

LAW 7122-03: PROPERTY II

SYLLABUS

Prof. Bell
Spring 2011

COURSE DESCRIPTION AND OBJECTIVES

Property law surrounds us, providing a fundamental framework for our social world. Property law determines what we own, how rights we enjoy, and how to transfer those rights to others. Last semester, in Property I, we focused on first possession, subsequent possession, possessory estates, future interests, co-ownership and marital interests, and leasehold estates. This semester, in Property II, we will cover land transactions, title assurance, nuisance, servitudes, zoning, and takings.

Together with Property I, Property II should prepare you to analyze a wide variety of property law issues at a general level. Dealing with particular problems, such as commercial leases or foreclosures, may require additional, specialized study. This class will also give you the opportunity to polish your legal reasoning skills and introduce you to some of the practical and ethical concerns of a working attorney. Property law provides a fundamental framework for *all* of us; for some of you it will also provide a rewarding career.

GRADING

A final exam of essay and multiple-choice questions will count for 75% of your grade for the course. The essay portion will predominate. It will be partially closed-book; the multiple-choice part will be closed-book. A similarly formatted mid-term exam will count for 25% of your course grade.

Your class participation may also affect your grade. I will throughout the semester call on students at random to ask questions about the assigned materials and various related hypothetical problems. If you are not prepared to engage in such a discussion you may elect to pass. There is no penalty for passing once, but any student who elects to pass more than once, or who fails to pass but exhibits inadequate preparation, will lose .1 points from his or her final grade each time.

HOW TO CONTACT ME

I encourage you to contact me if you have questions or comments about what we discuss in class or about law school in general. You can usually find me in my office, room 438, each Tuesday and Thursday from 9:30 until 1 p.m., and from 2:30 until 3:00 p.m. Also, I will stay until 4 pm. on Tuesdays. I welcome you to drop by and chat at those times or at other times

by appointment. You can call me at 714/628-2503 or email me at tbell@chapman.edu. You can find course materials at both www.tomwbell.com/teaching.html and on Blackboard.

READING ASSIGNMENTS

This syllabus sets forth the readings assigned from the course's only required text, PROPERTY (Dukeminier, Krier, Alexander, & Schill, eds., 7th ed. 2010). You should read all of these citations inclusively; "pp. 1-5," for instance, means "pages 1, 2, 3, 4, and 5." Please note that while I will make a good faith effort to follow this syllabus, I reserve the right to change it.

<u>class #</u>	<u>assignment</u>	<u>(# pages)</u>
Introduction		
Class 1:	517, 519-20, 645, 731, 763-64, 1061	(7)
Ch. 7. The Land Transaction		
Class 2:	520-40	(20)
Class 3:	541-53	(12)
Class 4:	553-64, 572-73	(12)
Class 5:	573-585	(12)
Class 6:	585-93, 598-605	(16)
Class 7:	605-21	(16)
Class 8:	621-24 (last full ¶), 626 (4 th full ¶)-30 (1 st full ¶), 637 (note 3)-44	(15)
Ch. 8. Title Assurance		
Class 9:	pp. 645-58, 665-67	(14)
Class 10:	pp. 667-86	(19)
Class 11:	pp. 686-704	(19)
Class 12:	pp. 704-15, 721-27	(17)
Ch. 9. Judicial Land Use Controls: The Law of Nuisance		
Class 13:	pp. 729-46	(17)
Class 14:	pp. 747-61	(15)
Midterm Exam		
Class 15 (Tuesday, March 8)		(0)
Ch. 10. Private Land Use Controls: The Law of Servitudes		
Class 16:	pp. 763-99	(16)
Class 17:	pp. 785-99	(15)
Class 18:	pp. 812 ("3." and next ¶), 819-820, 826-30, 841-53	(20)

Class 19:	pp. 854-59 (to case), 862-64 (to case), 872 (note 2)-81	(18)
Class 20:	pp. 882 (to case), 888-908	(20)
Class 21:	pp. 910-22	(13)

Ch. 11. Legislative Land Use Controls: The Law of Zoning

Class 22:	pp. 925-29, 939 (note 3)-945, 950 (note 2)-54	(18)
Class 23:	pp. 955-69, 1000, 1008-10	(18)
Class 24:	pp. 1010, 1016 (note 4)-21, 1026-29 (to “I.”), 1034-36, 1052-58	(20)

Ch. 12. Eminent Domain and the Problem of Regulatory Takings

Class 25:	1061-65, 1068-80	(17)
Class 26:	1081-82 (1 st full ¶), 1084 (last partial ¶)-85 (4 th full ¶), 1093 (note 2)-96 (2 nd full ¶), 1099 (2 nd full ¶)-99 (4 th full ¶), 1101 (note 2)-03 (note 4), 1111 (note 2)-13 (all but last ¶), 1119 (last full ¶)-21 (all but last ¶), 1124 (1 st full ¶)-25 (maj. opinion)	(14)
Class 27:	1131 (from “3.”)-33 (1 st partial ¶), 1136 (last partial ¶)-38, 1151 (note 6)-52 (“claim . . .”), 1154 (2 nd full ¶)-55 (2 nd full ¶), 1158 (case name)-58 (last full ¶), 1163 (3 rd full ¶)-74 (1 st partial ¶), 1178 (case name)-78 (1 st full ¶ of case), 1180 (last partial ¶)-83 (1 st full ¶)	(17)

Review

Class 28		(0)
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