**PROPERTY**

Professor Christine Klein (Spring 2021)

Law 5400-28608 (Section 1)

**Course Instructor:**

ProfessorChristine A. Klein, Holland 313, (352) 273-0964, [kleinc@law.ufl.edu](mailto:kleinc@law.ufl.edu). The class meets on Tuesdays, Wednesdays, and Thursdays, 10:40-11:55 am in HOL 285B.

**Office Hours (Virtual) – Thursdays 3-5 pm:**

Office hours will be held via Zoom. I will keep the first hour open for students who want to drop in from either section. For the remaining time, you may sign up through your Canvas calendar individually or in groups for a 20-minute time slot. *Password* (if required): ILoveProperty. You can also email me to set an appointment outside of office hours. I encourage you to attend office hours to discuss property, law school, life (including kayaking, travel, and reading, among other things), or simply to introduce yourself to me.

**Required Casebook:**

Klein, *Property: Cases, Problems, and Skills (*2d edition 2020) (please note that we will be working out of the second edition). 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. You can register [here](https://www.casebookconnect.com/).

**Canvas Course Webpage and Course Announcements:**

Our class webpage is located on Canvas, available [here](https://ufl.instructure.com/courses/416691). You are responsible for checking the Canvas webpage and your UF email account regularly.

**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. 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:**

Class attendance is mandatory. If you are absent from more than ***seven*** class sessions for any reason (including for job interviews, school-related activities, illness, doctors’ appointments, family issues, or similar), you may be administratively dropped from the course and not allowed to take the final exam. You are expected to arrive on time, which means being in your seat and ready to begin class. To sign in for class please scan the QR code at your desk when you sit down. I will announce the password for the day, which you should enter into the attendance system. ***If you arrive late, I reserve the right to mark you as absent for that class.*** 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. ***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.

**Classroom Recordings:**

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University’s Office of Student Conduct and Conflict Resolution.

**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 ***at least one hour 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. ***If I call on you and find you unprepared or if you demonstrate excessive unpreparedness throughout the semester, I reserve the right to lower your grade by one-third of a point (for example, from B+ to B).*** If you are suffering COVID-related or other distress that impedes your ability to prepare for class, please notify me so that we can craft appropriate preparedness guidelines for you.

**Laptops and Headsets:**

Occasionally, we will use laptops and headsets (or earphones, earbuds, etc.) to divide into Zoom breakout rooms during class. I will give you advance notice so that you can bring the proper equipment to class. Otherwise, I encourage you to avoid or minimize the use of electronic devices in class. In particular, ***I urge you to take class notes by hand****.* Laptop notetaking tends to substitute verbatim transcription for careful listening and thoughtful information processing.

**Written Submissions (Required):**

* **Reading quizzes:** Prior to each class, there will be a brief reading quiz available on the “quiz” tab of Canvas that you must complete before class (the quiz will remain open until 15 minutes before the scheduled start of class). Each quiz will consist of approximately 3-8 questions, generally multiple choice, matching, or true-false, and will cover the assigned readings for the upcoming class. The quizzes are designed to guide your reading, highlight areas of confusion, and develop familiarity with key concepts. The quizzes are untimed and open book, ***but it is an honor code violation to consult with any other person about your responses.***If you like, you can keep the quiz “open” as you prepare for class, using the quiz to help you focus your efforts. ***Each individual quiz will be graded credit/no credit:*** To receive credit on a particular quiz, you must demonstrate a good-faith, professional effort. For the first week of class, you will receive full credit for simply taking the quiz and submitting it on time. For subsequent weeks, you will receive credit for each quiz on which you earn a specified minimum score, set at approximately 50% or greater for each quiz. Canvas makes your quiz score available upon submission. If you wish to appeal your score on any particular quiz, you may do so in a writing containing a concise, well-reasoned argument supporting your response as ***the best available response*** (not why you were confused or other subjective excuses). The appeal must be emailed to me no later than the Sunday (midnight) that ends the week during which you took the quiz. My decision on the appeal will be final.
* **Assignment: Essay writing and other skills:** You will be required to complete several brief written assignments. The tentative due dates are shown on your schedule of assigned readings and you will be given detailed instructions before each assignment. 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.
* **Assignment: Outline installments:** 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). Then, you can review and refine your outline (“outline 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 to Canvas an outline by midnight 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 assignment will be graded credit/no credit; to receive credit, your submission must be timely, up-to-date, and represent a good faith, professional effort. You may work individually or with a group totaling no more than 5 students (with each student contributing substantially to the effort). The value of an outline is in its preparation; you lose much of that benefit if you rely on outlines handed 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.

**Midterm Exam – Estates and Future Interests:**

When we complete Chapter 3, there will be an open-book, open-note, take-home exam on the topic of estates and future interests. The exam will be in a multiple choice, matching, or similar short-answer format. Your score and correct responses will be made available on Canvas. If you wish to appeal your response on any particular question, you may do so in a writing containing a concise, well-reasoned argument supporting your response as ***the best available response*** (and not why you were confused or other subjective excuses). The appeal must be emailed to me no later than the first Sunday (midnight) following the release of your score on Canvas. My decision on the appeal will be final. 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).

**Final Exam:**

Your final exam will be an in-person, open-book, open-notes test administered on campus by Student Affairs on May 4, 8:30 am – 12:30 pm. It will be comprehensive and may include topics covered on the midterm. If COVID or other circumstances make in-person exams not feasible, you will be provided with relevant information as soon as it is available.

**Grading Policy:**

Your grade will be based on the following approximate percentages: Final exam (65%); midterm (15%); written submissions (quizzes, outlines, and written assignments) (20%). 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 in rare cases, consistent lack of preparation, poor participation, or other unprofessional behavior may be grounds to lower your grade by one-third letter grade. 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):

|  |  |
| --- | --- |
| 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 |

**UF Law Honor Code:**

Students are bound by the UF Law Honor Code, which can be found [here](https://sccr.dso.ufl.edu/process/student-conduct-code/).

**Accommodations for Students with Disabilities:**

Students requesting accommodation should first register with the [UF Disability Resource Center](http://www.dso.ufl.edu/drc/). 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.

**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/).

**Law School Statement on Face-to-Face Courses and COVID-Related Practices:**

The law school has instituted the following policies and requirements to maintain your learning environment and to enhance the safety of our classroom interactions. I may take noncompliance into account when grading students or determining if a student may remain in the course:

* You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Be mindful of how to properly enter and exit the classroom.  Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing [COVID-19 symptoms](https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the [UF Health screening system](https://coronavirus.ufhealth.org/screen-test-protect-2/frequently-asked-questions/covid-19-exposure-and-symptoms-who-do-i-call-if/) and follow the instructions about when you are able to return to campus.
* Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work in accordance with law school [policy](https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/).

**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, Midterm, Other |
| 1 | Jan. 19 | What Can Be Owned? | 3-23 |  |
|  | 20 | “ ”  What Does Ownership Mean? | 25-36  36-38, 43-55 |  |
|  | 21 |  | 55-60 |  |
| 2 | 26 | Why Property Rights?  Skill: Common Law Analysis  Skill: Outlining | 61-64  64-66  66 |  |
|  | 27 | Gifts  Finders | 69-73  90-101 |  |
|  | 28 | Adverse Possession | 102-12 |  |
| 3 | Feb.  2 | “ ” | 112-27 |  |
|  | 3 | Skills: Policy/Statutory Analysis | 127-31 | Outline – Ch. 1-2  Assignment: Essay 1 |
|  | 4 | Present Estates | 137-53 |  |
| 4 | 9 | Defeasible Present Estates | 153-67 |  |
|  | 10 | Future Interests  Remainders—A Closer Looks | 167-73  173-77 |  |
|  | 11 | Pulling It All Together | 177-78 |  |
| 5 | 16 | Destructibility of C-Remainders  The Rule Against Perpetuities | 178-80, 181-82  182-93 |  |
|  | 17 | “ ”  Skills Practice: Savings Clauses  Review Problems | 197-200  200-01  TBA |  |
|  | 18 | “ ” |  |  |
| 6 | 23 | The Lease | 205-20 | Optional Review  (Feb. 23, 3:15-5:00 pm, via Zoom) |
|  | 24 | Possession | 220-43 |  |
|  | 25 | Maintaining the Premises | 243-47 | **Midterm exam**  Feb. 26-28 (take-home via Canvas) |
| 7 | Mar.  2 | “ ”  Fair Housing Act (leases) | 247-56  256-63 |  |
|  | 3 | Discussion Problem  Skills: Lease Drafting  Concurrent Ownership | 263-64  264-68  271-78 | Assignment: Essay 2 |
|  | 4 | “ ” | 278-306 |  |
| 8 | 9 | “ ”  Private and Public Property | 306-16  343-57 | Outline – Ch. 4-5 |
|  | 10 | Commons Property  The Real Estate Transaction | 357-63, 373-80  387-93 |  |
|  | 11 | Fair Housing Act (sales)  The Real Estate Contract | 393-400  400-04 |  |
| 9 | 16 | “ ”  The Physical Premises | 404-18  418-26 |  |
|  | 17 | The Mortgage  Foreclosure | 426-35  435-47 | Assignment: Mortgage |
|  | 18 | Title Security | 447-53 |  |
| 10 | 23 | “ ”  The Climate Bubble  Skills: Purchase Offers | 453-67  467-71  471-74 |  |
|  | 24 | Recording System | 477-94 |  |
|  | 25 | “ ” |  |  |
| 11 | 30 | Recording Acts  Easements – Overview | 494-510  515-19 | Outline – Ch. 6-7 |
|  | 31 | Easements - Creation | 519-40 |  |
|  | Apr. 1 | Easements – Scope  Easements – Transfer/Terminate | 540-47  548-50 |  |
| 12 | 6 | Conservation Easements  Real Covenants | 554-65  569-78 | Outline - Ch. 8-9 |
|  | 7 | Equitable Servitudes | 578-90 |  |
|  | 8 | Termination & Nonenforcement | 591-605 |  |
| 13 | 13 | Common Interest Communities  Restatement (Third) | 605-17  617-22 | Assignment: Essay 3 |
|  | 14 | Skills: Policy Arguments | 622-23 |  |
|  | 15 | “ ” |  | Outline – Ch. 10 |
| **Final**  **Exam** | May 4 | **FINAL EXAM** 8:30 a.m. - 12:30 p.m. |  |  |