffrey W. Glasgow, <i>The Florida Bar Journal</i>, Vol. 86, No. 10, December 2012
--	---

WEEK 13: BANKRUPTCY AND COURSE REVIEW

4/17	<p><i>Topics: Adversary Actions in Bankruptcy in Hour 1; Review of all prior topics, answer questions, discuss final exam in Hour 2</i></p> <p><i>Required Materials:</i></p> <ul style="list-style-type: none"> • Portion of: <i>In re Section 20 Land Group, Ltd.</i>, 261 BR 711, 716 (Bankr. M.D. Fla. 2000) • Portion of: <i>In re Cukierman</i>, 265 F.3d 846 (9th Cir. 2001) • Portion of: <i>In re Overland Express, LLP</i>, 20 Mont. B.R. 149 (Bankr. D. Mont. 2002) • Portion of: <i>In re Dougherty</i>, 84 BR 653 (9th Cir. BAP 1988) • Portion of: <i>AT&T Universal Card Sevs. v. Mercer</i>, 246 F.3d 391 (5th Cir. 2001) • All prior required materials <p><i>Recommended Materials</i></p> <ul style="list-style-type: none"> • 11 U.S.C. § 365 • 11 U.S.C. § 523 • 11 U.S.C. § 707 • EXAMPLE Petition to Avoid Discharge • EXAMPLE Proof of Claim • EXAMPLE Petition for Administrative Expenses • All prior recommended materials
------	---