PROPERTY I

506 SECTION 3

FALL 2021

PROFESSOR MAURICE HEW
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THE PROFESSOR

NAME: MAURICE HEW, JR.*

TEL. 713-313-1006

EMAIL: Maurice.Hew@tmslaw.tsu.edu

CLASS LOCATION: 106

OFFICE HOURS:

MW 1:00-3:00 pm.
(All other times by appointment only)

Unavailable for appointments

Property class times M W F 11-11:50
Immigration Law class times MW 3-4:15

NOTES FROM THE PROFESSOR:

* Professor of Law
Board Certified, Immigration and Nationality Law, Texas Board of Legal Specialization
Licensed in Texas, Louisiana, and before several federal courts, including the Supreme Court of
the United States.

The best way to communicate with me is through email. I normally check my email once a day.
I rarely ever check my phone messages.

You may not tape, record, or otherwise electronically record this class without prior permission.

Cell phones, pagers, computer alarms, and other noise making devices must be turned off during
class. Students who disrupt the class will be asked to leave and will be counted absent for that
class.

This syllabus is subject to change at the discretion of the professor and without notice to the
student.

MY TUTORS

1) Teresa Estrada. t.estrad6424@student.tsu.edu
COURSE BOOKS & MATERIALS

REQUIRED


I will post this on blackboard for you to access.

You will notice that Professor Krier’s study aid is copyright. I contacted him by email and he gave me permission to distribute it to you. If you want to share this with your friends, you should ask him permission before making a copy. Send him an email. I did.

4) There will be random quizzes. You will be expected to bring number 2 lead pencil to fill in the bubbles. If you do not bring a pencil and there is a quiz, I will not supply you with a pencil.

5) I have posted some random questions on blackboard. Ms. Estrada, my tutor plans to go over these questions with you during the tutor sessions. You can also bring her some other questions too.

The tutor sessions are tentatively scheduled for Wednesdays from 12-12:50 in room 206. This is subject to change.
COURSE DESCRIPTION & OBJECTIVES

DESCRIPTION:

This two-part required introductory course covers the law governing real and personal property. Course topics include: what property rights consist of, how they are acquired, and the economic and philosophical basis of property rights; types of interests in land, including landlord and tenant, present and future estates, concurrent ownership, easements, and covenants running with the land; conveyancing of land, including contracts for sale, deeds, recording systems, title insurance, and mortgages; and the regulation of land use through nuisance law and zoning.

OBJECTIVES:

(1) to familiarize students sufficiently with property law to be able to pass the bar exam and to have a basic understanding of property upon entering practice; and

(2) to help students develop the analytical skills necessary to understand the law-making process and to function as competent practicing attorneys
STUDENT LEARNING OUTCOMES

Demonstrate proficiency in understanding the law of property through in-class responses and performance on essay and multiple-choice exams. Demonstrate proficiency in analytical ability, meaning the ability to present both sides of legal disputes through competing rules of law and policy justifications for the competing rules.
GRADING

There will be a mid-semester timed essay examination.

The mid term examination is tentatively scheduled on October 15, 2021.

There will be a final timed examination.

The final examination is tentatively scheduled on December 9, 2021 at 9 am.

There are also timed scheduled quizzes.

The scheduled quizzes are on September 10, 2021 and November 1, 2021.

At my discretion, I might also issue a timed unscheduled quiz.

I am also allowed to award 5% for participation/attendance. This 5% is not automatic. It must be earned by participating in class and being present in class. Attendance at the tutor sessions will also count to your participation grade. If you are not present in class, do not participate, or are unprepared, you cannot earn this 5%.

The midsemester essay examination, final examination, scheduled and random quizzes, and participation counts towards the professor’s grade for the semester. The professor’s grade accounts for 50% of the final grade for the semester.

The final examination will be 50% of the professor’s grade.
The midterm examination will be 25% of the professor’s grade.
The quizzes, scheduled and unscheduled will represent 25% of the professor’s grade.

The other 50% of the final grade is based on a comprehensive multiple choice examination taken by all first year students at the end of each semester.

PROPERTY I COMPREHENSIVE EXAM COVERAGE

FALL SEMESTER

<table>
<thead>
<tr>
<th>Subject</th>
<th>Questions/Percentage</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adverse Possession</td>
<td>8/13%</td>
<td>Dukeminier (Chapter 2)</td>
</tr>
<tr>
<td>Nuisance</td>
<td>8/13%</td>
<td>Dukeminier (Chapter 10)</td>
</tr>
<tr>
<td>Present/Future Estates</td>
<td>24/40%</td>
<td>Wendell, Dukeminier (Chapter 4,5)</td>
</tr>
<tr>
<td>Concurrent Estates</td>
<td>20/33%</td>
<td>Dukeminier, (Chapter 6).</td>
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<tr>
<td>Total</td>
<td>60/100%</td>
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ACCOMMODATIONS

In accordance with TMSL Student Rules and Regulations and Student Accommodations Handbook.

TSU Student Accessibility Services Office (SASO). Managed by Director Sharron Benavides, SASO specializes in accommodation services and will provide efficient and professional services to Thurgood Law students who may need accommodations. Contact SASO via email DisabilityServices@tsu.edu or phone 713-313-4210.
PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Attendance will be taken at the start of each class based on a seating chart or roll call. The Law School’s attendance policy will be enforced per the TMSL Student Rules and Regulations.

It is my understanding the Dean’s office can drop your final grade based on absences from class.

I do not differentiate between excused or unexcused absences. If you are absent from class, I do not need to know the reason why you are absent. I will simply mark you absent if you are not in class.

If you are not prepared for class, I reserve the right to mark you absent even though you are physically present. If you are not prepared for class, I cannot award you 5% for participation either.

At my discretion, I reserve the right to remove a student from the class who is disruptive and is not professional towards his professor or other classmates.

COVID-19 Policy

The law school has a Covid-19 policy which intersects with the attendance rules. I have posted them on Blackboard.
# ACADEMIC CALENDAR

## THURGOOD MARSHALL SCHOOL OF LAW
**TEXAS SOUTHERN UNIVERSITY**
**ACADEMIC CALENDAR 2021 – 2022**

### FALL SEMESTER 2021

<table>
<thead>
<tr>
<th>Event</th>
<th>Dates</th>
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<tbody>
<tr>
<td><strong>FALL SEMESTER 2021 (SEVENTY DAYS OF CLASSES)</strong></td>
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<tr>
<td>Orientation</td>
<td>Monday-Friday</td>
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<tr>
<td>First Day of Class</td>
<td>Monday</td>
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<tr>
<td>Last Day to ADD/DROP</td>
<td>Wednesday</td>
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<tr>
<td>Labor Day (NO CLASSES)</td>
<td>Monday</td>
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<tr>
<td>Purge of all unpaid course selections</td>
<td>Wednesday</td>
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<tr>
<td>Mid Term Examinations</td>
<td>Mon – Fri</td>
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<tr>
<td>Last Day to Drop a Class</td>
<td>Friday</td>
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<tr>
<td>Last Day of Classes</td>
<td>Tuesday</td>
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<td>First Year Professors’ Grades due</td>
<td>Tuesday</td>
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<tr>
<td>Reading Period</td>
<td>Wed</td>
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<tr>
<td>Thanksgiving Holiday</td>
<td>Thurs – Fri</td>
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<tr>
<td>Reading Period</td>
<td>Sat- Sun</td>
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<tr>
<td>Final Examinations</td>
<td>Monday - Friday</td>
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<td>Commencement Exercises</td>
<td>Saturday</td>
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<td>August 9-13, 2021</td>
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<td>August 16, 2021</td>
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<td>August 18, 2021</td>
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<td>September 6, 2021</td>
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<td>October 11-15, 2021</td>
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<td>November 25-26, 2021</td>
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<td>November 27-28, 2021</td>
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<td>November 29-Dec. 10, 2021</td>
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<td>December 11, 2021</td>
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Please note that the calendar events and/or dates are subject to change.
POLICIES & PROCEDURES

TITLE IX

Texas Southern University is committed towards encouraging and supporting a welcome inclusive university community where all community members enjoy a community free from sex discrimination, harassment and violence. As a result, you should know that university faculty members and staff are required to notify the University Title IX Coordinator of any instances of sex discrimination and harassment, sexual violence, dating violence, domestic violence, or stalking. Sharing this information ensures that those harmed are provided support resources. What this means is that as your professor, I am required to report any incidents that are directly disclosed to me, or of which I am somehow made aware. The University’s Counseling Center is available to you if you want to speak with someone confidentially. Please visit the University’s Counseling Center’s website www.tsu.edu/ucc for additional information.
**READING ASSIGNMENTS***

**AUGUST** 16, 18, 20, 23, 25, 27, 30 (7)

**SEPTEMBER** 1, 3, 8, 10, 13, 15, 17, 20, 22, 24, 27, 29 (12)

**OCTOBER** 1, 4, 6, 8, 11, 13, 15, 18, 20, 22, 25, 27, 29 (13)

**NOVEMBER** 1, 3, 5, 8, 10, 12, 15, 17, 19, 22 (10)

**TOTAL** 42

*Reading assignments mean reading all of the text on the four corners of the pages.

1. **August 16, 2021  Housekeeping**

   Read the ABA Rule of Professional Responsibility
   1.1 Competence and 1.3 Diligence and the comments which follow

   (Dukeminier) Read the letter written on top of page 667
   What is property?
   How is it acquired?
   Why do we have property laws?
   How do the independent parts of the comprehensive exam represent the whole?
   Syllabus

2. **August 18, 2021 (Dukeminier), pp. 123 -129**

   Gruen v Gruen
   Notes and Questions

   (Wendell) Read Chapter I. Introduction Page 1-5
   What is the study of possessory estates and future interests?
   What are its historical roots?
   Where will you encounter possessory estates and future interests?
   What are the analytical keys?
   What is a conveyance?
   Define inter vivos.

3. **August 20, 2021 (Wendell), Read Chapter 2. The Fee Simple Absolute pp.. 6-16**

   “and his heirs/and her heirs”
What is the nature of a fee simple absolute?
What is the right of alienation?
Define intestate, testate,
What are words of purchase? Words of limitation?
What is the difference between the common law and the modern trends?
What are the three ways to convey a property interest? Define them?


“and her heirs, as long as/while/until
“and her heirs, but if…right to enter…
“and her heirs as long as/but if….

What are the fee simple defeasibles?
What are the future interests following a fee simple defeasible?


6. August 27, 2021 (Wendell), Read Chapter 4. The Finite Estates pp. 42-53

“for life”
“and the heirs of her body”

7. August 30, 2021 (Wendell), Problems 54-57

8. September 1, 2021 (Wendell), Read Chapter 5 Remainders: Vested v Contingent pp. 58-83

What is the difference between a vested and contingent remainders?
How are remainders destroyed?
What are the methods by which a finite estate may end prematurely?

9. September 3, 2021 (Wendell), Read Chapter 7 Variations on the Executory Interest pp. 98-114

What is the difference between a shifting and a springing executory limitation?
What are gap scenarios?
What are vested remainders subject to divestment?

10. September 8, 2021 (Wendell), Problems pp. 115-118

11) September 10, 2021 Scheduled QUIZ POSSESSORY ESTATES AND FUTURE INTERESTS
12) September 13, 2021 CHAPTER 1. Acquisition of property by first possession: Acquisition by Discovery pp. 1-19

Johnson v McIntosh
Notes and Questions

13) September 15, 2021 Acquisition by Capture pp. 19-43.

Pierson v Post
Notes and Questions

Ghen v Rich
Notes and Questions

Keeble v Hickeringill
Notes and Questions

14) September 17, 2021 Acquisition by Capture pp. 43-52

The Rule of Capture and Other Fugitive Resources

Popov v Hayashi
Notes and Questions

15) September 20, 2021 Chapter 2. Acquisition of Property by subsequent possession: Find, Adverse Possession, and gift. Acquisition by Find and Bailment pp. 53-70

Armory v Delaware
Notes and Questions

Hanna v Peel
Notes and Questions

McAvoy v Medina
Notes and Questions

16) September 22, 2021 Acquisition by Adverse Possession pp. 70-95

Van Valkenburgh v Lutz
Notes and Questions
17) September 24, 2021 Mechanics of Adverse Possession/Boundary Disputes pp.95-102

Howard v Kunto
Tacking
Tacking problems on p 101
Disabilities
Disability problems on page 102

18) September 27, 2021 Adverse possession of chattels pp. 103-113

O’Keefe v Snyder
Discovery rule

19) September 29, 2021 Acquisition by Gift pp. 114-129

Newman v Bost
Gruen v Gruen

20) October 1, 2021 CHAPTER 3. pp. 131-167

Acquisition by Creation

International New Service v Associated Press. (Property in one’s expression and ideas)
Feist Publications, Inc. v Rural Telephone (Copyrights)
Diamond v Chakrabarty (Patent)


Moore v Regents of the University of California

22) October 6, 2021 The Public Domain pp. 178-205

Matthews v. Bay Head Improvement Association
Eldred v. Ashcroft
In re Cordua Restaurants, Inc.

24) October 11, 2021  The Right to transfer and restrains on alienation pp. 213-232

Davis v Davis  
Notes and Questions
The Right to Abandon

Hawkins v Mahoney  
Notes and Questions
Pocono Springs Civic Association, Inc. v MacKenzie  
Notes and Questions


Eyerman v Mercantile Trust  
Notes and Questions
In Re Estate of Kievernagel  
Notes and Questions

26) October 15, 2021 MIDTERM EXAMINATION

27) October 18, 2021  Chapter 10. Judicial Land Use Controls:  
The Law of Nuisance pp. 731-738

An introduction to the substantive law
Morgan v High Penn Oil, Co.  
Notes and Questions

28) October 20, 2021 Remedies (and more on the substantive laws) pp. 739-758

Estancias Dallas Corp v Schultz  
Boomer v Atlantic Cement Co.  
Spur Industries, Inc. v Del E. Webb Development Co.

29) October 22, 2021 Co-ownership and Marital Interests Introduction, Types,  
Characteristics, Creation pp. 387-392

30) October 25, 2021  Severance of Joint Tenancies pp. 392-403
31) October 27, 2021 Bank Accounts pp. 403-416

Partition
Delfino v Vealencis
Notes and Questions

32) October 29, 2021 Sharing the benefits and burdens of co-ownership Relations pp. 416-428

Spiller v Mackereth
Notes and Questions

Swartzbaugh v Sampson
Notes and Questions

33) November 1, 2021 Scheduled Quiz

34) November 3, 2021 Marital Interests 428-459

Sawada v Endo
Notes and Questions

In re Marriage of Graham
Notes and Questions

Rights of Domestic Partners 456
Obergefell v Hodges
Notes and Questions


Fee Simple and problems

36) November 8, 2021 Dukeminier pp. 261-273

Fee Tail
Life Estates
37) November 10, 2021 Finite Estates Chapter 4 Dukeminier pp. 273-296

Baker v Weedon (WASTE)
Notes and Questions

Differentiate Affirmative waste, Permissive waste, and Ameliorative waste

Mahrenholz v County Board of Trustees

38) November 12, 2021 Dukeminier pp. 296-311

Mountain Bow Lodge v Toscano
Ink v City of Canton

39) November 15, 2021 Dukeminier Future Interests pp. 313-322

Problems 316 & 321
Reversion
Possibility of reverter
Right of entry
Remainders

40) November 17, 2021 Dukeminier Future Interests pp. 322-339

Folsom v Rowell
Executory Interests
Problems

41) November 19, 2021 Dukeminier Rules of perpetuities pp. 349-360

Jee v Audley

42) November 22, 2021 Final Examination Review

Final Examination

December 9, 2021 9:00 am. Room number 206

I hope to see you for property II in the Spring.