

Property  
Spring 2008  
MTTh 8:00-9:15 a.m.<sup>1</sup>

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### Required Books<sup>2</sup>

- Dukeminier, *et al.*, *Property* (6<sup>th</sup> Ed.) (“**DK**”)
- *Perspectives on Property Law* (3d Ed.) (Ellickson, *et al.*, eds.) (“**PPL**”)
- *Supplementary materials* (“**Supp.**”) (available at
- From time to time, we will cover additional material, which will be made available a few days before we discuss it in class.

### Course Requirements

Attendance and thorough preparation are required. If you are unable to fulfill one or both of these requirements, please let me know ahead of time. The examination is 100% of your grade. I reserve the right to give a one-step grade “bump” to students for thoughtful and constructive class participation. I also reserve the right to dock students who consistently fail to attend and/or prepare for class.

**Office Hours**            Monday 2:30-3:30

### Class Assignments

I.     **Why Property?**   DK xxxi (“From the Preface to the First Edition”); Supp.1-7 ; PPL 1-7 (Goffman), 20-28 (Pipes); *Recommended*: PPL 63-74 (Michelman and Kennedy), 75-92 (Friedman).

### II.    **Property Acquisition**

1.     Preview: PPL 45-53 (Blackstone)
2.     Discovery/Conquest: DK 1-117
3.     Capture: DK 17-35; PPL 129-135 (Acheson)

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<sup>1</sup>By meeting for 75 minutes three times a week, we “earn” four days off during the semester. We will not have class on *Monday, February 4*. The other “extra” days will prevent makeups if it becomes necessary for me to cancel class during the course of the semester.

<sup>2</sup> Students occasionally ask if I can recommend a study guide or treatise. Sprankling, *Understanding Property Law* (2000) provides a fairly good basic introduction. For a more comprehensive treatment, you might consider Singer, *Introduction to Property* (2d ed. 2005). I have asked the library to place both books on reserve.

4. The Problem of the Commons: DK 35-50, PPL 146-159 (Ellickson), *recommended* 119-129 (Hardin).
5. Creation: DK 51-86; PPL 159-169 (Heller & Eisenberg), 336-45 (Radin)
6. Adverse Possession: DK 112-157; PPL 190-199 (Merrill); Supp. 8-13
7. Gifts: DK 157-59; 166-72
8. Review: PPL 180-190 (Rose).

### **III. Forms of “Ownership”**

1. Preview: PPL 321-335 (Banner)
2. The Fee Simple & Fee Tail: DK 173-189
3. Life Estates: DK 189-206
4. Defeasible Estates: DK 206-24
5. Future Interests: DK 225-40
6. The “Dead Hand” Problem: DK 240-41, 244-74
7. Concurrent Ownership: DK 275-310
8. Marital Property Interests: DK 310-320; 338-44
9. Review: PPL 360-73 (Merrill & Smith); 374-381 (Posner)

### **IV. Landlord-Tenant Law**

1. Preview: PPL 393-403 (Weicher); *recommended* Mary Ann Glendon, *The Transformation of American Landlord-Tenant Law*, 23 B.C. L. REV. 503 (1984) (on reserve)
2. Types of Tenancies: DK 363-76
3. Landlords’ & Tenants’ Rights and Duties: DK 376-84; Supp. 14-18; DK 395-431
4. Affordable Housing: DK 431-449; PPL 409-415 (Ackerman); Supp. 19-22
5. Review: PPL 387-393 (Welfeld)

## **V. Land Use Controls**

1. Preview: PPL 210-221 (Ellickson)
2. Nuisance Law: DK 646-66; PPL 200-209 (Coase), 233-249 (Calabresi and Melamed). *Recommended* 249-260 (Krier & Schwab); Supp. 22-29
3. Easements: DK 667-82; Supp. 30-34; DK 695-709; 725-40
4. Covenants and Servitudes: DK 740-46; 750-68; 773-93; 798-819; *recommended* PPL 423-437 (Epstein)
5. Zoning: DK 821-849; 891-911; 918-39; PPL 456-469 (Fischel); Supp. 34-51
6. Review: PPL 437-455 (Cappel)

## **VI. Eminent Domain and “Takings” Problems**

1. Preview: PPL 221-232 (Joels, *et al.*); DK 941-45
2. Eminent Domain and “Public Use”: DK 945-59
3. Regulatory Takings: DK 959-73; 86-93 (I really mean 86, *not* 986); 980-1059
4. Review: PPL 480-502 (Michelman); 502-521 (Fischel & Shapiro)