



Property I Spring 2015

Professor Jace C. Gatewood
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First Assignments

Week 1

3-40; 125-144

Acquisition of Property/Capture Rule/Finder's Law

***** SYLLABUS BELOW *****



Real Property: Possession, Ownership and Transfer Syllabus Spring 2015

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Introduction:

As evidenced by its place in the first-year curriculum, the law of property is foundational to a lawyer's education. Most obviously, property law provides the rules for determining if and how one individual or group may own and use something – be it land, an automobile, an idea, or even one's own person – to the exclusion of other individuals or groups. This is how the ordinary layperson views “property,” and for this reason alone, a lawyer must understand property law to counsel clients with regard to their business and personal dealings. Property is the systematic study of both things personal (movable and unattached) and things real (commonly known as real property). Property, as a subject, transcends many areas of the law, including torts, contracts and Constitutional law. Thus, an understanding of property law (and the theories underlying it) facilitates appreciation, assessment, and criticism of government, society, public policy, and our roles as citizens.

Course Description:

This course will introduce you to property law concepts through the general themes of acquisition and possession, exclusion and access, and ownership and constitutional protections. In this course, you will study these themes through specific topics including conquests, gifts, capture, adverse possession, estates and future interests, real estate transactions, and other real property law concepts. This course will also give you the opportunity to develop and hone your legal reasoning skills and introduce you to some of the practical, ethical, and policy concerns of a working attorney.

Course Objectives:

The objective of the course is to have you become familiar with and understand the legal terms and the basic legal concepts used in the substantive law of property, and have you begin to think conceptually about how Property law serves society.

At the end of this course, you should be able to:

1. Recognize and accurately and objective analyze in essay form problems involving the legal doctrines covered in this course, which may include, but shall not limited to, original acquisition, limits on exclusionary rights, forms of ownership, adverse possession, present estates and future interests, leaseholds, real estate transactions, and real property law concepts, including nuisance, easements, covenants, servitudes, takings, and trespass.
2. Accurately identify and synthesize the relevant issues when given a complex set of facts involving property law issues, and analyze and evaluate in essay form the relative strengths and weaknesses of each party's legal position by effectively integrating rules and facts.
3. Demonstrate orally and in writing the ability to apply property law concepts and rules to new factual contexts using the traditional IRAC format.
4. Accurately recite orally and in writing relevant laws, including its various elements and exceptions, related to a particular property law issue, including using legal terms and concepts correctly and precisely.
5. Identify and explain orally and in writing underlying public policy and jurisprudential concerns related to specific property law concepts.
6. Demonstrate orally and in writing the ability to analyze cases and/or statutes, and differentiate cases in terms of legally relevant facts.

Class Time:

Monday and Wednesdays – 9:00 a.m. –10:30 a.m. - Room TBA

Required Text:

Dukeminier, Krier, Alexander & Schill, *Property* (8th ed. 2014)
ISBN: 9781454837602

Office Hours:

Mondays: 10:45 a.m. – 12:00 noon
Tuesday: 11:30 am – 1:00 p.m.
Wednesday: 10:45 am – 12:00 noon
Thursday: 11:30 a.m. – 1:00 p.m.
By appointment

Assignments:

Students are responsible for completing all reading assignments prior to the class session (even those portions we may not cover in class), and also for completing any problems contained in the reading assignment (or distributed in class). Your preparation before class and participation during class are the essential elements of a good law school experience.

Attendance:

Attendance is mandatory. Each student is expected, as part of his or her academic program, to attend all classes during an academic session. Unexcused absences will affect your final grade received in this course. **If a student misses more than 20% (5 absences) of the class hours in any course, which includes all absences, including absences due to illness, intentional, negligent or accidental class absences, religious holidays not already included in the law School calendar, personal needs, family needs and emergencies, such student will automatically receive a “W” for the course.**

Grading:

The final grade will be based on an exam. As noted above, attendance can affect the final grade. The fall final exam may include essays, multiple choice and/or short answer. I reserve the right to change the format of the final exam at anytime, and if so changed, you will be notified of any format changes prior to the final exam. The exam will cover all materials assigned in Dukeminier, Krier, Alexander & Schill, all materials covered in lectures and any assigned supplemental materials. The examination is a **closed book** examination. **NO OUTLINES, NOTES, TREATISES, OR OTHER MATERIALS WILL BE PERMITTED FOR USE DURING THE EXAMINATION.**

Class Participation:

As with any class, your participation is critical. You will be called upon, and you will also be expected to volunteer.

Class Preparation:

Your preparation is critical to your participation, and the reading assignments are mandatory. Do not read more than 1 week ahead as assignments may change.

Classroom Policy:

All cell phones and other noise-making devices must be turned off. No web surfing is allowed. Recording the class is not allowed.

TWEN:

Please register on TWEN (available through Westlaw). I will use TWEN to post announcements and optional reading assignments and materials, if any.

SUPPLEMENTARY WEBSITE:

Your textbook as a companion website located at www.Dukeminier-property.com. At various points in the textbook, you will see a computer icon, pictured to the left, which indicates that the website contains information of interest to the particular material. To access the website use the following username and password: Username: dukeminier; password: book2K9 (case sensitive)

This Syllabus is subject to change.

SPRING 2015 READING ASSIGNMENTS

Week	Pages
Week 1	3-40 (top); 125-144 <i>Acquisition of Property/Capture Rule/Finder's Law</i>
Week 2	189 (bottom) – 208; 144-189 <i>Gift Law/Adverse Possession</i>
Week 3	144-189 <i>Adverse Possession (continued)</i>
Week 4	144-189; 207-264 <i>Adverse Possession (continued)/Possessory Estates</i>
Week 5	207-264 <i>Possessory Estates (continued)</i>
Week 6	207-264; 275-295; 303-341 <i>Possessory Estates (continued)/Future Interests</i>
Week 7	303-341 <i>Future Interests (continued)</i>
Week 8	303-341; 343-382 <i>Future Interests (continued)/Co-Ownership</i>
Week 9	343-382; 443-450 <i>Co-ownership (continued)/Leasehold Estates</i>
Week 10	541-614 <i>Purchase and Sale Agreements/Brokers</i>
Week 11	541-614; 614-645 <i>Purchase and Sale Agreements (continued)/Brokers (continued)/Deeds</i>
Week 12	645-659; 693-753 <i>Mortgages/Recording Systems</i>
Week 13	693-753 <i>Recording Systems (continued)</i>
Week 14	Review