

Property, Sec. 1
Law 5400, §23154
Spring, 2025
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SYLLABUS

This is a course in the law of real and personal property. We will cover basic principles in the law of land (real property) and movable (personal) property, government regulation of private property, private land use planning, landowner-tenant law, nuisance, and trespass.

Class meets on **Mondays and Wednesdays from 8:30-10:30.**

Required Materials: There are two sources of reading material for this class. The first is a packet of cases with very short explanations that I have prepared for our class. This will be our primary reading material and you should plan to read the cases very carefully. We will begin at the beginning and progress through to the end of the case packet.

The second source is John G. Sprankling, *Understanding Property Law*, 4th edition, (Carolina Academic Press, 2018) or the 3rd edition is acceptable as well. This is a short treatise that will provide some discussion of many of the cases in the case packet, as well as treatise-like explanations of many of the rules we will be covering. We will progress through the treatise by subjects as they arise in the course packet. Thus, while sometimes it may take us 3 or 4 days to cover a particular subject, like easements, I will assign the entire easement section of the treatise for you to read on the first day.

Throughout the course I will have you do many writing assignments and there will be at least 2 graded quizzes, to help you assess how you are doing in the class and to take some of the pressure off of having a single final exam. It may seem like a lot, but I want you to do enough so that it becomes quick and easy for you. Legal analysis is like playing the piano – you can read books about it and you can read the music and listen to it, but until you put your fingers on the keyboard and start practicing, you won't ever be able to play.

Assignments: There are three kinds of assignments that will be due for this class. They are:

Treatise Outline: There are roughly 29 chapters in the treatise that you will need to outline. Most of the chapters are only about 20 pages long, with some longer and some shorter. Each outline should be roughly a page, and you will need to write down the relevant rules, exceptions, elements, factors, and other information. These will also be submitted on Canvas. These will be ungraded, but you will get participation points on these. The treatise outlines are not due right away – they will usually be due the weekend after we finish that section. They are intended to get you to focus on outlining the substantive rules as we go along. The idea with these is that you outline them in your notes and then cut and paste them into canvas – then, when it's time to study for the final, you print out all 29 and voila! Your course outline is complete.

Quizzes and Mid-Term: There are 13 (plus or minus) sections of material, some of which will only take a day or two to cover, others of which will take 2 weeks or more to cover. You will be given short essay questions calling for answers of 300-500 words every few weeks or so. The first 3 will be ungraded, but at least 2 quizzes after that will be graded. There will also be a graded mid-term on future interests so that you don't have to study that material for the final exam.

Final Examination: There will be a four-hour written essay examination at the end of the semester. It will be closed book but you may bring in 1 piece of paper with notes on it, front and back. You will be responsible for all material assigned, except the estates and future interests chapter, whether specifically discussed in class or not. Exam delays and/or make-up exams will be coordinated through the office of student affairs. You can find additional information at this link: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

Final Grade: Your final grade will be calculated as follows:

Final Exam	65%
Mid-Term Exam	10%
Graded Quizzes	10%
Participation Points	10%
In-Class Participation	<u>5%</u>
Total	100%

Attendance is required. I reserve the right to dismiss from class any student who misses more than 10% of regularly scheduled classes. This policy reflects bar requirements that you actually be physically present in the classroom for a significant amount of scheduled class meetings. Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. 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](#).

Preferred Names: Many of you may have a preferred name that is not the name given to me on the official roll. Please let me know the first week of class what your preferred name is and please don't hesitate to correct me if I get it wrong.

Outlines and Supplements: Many of you may have already obtained outlines for this course or have talked to upper level students and received their outlines. Although I will not prohibit use of those outlines, I will caution you. The reason most A students receive A grades is that they actually wrote their own outlines. It is the process of writing your own outline that helps you make sense of the vast array of material we will have covered in class. Other outlines are worth consulting, but if they are not your own work, they are more likely to give you a false

sense of security than actually provide answers for the exams. I would ask that you not bring those outlines to class, or use them when answering questions or participating in discussions, because the point of class is to reach the appropriate discussion topics through a procedure of talking and analyzing. It is the working through the problems that teaches you, not getting to the final answer.

For your outlines and quizzes, I expect you to do your own work.

Office Hours: I will hold regularly-scheduled office hours from 3:30-4:30 on Tuesdays and 10:30-12:00 on Wednesdays, but I am generally available whenever I am on campus, so simply email me to set up a time if you cannot make these times or just drop by.

Honor Code: As you no doubt realize, you are bound by the University of Florida Levin College of Law Honor Code and Conduct Code while in this class. Outside of class, I believe you should cooperate with each other as much as possible. You should form a study group and take practice exams together. In class, you may share notes, books, and outlines and feel free to come to a colleague's aid if he/she is stumbling over a question (not on your cell phones, however). But ultimately you will need to master this material if you are to competently represent a client. I encourage you to ask questions during office hours and get involved in the issues we will discuss. I ask that you not interrupt your classmates, disparage their questions or answers, or imply (either inside or outside of class) that their questions are not worthy of our attention. I also ask that if you are not going to pay attention in class that you not distract your classmates, but rather sit quietly and do other work.

Laptops: I do not allow laptops in class. I find that students tend to spend too much time typing rather than listening and participating. I will tell you when you need to take notes, so I would ask that you bring a pen and paper on which you can take notes and leave your laptops unopened.

UF Levin College of Law Standard Syllabus Policies:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

Learning Outcomes: This is a traditional first year course, which means that the focus is primarily on learning the basic rules and principles of American Property law. You will need to read cases carefully to extract not only the relevant rules and precedents, but to understand the dynamic nature of law and the pressures pushing to expand or extend the law's reach. At the end of the semester, I expect you to be able to identify the property rights at issue in a hypothetical fact situation, analyze the rules that would be used to resolve any disputes, apply the rules, and then comment on whether the outcome comports with traditional norms of justice and equity.

Grading: 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. Please be aware that any grade below a B places you at risk of failing the bar exam. This is not meant to scare or intimidate you, but to help you recognize which subjects may require additional bar preparation. More importantly, however, it is meant to give you a sense of how well you are mastering the

very specialized skill of legal analysis that we are endeavoring to teach here. Although some of you will receive grades below a B, please use that information to guide your further course choices and to motivate you to take advantage of the many special courses and opportunities we offer to students to improve your analytical skills. And if you get a grade of B or below, please come see me after the exam to discuss specific challenges you may have.

Reading Assignments: These reading assignments are grouped categorically in sections by topic. I have found that it is difficult to stick to a daily calendar of reading assignments, so plan to read 4 cases per day, plus any treatise chapters, unless I indicate otherwise in class. I will try to tell you, each day, how far ahead I expect we will get for the next day. But you are responsible for being adequately prepared each day. So please stay well ahead in the readings. **It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in-class assignments for every 1 hour in class.** We will discuss the readings in the order assigned below.

January 13 – **Introduction and Acquisition of Property Rights**

Read Pierson v. Post, Popov v. Hayashi
Treatise: Chapters 1 and 3

January 15

Read Columbus-America, Charrier v. Bell, Elliff v. Texon
Treatise: Chapter 4

January 20 – No class, MLK day

January 22

Moore v. Regents, INS v. AP, MLK Center v. American Heritage Products
Treatise: 7.05

January 25 - **Gifts**

King v. King, Tapscott v. Lessee of Cobbs, Irons v. Smallwood, Woo v. Smart
Treatise: Chapter 5

January 27 – **Estates and Future Interests**

Wood v. Bd. of County Com'rs, Guilliams
Treatise: Chapter 8 and 9-9.06

February 3 –

Cathedral of the Incarnation, Webb v. Underhill, Est. of Kroos
Treatise: Chapters 12 and 13

February 5

Gruen v. Gruen, Moore v. Phillips, Roper, Johnson v. Whiton
Treatise: Chapters 9.07-end; 14-14.09

February 10 – Rule against perpetuities

All the RAP cases

Treatise: Chapter 14.10-end

February 12 – **Concurrent Estates**

Carr v. Decking, Tenhet v. Boswell, Kresha v. Kresha

Treatise: Chapter 10

February 17 – Midterm Exam

Sawada v. Endo

February 19 – **Easements and Licenses**

Holbrook v. Taylor, Rase v. Castle Mt. Ranch, Granite Prop. v. Manns, Finn v. Wms

Treatise: Chapter 32

February 24

Green v. Lupo, Cox v. Glenbrook, Henley v. Cont'l Cablevision

February 26 – **Bailments and BFPs**

Allen v. Hyatt, Shamrock Hotel v. Caranas, Porter v. Wertz

Treatise: Chapter 7.03 and 7.04

March 3 – **Prescription**

Brown v. Gobble, Romero v. Garcia, Nome 2000, Community Feed, Somerville

Treatise: Chapters 29 and 31

March 5 – **Nuisance and Support**

Armstrong v. Francis Co., Noone v. Price, Friendswood, Page v. Honeywell

Treatise: Chapter 33

March 10 – **Covenants**

Fountainbleu, Prah v. Maretti, Whitinsville Plaza v. Kotseas

Treatise: Chapter 33

March 12

Evans v. Pollock, Sanborn v. McLean, Appel v. Presley, Shelley v. Kraemer

Treatise: Chapter 34

March 24 – HOAs

Horse Pond Fish & Game, NW Real Est. v. Serio, Riste v. E Wash Bible Camp, Aquarian

Treatise: Chapter 35

March 26 – **Landowner/Tenant**

Wolinsky v. Kadison, Breene v. Plaza, Vasquez v. Glassboro, Sommer v. Kridel

Treatise: Chapters 15, 16, 19

March 31

Kendall v. Ernest Pestana, Minjak v. Randolph, Blackett v. Olanoff, Javins v. 1st Realty
Treatise: Chapters 17 and 18
Florida Residential LL and T Act

April 2 – **Trespass and Public Accommodation**

State v. Shack, Desnick v. ABC, Uston v. Resorts Int'l
Treatise: Chapter 30

April 7 – **Nondiscrimination and the FHA**

Lloyd Co. v. Tanner, Mathews v. Bay Head, Asbury v. Brougham, Starret City

April 9 – **Nondiscrimination and the FHA**

Memphis v. Green, Huntington NAACP, Mount Laurel

Movie Nights: Every other Wednesday at 5:30

Up For Grabs – January 15

Immortal Life of Henrietta Lacks – January 29

War of the Roses – February 12

Pacific Heights – February 26

The Castle – March 12

Little Pink House – March 26