

## PROPERTY LAW

SPRING SEMESTER 2006

Professor J. T. Younger

### SYLLABUS

The casebook we will use in class is Dukeminier and Krier, *Property* (5th ed. 2002), hereafter "DK." You will also need: Laurence and Minzner, *A Student's Guide to Estates in Land and Future Interests* (2nd ed. 2000 reprint) hereafter "LM," to help you understand Possessory Estates and Future Interests. Another book you may find helpful is: Cribbet and Johnson, *Principles of the Law of Property* (3rd ed. 1989). We'll spend more than one class session on most, though not all, topics. It is impossible to predict exactly how long each will take though I tried to estimate for you in listing the assignments below. Ideally you should read through a whole topic at once for an overview and then go back and prepare smaller sections of it for class.

As you can see from this syllabus, you are required to brief and turn in your briefs of nine (9) cases on specified dates throughout the semester. (See list annexed). If you fail to meet this requirement, you may suffer serious consequences like being barred from taking the final exam or receiving a reduced grade in the course. Forewarned is forearmed!

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### ASSIGNMENTS

Part I. An Introduction to Some Fundamentals.

Chapter 1 First possession: acquisition of property by discovery, capture, and creation.

Week of

January 17

(3 classes) Discovery: Introduction to the teacher, casebook, subject matter of the course, and briefing of *Johnson v. McIntosh*, DK 1-10. There is no advance assignment for the first day of class.

For the Jan. 18 class meeting, brief *Johnson v. McIntosh* in the way described in the first class. Make 2 copies, one MUST be turned in; the other you will need for class discussion.

Week of  
January 23  
(3 classes\*)

Capture: Pierson v. Post, DK 19-23  
Ghen v. Rich, DK 26-29, brief and turn in January 23.  
Keeble v. Hickeringill, DK 31-32  
Are these cases reconcilable?

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\* We will not meet on Thursday, January 26 but will make it up on Thursday, February 9 when we will meet from 1:25 to 3:25 p.m., to see our movie, see p. 2, infra

Week of  
January 30

(4 classes) Creation: DK 59-68; 79-93 (including, but not limited to  
International News Service v. Associated Press, brief and turn in January 30.  
Cheney Bros. v. Doris Silk Corp.

Property in One's Persona

Moore v. Regents of the Univ. of California)  
DK 98-99, Note 4  
DK 99-103, Note on the Right to Include and Exclude

Chapter 2 Subsequent possession: acquisition by find, adverse possession, and gift.

Week of  
February 6

(5 classes) Find: Introduction and Armory v. Delamirie, DK 107-108  
Hannah v. Peel, DK 111-117  
McAvoy v. Medina, DK 118-119  
Popov v. Hayashi (handout), brief and turn in February 6.  
Movie: Up For Grabs, Thurs., Feb. 9, 1:25 to 3:25 p.m., in Room 40

Week of  
February 13

(4 classes)

Adverse Possession:

Note DK 125-128

Van Valkenburg v. Lutz (and epilogue) DK 129- 139

Marrillo v. Gorski, DK 147-151

Howard v. Kunto, DK 153-159, brief and turn in February 13.

Note on disabilities and problems 1-3, DK 161

O"Keefe v. Snyder, DK 163-173

Photo and note 1, DK 174

Week of  
February 22

(2 classes)

Gift: Introduction and Problems DK 178-180

Newman v. Bost, DK 180-186

Notes and Problems, 186-187

Gruen v. Gruen, DK 187-194, brief and turn in February 22.

Notes and Questions DK 194

II. The System of Estates (Leaseholds Aside)

Chapter 3: Possessory Estates

Week of  
February 27

(4 classes)

Note that we'll use DK in class; LM references are for you.

DK 197-267; LM 1-24

OMIT Notes and Problems 1-4, DK 219-220

Chapter 4: Future Interests

Week of  
March 6

(4 classes) Note that we'll use DK in class; LM references are for you.  
DK 269-291; LM 25-58; 79-82; 92-103  
DK 302-313; LM 126-136  
Practice Exercises (handout)

Chapter 5: Co-ownership and Mutual Interests

Week of

March 20

(4 classes) DK 339-345  
Elkus v. Elkus DK 408-414  
See Property in One's Persona,  
DK 77-79, supra

III. Leaseholds: Some Aspects of the Law of Landlord and Tenant

Chapter 6

Weeks of

March 27 and

April 3

(8classes) DK 445-451  
DK 482-490 Brief and turn in Ernst v. Conditt, DK 482, March 27.  
DK 500-544

IV. Introduction to Land use controls

Chapters 9, 10, and 11: Judicial, Private, Legislative Land Use Controls

Weeks of Introductory paragraph DK 747  
April 30, Spur Industries v. Del Webb Development Co., DK 766-772 (nuisance)  
April 17, and Introduction, DK 781-782  
April 24 Van Valkenburgh v. Lutz, DK 129-139, supra (easement)  
(11 classes) Historical Background, DK 858-864; Tulk v. Moxhay, DK 864-867  
(covenant enforceable at law and in equity)

Introduction and Village of Euclid v. Amber Realty Co., DK 951-969 (zoning)

V. A Look at Eminent Domain: Regulatory Takings

Chapter 12

Block v. Hirsch (handout)

Pennsylvania Coal v. Mahon, DK 1140-1148 brief and turn in April 17.

U.S. v. Willow River Power Co. (Handout)

Hawaii Housing Authority v. Midkiff, DK 1098-1104

Kelo v. City of New London (handout)

VI. Property Ends at the Beginning

Oneida v. Oneida Indian Nation, et al (handout), brief and turn in April 24.

City of Sherrill v. Oneida Indian Nation (handout)

Questions, Loose ends.