
CLASS MEETING TIMES: Class meets on Mondays and Wednesdays from 1:30 to 3:20 p.m. There will be a ten-minute break during each class.

ATTENDANCE POLICY: All students are expected to attend class and to come to class prepared. More than five absences may preclude your taking the final exam.

OFFICE HOURS (Law Center Room 511): My office hours are from 5:00 to 6:30 p.m. on Tuesdays and Wednesdays. If you would like to meet during another time, please contact me to make arrangements.

COURSE GOALS: By the end of the semester, students should:

1. Be familiar with common law and statutory law with regard to the following areas: 1) landlord-tenant law; 2) gifts and sales of real property; 3) adverse possession; 4) co-ownership; 5) housing discrimination; 6) estates and future interests; and 7) property relationships between neighbors.

2. Understand the effect the U.S. Constitution has on the law of real property;

3. Understand the relationship between the U.S. Constitution and state statutes and practices;

4. Appreciate the historical development of American property law;

5. Be able to, in the role of representative for any party to a property dispute, make substantive and procedural arguments for the position of one’s client based on constitutional, statutory, and common law;

6. Be able to, in the role of representative for any party to a property transaction, understand the importance of language in the drafting of documents as well as the possible consequences of using that language;
7. Understand rules of statutory construction such that they will be able to construe new statutes and determine their meaning and constitutionality; and

8. Understand the relationship between client representation and the legislative process.

**GRADING:** Final grades will be determined as follows:

- Class and Simulation Participation: 10% of final grade
- Mid-Term Examination: 30% of final grade
- Final Examination: 60% of final grade

Class participation grades will be based on attendance, preparation, and meaningful participation in class discussion. Simulation participation will be assessed on preparation and meaningful participation in the exercises.

**LAPTOP POLICY:** Since non-class related use of laptops can create a distraction for other students, students may only use their laptops in ways that do not create such a distraction. If laptop use creates a distraction, Prof. Neal reserves the right to impose sanctions including, but not limited to, prohibiting a student's use of the laptop for the remainder of the class period, prohibiting a student's use of the laptop for the remainder of the course, or prohibiting the use of laptops in class entirely. In addition, Prof. Neal may occasionally call for “laptops down,” and conduct a brief discussion with all laptop screens down.
COURSE OUTLINE

I. Acquiring Property
   A. Gifts and Sales of Property
   B. Adverse Possession

II. Sharing Property
   A. Landlord-Tenant Relationships
   B. Co-ownership
   C. Estates and Future Interests
   D. Private Land Use Planning

READING ASSIGNMENTS

I. Leasing Real Property
   A. Introduction pp. 437-438
   B. Creating the Tenancy
      1. Selecting the Estate pp. 447-453
      2. Delivering Possession pp. 454-460

*Reading assignments for individual class periods will be placed on the course’s TWEN site calendar and may include statutory readings not included on this syllabus. The syllabus may have slight modifications during the semester. Calendar assignments supercede those on this syllabus.

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C. Condition of the Premises

1. The Challenge of Substandard Housing pp. 460-462

2. Constructive Eviction pp. 463-473

3. The Implied Warranty of Habitability pp. 473-482

D. Transferring the Tenant’s Interest pp. 482-492

E. Ending the Tenancy pp. 500

1. Abandonment pp. 501-507

2. Eviction pp. 509-515, 519-526

F. Housing Discrimination pp. 438-447

II. Selling Real Property

A. Introduction pp. 529-530

B. The Purchase Contract

1. Introduction pp. 530

2. Statute of Frauds pp. 531-538

3. Marketable Title pp. 539-545

4. Equitable Conversion pp. 545-550

5. Duty to Disclose pp. 550-561

C. The Closing

1. Introduction pp. 562

2. The Deed pp. 562-573

3. The Mortgage pp. 573-588
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<td>III. Adverse Possession</td>
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C. Fee Simple Absolute pp. 308-315, 345-347, 356 (chart)

D. Fee Tail pp. 327-329

E. Life Estate pp. 315-327, 349-354

F. Fee Simple Subject to an Executory Limitation pp. 332-333, 354-356

G. Fee Simple Determinable p. 330, 347-349

H. Fee Simple Subject to a Condition Subsequent pp. 331-332, 333-340

I. Rule Against Perpetuities pp. 362-373

VI. Private Land Use Planning

A. Nuisance pp. 751-766

B. Easements
   1. Introduction pp. 651-653
   2. Creating Easements pp. 654-685
   3. Interpreting Easements pp. 685-692
   4. Terminating Easements pp. 693-699

C. Land Use Restrictions
   1. Introduction pp. 701-702
   2. Traditional Approach pp. 702-715
   3. Common Interest Communities pp. 715-751