



Property I Syllabus Fall 2010

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Classroom 152
WF 10:15 – 11:30 a.m.

“There is nothing which so generally strikes the imagination, and engages the affections of mankind as the right of property; or that sole and despotic dominion which one man claims and exercises to the external things of the world, in the total exclusion of the right of any other individual in the universe. And yet there are very few, that will give themselves the trouble to consider the origin and foundation of this right. Pleased as we may be with the possession, we seem to be afraid to look back to the means by which it was acquired, as if fearful of some defects in our title; or at best we rest satisfied with the decision of the laws in our favor, without examining the reason or authority upon which those laws have been built.”

William Blackstone, 2 COMMENTARIES ON THE LAW OF ENGLAND 2 (1766).

Required Text: Dukeminier, Krier, Alexander, & Schill, PROPERTY (7th ed. 2010).

http://www.aspenlaw.com/product.asp?catalog_name=LegalEd&product_id=0735588996&tag=CTGSCasebooks%20%26%20Coursebooks

Recommended
Treatises:

Hovenkamp & Kurtz, *Principles of Property Law* (6th ed. 2005)

<http://west.thomson.com/productdetail/128860/22048674/productdetail.aspx>

Singer, *Property* (3rd ed. 2009)

http://www.aspenlaw.com/product.asp?catalog_name=LegalEd&product_id=0735589356&tag=SERASpen%20Treatise%20Series

Office Hours: Regular: WF 9-10 a.m. and 3-5 p.m.
Other: Announced in Class; or by appointment.

Grading: Fall final exam is 3 hours essay and possibly multiple choice or short answer. The exam will cover all materials assigned in Dukeminier & Krier et al., all materials covered in lectures, and any assigned supplemental material including handouts. The examination is a modified open book examination – each student may use his/her text, any assigned supplemental materials, any notes or outlines which that student prepared, and any group notes or outlines to which he/she made a *significant* contribution in preparation. No commercial outlines, treatises, or similar materials will be permitted for use during the examination.

Sample exam questions will be distributed mid-term; some past practice and final exams are available on my website.

All students must register on the TWEN page for this course, and must make themselves familiar with the Social Science Research Network (“SSRN”) and JSTOR.

Fall Assignment Schedule¹

All assignments have a powerpoint presentation corresponding with Class Number available on TWEN. The powerpoints and any designated readings within such powerpoints are required reading.

<u>CLASS/DATE</u>	<u>PAGES</u>
1 - Aug. 25	xxix; xxxi; 1-38 <i>Acquisition by Discovery; Acquisition by Capture</i>
2 - Aug. 27	39-55; Epstein and “Hobbesian Man, Lockean World” <i>Demsetz; Externalities, Theoretical Fundamentals</i>
3 - Sept. 1	88-96; Madison “On Property” Download: http://press-pubs.uchicago.edu/founders/documents/v1ch16s23.html <i>Right to Include; Right to Exclude; Labor Theory</i>
4 - Sept. 3	97-116 <i>Acquisition by Find</i>
5 - Sept. 8	164-182 <i>Acquisition by Gift</i>

¹ All assignments may be supplemented with additional readings. Additional readings may also be listed in class powerpoints. Syllabus subject to change as necessary; students will receive notice of any changes.

- 6 - Sept. 10 116-141
Adverse Possession
- 7 - Sept. 15 142-164
Adverse Possession
- 8 - Sept. 17 Coase; Calabresi & Malemed –
Readings linked in powerpoints and in Course Materials on TWEN
- 9 - Sept. 22 Constitutional Property Issues Lecture (9A)
183-202 (9B)
Introduction to Possessory Estates; Fee Simple
- 10 - Sept. 24 202-222
Fee Tail; Life Estate; Leasehold Estates
- 11 - Sept. 29 222-243
Defeasible Estates
- 12 - Oct. 1 243-252
Defeasible Estates
- 13 - Oct. 6 253-271
*Introduction to Future Interests; Future Interests in
Transferors and Transferees*
- 14 - Oct. 8 271-279; problems
*Introduction to Future Interests; Future Interests in
Transferors and Transferees*
- 15 - Oct. 13 Review 253-279 (cont.); problems
Distribute Take-Home Optional Practice Exam
*Trusts; Introduction to Future Interests; Future Interests in
Transferors and Transferees*
- 16 - Oct. 15 280-285
*Marketability and the Destruction of Contingent Future Interests –
Destruction of Contingent Remainders, Shelley's Case,
Worthier Title, Rule Against Perpetuities*
- 17 - Oct. 20 Practice Exam Review
All students required to attend. But, to be eligible for individual
review of this Practice Exam during office hours, completed
practice exams must be turned in prior to this class and student
must be in attendance on this day.
- 18 - Oct. 22 285-304
Rule Against Perpetuities

- 19 - Oct. 27 305-318; Review 280-304; problems
Perpetuities Reform;
Marketability and the Destruction of Contingent Future Interests –
Destruction of Contingent Remainders, Shelley’s Case, Worthier Title,
Rule Against Perpetuities
- 20 - Oct. 29 319-337
Common Law Concurrent Interests
- 21 - Nov. 3 338-358; problems
Common Law Concurrent Interests; Relations Among Concurrent
Owners
- 22 - Nov. 5 360-387
Marital Interests (22A)
Lecture on Community Property; Domestic Partners
- 23 - Nov. 10 419-430
Leasehold Interests -- General
- 24 - Nov. 12 438-458
Leasehold Estates – Delivery of Possession; Subleases;
Assignments
- 25 - Nov. 17 459-481
Landlord/Tenant – Default; Duties, Rights, and Remedies
- 26 - Nov. 19 482-516
Landlord/Tenant – Duties, Rights and Remedies

VRS - SATURDAY November 20, 1:00-4:00 p.m.

OPTIONAL/VOLUNTARY REVIEW SESSION

Review will include, inter alia, discussion of Fall 2008 Final Exam
(available on web)

- 27 - Nov. 24 Marx and Engels (and others) on Socialism and Communism (27A);
Bastiat on Property, Markets and Plunder (27B)
Readings linked in powerpoints
- 28R - Dec. 1 Final Class – Review Session

Freezeout Period Begins Tuesday, December 7, at 4:59 p.m. – No questions will be
answered in person or by email not submitted before that point.

FINAL EXAM: Friday, December 10, 9:30 a.m.-12:30 p.m.

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