Online Class Hours: Mondays, Wednesdays & Fridays—1 PM to 1:50 PM; Office hours: TBA

Required Literature:

John C. Sprankling & Raymond R. Coletta, *PROPERTY, A CONTEMPORARY APPROACH* (Fifth Ed. 2021), including access to the electronic materials associated with the textbook.


**Objective**

Property is a first year-required course. Property law is the law that in the common law legal system governs the various forms of ownership in real property and in personal property. Modern law, in the form of torts and contracts-based doctrines, also influences property law. It is the objective of this course to help students navigate through these influences. A multidimensional series of cases, statutes, essays, short answer questions, quizzes, and exams will be administered to help formulate and gauge the students’ understanding. By the end of the academic year, students will have the tools to successfully pass the comprehensive exams and will have acquired the knowledge and skills required for the bar exam as well.

**Purpose**

The purpose of this syllabus is to provide students a roadmap of the course to help prepare for class. This syllabus is not intended to answer all the questions that will arise during the semester; therefore, it is also the students’ responsibility to ask questions.

**NOTE: ALL INSTRUCTIONAL LESSONS AND EXAMS IN THIS SYLLABUS ARE SUBJECT TO CHANGE.**
Class Guidance
Always read the points for discussion following the cases and work any problems. Bring hard copies of your briefs to class (not just book briefing) and be ready to identify:

1) the facts (background facts and key facts),
2) the issue (under the overall rule, does/did/was the subrule met, when the key facts happened),
3) the rule of law (including the overall rule and the subrules), and
4) the court’s reasoning (marry the subrule/test and the key facts together).

Grades
PROFESSOR’S SCORES—50%
Quiz 1: 10%
Fall Midterm: 35%
Fall Final: 50%
Participation & Professionalism: 5%

• FURTHER NOTE – The grading break-down, just like anything in this syllabus, is subject to change by the Professor. In this event, notice will be provided to students.

COMP SCORE—50%
Spring Comp Exam Coverage by Chapter:
1. Leasing Real Property (Landlord & Tenant) (Ch. 7)
2. Selling Real Property (Ch. 8)
3. Financing Real Property (Ch. 9)
4. Private Land Use Planning (Ch. 10)
5. Land Use Regulation (Ch. 11)

Spring Comp Exam Coverage by Topic

<table>
<thead>
<tr>
<th>Subject</th>
<th>Questions/Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>landlord &amp; tenant</td>
<td>11/18%</td>
</tr>
<tr>
<td>easements</td>
<td>10/17%</td>
</tr>
<tr>
<td>covenants/servitudes</td>
<td>10/17%</td>
</tr>
<tr>
<td>zoning</td>
<td>2/3%</td>
</tr>
<tr>
<td>real estate contracts</td>
<td>10/17%</td>
</tr>
<tr>
<td>deeds</td>
<td>6/10%</td>
</tr>
<tr>
<td>statute of frauds</td>
<td>2/3%</td>
</tr>
<tr>
<td>recording</td>
<td>4/7%</td>
</tr>
<tr>
<td>title insurance</td>
<td>2/3%</td>
</tr>
<tr>
<td>mortgages</td>
<td>3/5%</td>
</tr>
</tbody>
</table>

TOTAL 60/100%
### Section 1. Ch. 7 Leasing Real Property (Landlord & Tenant)

—11 Questions on Comp

| Ch. 7 Leasing Real Property | Read: pp. 411-426  
  Texas Dept of Housing & Community Affairs v. Inclusive Communities Project, Inc.  
  Neithamer v. Brenneman Property Services, Inc.  
  Fair Housing Council of San Fernando Valley v. Roommate.com, LLC |
|----------------------------|---------------------------------------------------------------|
| • Creating the Tenancy/Selecting the Tenant | Read: pp. 427-439  
  Effel v. Rosberg  
  Keydata Corp. v. United States |
| • Creating the Tenancy/Selecting the Estate/Negotiating the Lease/Delivering Possession | Read: pp. 439-446  
  In re Clark  
  Fidelity Mutual Life Insurance Co. Kaminsky |
| • Condition of the Premises/Substandard Housing/Constructive Eviction | Read: pp. 446-456  
  JMB Properties Urban Co. Paolucci  
  Wade v. Jobe |
| • Condition of the Premises/Constructive Eviction  
  Implied Warranty of Habitability | Read: pp. 456-470  
  Teller v McCoy (dissent only)  
  Ernst v. Conditt |
| • Condition of the Premises/Implied Warranty of Habitability  
  Transferring the Tenant’s Interest | Read: pp. 470-486  
  Kendall v. Ernest Pestana, Inc.  
  Sommer v. Kridel |
| • Transferring the Tenant’s Interest  
  Ending the Tenancy  
  Abandonment/Security Deposits | |
<table>
<thead>
<tr>
<th>Ending the Tenancy/Eviction</th>
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</thead>
</table>
| ➢ Read: pp. 486-499  
| ➢ *Elk Creek Management Co. v. Gilbert*  
| ➢ *Berg v. Wiley* |
## CH. 8 SELLING REAL PROPERTY (CONVEYANCING: REAL ESTATE CONTRACTS, DEEDS, STATUTE OF FRAUDS, RECORDING, TITLE INSURANCE)

### --24 QUESTIONS ON COMP

| Ch. 8 Selling Real Property | ➢ Read: pp. 501-510  
<table>
<thead>
<tr>
<th></th>
<th>➢ <em>Hickey v. Green</em></th>
</tr>
</thead>
</table>
| • The Purchase Contract/Statute of Frauds | ➢ Read: pp. 510-521  
|    | ➢ *Lohmeyer v. Bower*  
| • The Purchase Contract/Marketable Title/Equitable Conversion | ➢ Read: pp. 521-533  
|    | ➢ *Stambovsky v. Ackley*  
|    | ➢ *Strawn v. Canuso*  |
| • The Purchase Contract/Duty to Disclose | ➢ Read: pp. 533-543  
|    | ➢ *Rosengrant v. Rosengrant*  
|    | ➢ *Vasquez v. Vasquez*  |
| • The Closing/Deeds | ➢ Read: pp. 543-558  
|    | ➢ *Giannini v. First Nat'l Bank of Des Plaines*  
|    | ➢ *Brown v. Lober*  |
| • The Closing/Remedies for Breach  
| • Title Assurance/Title Covenants | ➢ Read: pp. 558-581  
|    | ➢ *Luthi v. Evans*  
|    | ➢ *Messersmith v. Smith*  |
| • Title Assurance/Title Opinion Based on Search of Public Records | ➢ Read: pp. 582-591  
|    | ➢ *Board of Education of Minneapolis v. Hughes*  
|    | ➢ *Raub v. General Income Sponsors of Iowa, Inc.*  |
| • Title Assurance/Title Opinion Based on Search of Public Records | ➢ Read: pp. 592-600  
|    | ➢ *Riordan v. Lawyers Title Insurance Corp.*  |
| • Title Assurance/Title Insurance  
| • Any Catch-Up Needed to Close Out Chapter | ➢ Read: pp. 592-600  


given any catch-up needed to close out chapter
## SECTION 2. CH. 9 FINANCING REAL PROPERTY (MORTGAGES)

--- 3 QUESTIONS ON COMP

| Ch. 9 Financing Real Property | • Creating the Obligation  
|                             | • Providing the Security/Mortgage/Deed of Trust/Installment Land Contract |
|                             | ➢ Read: pp. 601-615  
|                             | ➢ *Slone v. Calhoun* |

| • Foreclosing on the Security/Borrower’s Rights Before the Foreclosure Sale/Judicial Foreclosure/Nonjudicial Foreclosure/Results of the Foreclosure Sale/Special Mortgage Priority Rules  
| • Exercising Rights After Foreclosure/Protecting the Borrower/Protecting the Lender |
| ➢ Read: pp. 621-635  
| ➢ *Wansley v. First Nat’s Bank of Vicksburg* |
## SECTION 3. CH. 10 PRIVATE LAND USE PLANNING (EASEMENTS & COVENANTS/SERVITUDES)

--20 QUESTIONS—10 FOR EASEMENTS; 10 FOR COVENANTS/SERVITUDES

<table>
<thead>
<tr>
<th>Ch. 10 Private Land Use Planning</th>
<th></th>
</tr>
</thead>
</table>
| **• Creating Easements/Creating Easements** | ➢ Read: pp. 637-648  
➢ *Millbrook Hunt, Inc. v. Smith* (posted under Course Materials on TWEN)  
➢ *Emanuel v. Hernandez*  |
| **• Creating Easements/Creating Easements** | ➢ Read: pp. 648-661  
➢ *Berge v. State of Vermont*  
➢ *O’Dell v. Stiegall*  |
| **• Creating Easements/Creating Easements/Interpreting Easements** | ➢ Read: pp. 662-675  
➢ *Kienzle v. Myers*  
➢ *Marcus Cable Associates, L.P. v. Krohn*  |
| **• Creating Easements/Terminating Easements/Negative Easements** | ➢ Read: pp. 675-693  
➢ *Presault v. United States*  
➢ *Deep Water Brewing, LLC v. Fairway Resources Ltd*  |
| **• Land Use Restrictions/Traditional Approach: Real Covenants** | ➢ Read: pp. 693-705  
➢ *Gambrell v. Nivens*  
➢ *Shelley v. Kraemer*  |
| **• Land Use Restrictions/Traditional Approach: Equitable Servitudes/Restatement Approach/Discriminatory Covenants** | ➢ Read: pp. 706-721  
➢ *Nahrstedt v. Lakeside Village Condominium Association Inc.*  
➢ *Fink v. Miller*  |
| **• Land Use Restrictions/Common Interest Communities** | ➢ Read: pp. 721-727  
➢ *Vernon Township Volunteer Fire Department, Inc. v. Connor*  |
| **• Land Use Restrictions/Common Interest Communities** |  |
| **• Any Catch-Up Needed to Close Out Chapter** |  |
### SECTION 4. CH. 11 LAND USE REGULATION (ZONING)—

---2 QUESTIONS ON COMP

<table>
<thead>
<tr>
<th>Ch. 11 Land Use Regulation</th>
<th>• Basics of Zoning/Constitutionality of Zoning/Typical Zoning Ordinance/Nonconforming Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>➢ Read: pp. 749-767&lt;br&gt;➢ Village of Euclid v. Ambler Realty Co.&lt;br&gt;➢ Trip Associates, Inc. v. Mayor and City Council of Baltimore</td>
</tr>
</tbody>
</table>
Zoom Office Hours & On-Line Class Info (same as last semester):

Ericka Kelsaw is inviting you to a scheduled Zoom meeting.

Topic: Ericka Kelsaw's Zoom Property Class
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
https://us02web.zoom.us/j/83151014329?pwd=aGx5SFJpNnY3M3NxTDJrVldTSIFUUT09

Meeting ID: 831 5101 4329
Passcode: 188802
One tap mobile
+13462487799,,83151014329#,,,,*188802# US (Houston)
+16699006833,,83151014329#,,,,*188802# US (San Jose)

Dial by your location
  +1 346 248 7799 US (Houston)
  +1 669 900 6833 US (San Jose)
  +1 253 215 8782 US (Tacoma)
  +1 929 205 6099 US (New York)
  +1 301 715 8592 US (Washington DC)
  +1 312 626 6799 US (Chicago)

Meeting ID: 831 5101 4329
Passcode: 188802
Find your local number: https://us02web.zoom.us/u/kbR5SD1ATK

Top Hat Joining Information (same as last semester)

- Account Creation & Login - https://tophat-1.wistia.com/medias/m55nsiviiv
- Payment, Free Trials & Code Redemption - https://tophat-1.wistia.com/medias/rj6mn5d1lr
- Requesting a Refund - https://tophat-1.wistia.com/medias/btf5697eyc
- Account Settings - https://tophat-1.wistia.com/medias/lk7dgkl0op