

Property Law Syllabus

Fall 2024

Professor Annie Brett

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Required Coursebook

Readings for this class will primarily be from a 2024 edition of *Open Source Property*. A digital version of the material is available on our course Canvas page. If you wish to purchase a hard copy, a royalty-free version is available on Amazon and linked from Canvas. Please use only this link to avoid confusion, there are other (incorrect) versions also available.

Class Meetings

Monday, Tuesday, Wednesday: 9-10:15

Location: HH 355C

Office Hours

Monday 2:45-3:45

Wednesday 2:45-3:45

Thursday: 12:30-1:30 (on Zoom, link in Canvas)

Or by appointment

Location: HH 333

Course Description

This course covers the question of what property is; types of property; the acquisition and possession of real and personal property; estates in land; introduction to future interests; landlord and tenant; survey of modern land transactions and methods of title assurance; easements; and licenses, covenants, and rights incident to land ownership.

Learning Outcomes

After completing this course, students should be able to:

1. Demonstrate understanding of the basics of different types of property and how these are subject to ownership.
2. Determine how property rights can be gained, divided, transferred and terminated.
3. Articulate constitutional, statutory, and common law limitations on the scope of property rights and government regulation of these rights.
4. Recognize and analyze major issues arising in real and personal property transactions.

Attendance Policy

Per ABA requirements you are expected to attend all classes. More than 3 unexcused absences will result in a decrease of your final grade in the course. Acceptable reasons for absence from or failure to engage in class include illness; Title IX-related situations; serious accidents or emergencies affecting the student, their roommates, or their family; special curricular requirements; military obligation; severe weather conditions that prevent class participation; religious holidays; participation in official university activities; and court-imposed legal obligation. Other reasons (e.g., a job interview or club activity) may be deemed acceptable if approved by me in advance.

If you are planning to miss class for any excused reason, please let me know and provide appropriate documentation as you are able. Otherwise, in the interests of privacy and efficiency it is not necessary to tell me why you are absent and telling me does not excuse the absence.

Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please do not use your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

Class Participation

Active participation is an essential component of this class. I ask that each of you arrive to class having done the readings and prepared to meaningfully engage in discussion. Participation will account for 10% of your final grade. This will include participating in class in response to cold calls and volunteering as desired (during both of which I value quality over quantity) in addition to participating in in-class and out-of-class polling questions and otherwise engaging with the class (including through office hours etc.).

In addition to discussions and questions, I will be using iClicker to track attendance and do practice questions throughout the course. You will be asked to sign up for an iClicker account, which is integrated with the course Canvas page. You will need a tablet, phone, or computer to interact with iClicker during class. Whether or not you participate in iClicker questions will be tracked through Canvas and count toward your participation grade, though whether or not you got the answers correct will not be.

Evaluation

This class will have a closed-book final examination (80%) and a midterm (10%) that together will account for 90% of your final grade. The remaining 10% of your grade will be based on your active participation in class.

The midterm will be a 70 minute, in-person, closed-book exam that takes place in roughly Week 7 of the semester. The exact date will be announced at the beginning of September. The midterm will echo the format of the final and is intended to allow an opportunity for you to practice taking a law school exam in a relatively low stakes setting. We will discuss how best to prepare for the midterm and use it as a review opportunity for the final exam.

The final examination will be a 4-hour, in-person, closed-book exam that consists of a combination of multiple-choice and essay questions.

Unless otherwise indicated, the use of any AI tools in this course is prohibited and will be considered an Honor Code violation.

Recording

This class will not be recorded by the Law School (contrary to what law school policies may state). Students are individually allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without my written consent. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format

or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor and Student Conduct Code.

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>.

Reading Assignments

Per ABA Standard 310, 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. For this class, this should amount to approximately 8 hours per week.

A list of reading assignments for the semester is below. We will go through these assignments in order, though one assignment may take more than one class period to cover (particularly early in the semester). I will keep the canvas page updated with current reading assignments, it is your responsibility to check this regularly and ensure you are up-to-date on any changes.

Week 1: What is Property?

- Class 1: Read pp. 40-46, 1-12 for Monday, 1/18
- Class 2: Read pp. 14-34 for Tuesday, 1/19
- Class 3: Read pp. 56-81 for Wednesday, 1/20

Week 2: Personhood and Intangible Property

- Class 1: pp. 81-95
- Class 2: pp. 95-145
- Class 3: pp. 145-156

Week 3: Intellectual Property and Ownership

- Class 1: pp. 156-179
- Class 2: pp. 180- 215

Week 4: Adverse Possession and Future Interests

- Class 1: pp. 241-267
- Class 2: pp. 267-289
- Class 3: pp. 289-319

Week 5: Co-Ownership

- Class 1: pp. 319-354
- Class 2: pp. 345-371
- Class 3: pp. 371-405

Week 6: Leases

- Class 1: pp. 405-430
- Class 2: pp. 430-463
- Class 3: pp. 463-491

Week 7: Transfers

- Class 1: pp. 11-51
- Class 2: pp. 53-61

Week 8: Wills and Land Transactions

- Class 1: pp. 54-59
- Class 2: pp. 61-75
- Class 3: pp. 75-97

Week 9: Mortgages and Recording

- Class 1: pp. 97-118
- Class 2: pp. 151-187
- Class 3: pp. 194-223

Week 10: Restricting Use

- Class 1: pp. 246-266
- Class 2: pp. 266-288
- Class 3: pp. 223-245

Week 11: Takings

- Class 1: pp. 288-327
- Class 2: pp. 327-380
- Class 3: pp. 382-411

Week 12: Zoning

- Class 1: pp. 413-439
- Class 2: pp. 467-493

Week 13:

- Class 1: pp. 501-539
- Class 2: pp. 539- 567