

## LAW 7123-02: PROPERTY

### SYLLABUS

Prof. Tom W. Bell  
Spring 2017

#### COURSE DESCRIPTION AND OBJECTIVES

Property law surrounds us, providing a fundamental framework for our social world. It determines what we own, which rights that gives us, and how ttransfers of ownership happen. This course offers a comprehensive introduction to property law. Specifically, it covers the following topics, divided into two halves.

**First Half of Course:**

First possession;  
Shared ownership;  
Estates and future interests;  
Landlord-tenant relations; and  
Land transactions.

**Second Half of Course:**

Recordation;  
Loans;  
Servitudes; and  
Land use controls.

More generally, this class will polish your legal reasoning skills and introduce you to some of the practical and ethical concerns of working attorneys. (For more on the educational goals of this course, please see the attached notices). Those sorts of lessons apply to all lawyers.

This course prepares you to analyze a wide variety of property law issues at a somewhat general level. Dealing with particular problems, such as commercial leases or foreclosures, may require additional study. And no amount of book learning can substitute for experience.

With those caveats, though,comes this guarantee: If after graduating you run across a property law issue that you think this class left you unprepared to answer, send me an email, reintroduce yourself, and we will try to figure it out. I enjoy hearing from former students, and not only because they sometimes encounter new legal issues first hand, in the field, so to speak.

Students who miss more than 20 minutes of a class session do not qualify for attending it.

## **GRADING**

A final exam of essay and multiple-choice questions will count for 90% of your grade for this 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 10% of your course grade.

Class participation may also affect your grade. Students will be selected at random to answer questions about the assigned materials and related hypothetical problems (*hypos*). By answering such a query, a student represents that they have read the assigned readings. They are not thereby claiming they understood it; only that they gave it a good faith effort.

A student who has not completed the assigned readings may and indeed must take a *Pass*. There is no penalty for passing one time, but any student who elects to pass more than once, or who exhibits such grossly inadequate preparation as to demonstrate in the sole discretion of Professor Bell (or his delegate) that the student did not in fact read the assigned materials, will lose .1 points from his or her final course grade for each such occurrence. Repeat offenders will suffer repeated penalties.

To the credit of Chapman students, lack of preparation seldom proves a problem. When it does become a problem, it is usually because a student feels too embarrassed to simply say, "Pass!" So they try to answer, get caught in a lie, and suffer embarrassment and worse. If you just do the best you can to keep up, and take your pass if you need it, you will find the Socratic method far from scary. Maybe fun, even. No promises, though.

## **CONTACT INFORMATION**

I encourage you to contact me if you have questions or comments about what we discuss in class or about law school in general. I hold regular office hours in room 438 each Wednesday from 10 a.m. until 3 p.m. and each Friday from 10:00 a.m. until 1:00 p.m. You will often find me in on other days and at other times. I welcome visits at such times by chance or by appointment. Email [tbell@chapman.edu](mailto:tbell@chapman.edu) to set up a meeting, whether in person or via Skype. On Blackboard and at [www.tomwbell.com/teaching.html](http://www.tomwbell.com/teaching.html) you can find course documents and study materials.

## **READING ASSIGNMENTS**

This syllabus sets forth the readings assigned from the course's only required text, *PROPERTY LAW: PRACTICE, PROBLEMS, AND PERSPECTIVES* (Anderson & Bogart, 2014). You should read all of these citations inclusively; "pp. 1-4," for instance, means "pages 1, 2, 3, and 4."

Each class session of 110 minutes has been divided into "a" and "b" subsections, each 50 minutes long, divided by a 10-minute break. You should thus read the assignments for classes 1a and class 1b for the first session, the readings for classes 2a and 2b for the second session, and so forth. Please note that the contents of this syllabus may change during the semester.

<u>class</u>	<u>assignment</u>	<u>(# pages)</u>
<b>Introduction to the First Half of Course</b>		
	Class 1a & 1b: pp. xxi-xxii, xxvii-xxviii, 1-4, 63, 177-80, 253-55, 307-10, 413-19	(17)
<b>Ch. 1. The Foundations of Property Law</b>		
Class 2a:	pp. 4-28	(24)
Class 2b:	pp. 28-48	(20)
Class 3a:	pp. 48-61	(13)
<b>Ch. 2. Property Acquisition</b>		
Class 3b:	pp. 63-80	(18)
Class 4a:	pp. 81-100	(20)
Class 4b:	pp. 101-15	(15)
Class 5a:	pp. 115-32	(16)
Class 5b:	pp. 132-42	(11)
<b>Ch. 4. Concurrent Interests</b>		
Class 6a:	pp. 179-99	(22)
Class 6b:	pp. 200-20	(21)
Class 7a:	pp. 221-40	(20)

Class 7b: pp. 240-51 (12)

### **Ch. 5. Estates and Future Interests**

Class 8a: pp. 253-74 (22)

Class 8b: pp. 274-96 (23)

Class 9a: pp. 296-305 (10)

### **Ch. 6. Landlord-Tenant**

Class 9b: pp. 307-29 (22)

Class 10a: pp. 329-53 (24)

Class 10b: pp. 353-77 (24)

Class 11a: pp. 377-400 (24)

Class 11b: pp. 400-411 (11)

### **Ch. 7. The Real Estate Transaction**

Class 12a: pp. 415-38 (22)

Class 12b: pp. 444-69 (25)

Class 13a: pp. 479-88, 492-510 (27)

Class 13b: pp. 510-27 (17)

### **Midterm Review**

Class 14a: [practice exam] (0)

### **In-Class Midterm**

Class 14b & 15a

## **Introduction to the Second Half of Course**

Class 15b: pp. 529-30, 593-95, 641-46, 701-03, 741-46,  
773-74, 819-21 (20)

## **Ch. 8. Recording**

Class 16a: pp. 531-44 (13)

Class 16b: pp. 544-55 (12)

Class 17a: pp. 556-69 (13)

Class 17b: pp. 569-79 (11)

Class 18a: pp. 579-91 (12)

## **Ch. 9. The Loan Transaction**

Class 18b: pp. 593-609 (17)

Class 19a: pp. 609-29 (19)

Class 19b: pp. 630-39 (10)

## **Ch. 10. Easements**

Class 20a: pp. 641-60 (18)

Class 20b: pp. 660-73 (14)

Class 21a: pp. 673-88 (16)

Class 21b: pp. 689-700 (11)

## **Ch. 11. Real Covenants and Equitable Servitudes**

Class 22a: pp. 701-16 (16)

Class 22b: pp. 716-34 (17)

Class 23a: pp. 734-40 (6)

**Ch. 12. Judicial Land Use Controls: Nuisance**

Class 23b: pp. 743-59 (17)

Class 24a: pp. 759-71 (11)

**Ch. 13. Legislative Land Use Control: An Introduction to Zoning**

Class 24b: pp. 773-86 (14)

Class 25a: pp. 786-804 (17)

Class 25b: pp. 804-18 (14)

**Ch. 14. Constitutional Limitations on Land Use Control: The Takings Clause**

Class 26a: pp. 819-38 (20)

Class 26b: pp. 838-54 (15)

Class 27a: pp. 854-72 (18)

Class 27b: pp. 878-87, 891-96 (14)

**Review**

Classes 28a & 28b: (TBD)

## LAW SCHOOL AND UNIVERSITY ADMINISTRATIVE NOTICES

**Learning Outcome Assessment:** The law school has designated three learning outcomes as important for all students: legal analysis, legal writing, and client representation. This course focuses on the legal analysis of statutes, cases, persuasive codifications, and uniform laws. Under the heading of “client representation,” it also includes consideration of how to practice law professionally and ethically. For other, more general descriptions of the course’s learning outcomes, please see above under “Course Description and Objectives.”

**Accommodations:** In compliance with ADA guidelines, students who have any condition, either permanent or temporary, that may affect their ability to perform in this class are encouraged to contact Associate Dean of Student Affairs and Administration Jayne Kacer or the University Disability Services Office. Dean Kacer is located in the law school Dean's Suite and can be reached at [kacer@chapman.edu](mailto:kacer@chapman.edu) or 714-628-2641. You also may contact the Office of Disability Services at 714-516-4520 or [www.chapman.edu/disabilities](http://www.chapman.edu/disabilities). If your request for an accommodation is granted, please discuss with your professor *only* those accommodations that relate to classroom learning, e.g., the need to sit in a special location, audio taping, etc. Because exam grading is anonymous, please do not discuss with your professors any accommodations related to exams. These accommodations will be handled by the Registrar's Office. The granting of any accommodation will not be retroactive and cannot jeopardize the academic standards or integrity of the course.

**Equity and Diversity Notification:** Chapman University is committed to ensuring equality and valuing diversity. Students and professors are reminded to show respect at all times as outlined in Chapman’s Harassment and Discrimination Policy: <http://tinyurl.com/CUHarassment-Discrimination>. Any violations of this policy should be discussed with the professor, the Dean of Students, and/or otherwise reported in accordance with this policy.