

Property, Sec. 1
Law 5400, §23233
Spring, 2023
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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 **Tuesdays, Wednesday, and Thursdays from 9:00-10:15.**

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 cases are divided into sections and posted onto our canvas page by module. Each subject, as listed below, will have a file with the cases for that section.

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. These assignments are sometimes graded, but often not. If they are not graded, you will get participation points. They should not take a lot of time but will be very helpful when it comes to the final exam. They are:

Briefs: I am sure you have heard about briefing cases and some professors expect you to brief every case. I do as well. But briefing is a skill that you acquire only after a lot of practice. The idea is to be able to succinctly identify all the relevant information and dispense with all irrelevant information so you can summarize a case in about 3 sentences. That means getting relevant facts, rules, holdings, and policies into the kind of short summary that won't bore a

judge. To practice this skill, you will be asked to submit one brief per day. Normally you will read 2 or 3 cases per day but you will only need to brief one of them. The brief will be due at 9:00 a.m. before class begins and you will know what case it is when you log into canvas. Each section of the course will have a module, and within each module there will be the shells for each brief.

Each brief shell will consist of 1-4 questions in the form of a quiz (that was the only way I could figure out how to do to). You will simply answer the questions in the boxes provided. Remember, the point is to learn to summarize briefly and correctly, so we will focus a lot of time in class on how to recognize the relevant information. Don't forget that this is a property class – that means contract or con law issues are probably not relevant for our purposes.

These briefs will be ungraded but you will get participation points for completing them. And I understand that there will be days when you just can't get to the briefs. You can skip 6 days of briefs at any point in the semester. You don't need to tell me or your TA when you are skipping a day. We will simply note that in our gradebooks and after your 6 allotted skips, you will start losing participation points if you don't submit them.

Treatise Outline: There are 25 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. These will be ungraded, but you will get participation points on these as well. 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 25 and voila! Your course outline is complete.

Quizzes and Mid-Term: There are 11 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 two 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 open book, open notes, open outlines, open treatises and open any other written sources you think might help. 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>.

The exam is scheduled for May 9, 2023 at 8:30 a.m.

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. There is a mechanism for changing your name to your preferred name for certain university lists, although not for all of them. Please contact Dean M Smith (style@ufl.edu) if you have any questions about how to list your preferred name on some of the forms that we get from the university.

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

Office Hours: I will hold regularly-scheduled office hours from 10:30-11:30 on Tuesdays and 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 although you will need your laptop for doing the briefs, 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.

Covid Practices: We are uncertain at this time what the covid practices will be when school begins and how they might change as the semester progresses. You will be required to comply with University regulations and required covid practices throughout the semester.

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 2 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.

Section 1 – Acquisition of Property Rights (2 weeks)

Section 2 – Ownership Interests, the Sticks in the Bundle of Sticks

- Gifts and Sales (1/2 week)
- Estates in Land and Future Interests (1 ½ weeks)
- Concurrent Estates (1/2 week)
- Licenses and Easements (1 week)
- Gifts, Bailments, and BFPs (1/2 week)

Section 3 – Private Limits on Property Rights between Owners and Non-Owners

- Prescription (1 week)
- Nuisance (1/2 week)
- Covenants (2 weeks)
- Leaseholds (2 weeks)

Section 4 - Public Limits on Property Rights

- Public Accommodation (1 week)
- Non-Discrimination (1 week) (optional)
- Constitutional Protections (1 week) (optional)

First Day's reading Assignment:

Please read the first case, Pierson v. Post, in the case packet.