UNIVERSITY OF BALTIMORE SCHOOL OF LAW
L.L.M. LOTUS PROPERTY (LAW 607/319G) SYLLABUS
FALL 2016
PROFESSOR ODEANA NEAL
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COURSE DESCRIPTION: This course covers the following areas of American Property law: possession and adverse possession; estates in land future interests; landlord and tenant; concurrent tenancies; easements, covenants, and servitudes; rights incident to ownership of land; conveyancing; title guarantees and recording acts.

Sprankling, Property Law Simulations: Bridge to Practice (2013)

CLASS MEETING TIMES: Class meets on Tuesdays and Thursdays from 10:00 to 11:50 a.m. There will be a ten-minute break during each class.

OFFICE HOURS (Law Center Room 511): My office hours are from 3:00 to 4:30 p.m. on Tuesdays and Wednesdays. If you would like to meet during another time, please contact me to make arrangements.

STUDENT LEARNING OUTCOMES: By the end of the semester, students will be able to:

A. Identify the basic legal principles, substantive rules, and essential elements of real property law in 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 (i.e., nuisance law, easements, and servitudes);

B. Apply the principles, rules and elements to factual scenarios;
C. In the role of representative for any party to a property transaction, interpret the language of documents used in the transaction to determine its effect on the legal rights of the parties in case of dispute;

D. 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; and

E. In the role of representative for any party to a property dispute, make substantive and procedural arguments for the position of an opposing party based on constitutional, statutory, and common law.

CLASS ATTENDANCE: All students are expected to attend class, be on time, and come prepared. A student who exceeds five absences may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

CLASS CANCELLATIONS: If Professor Neal must cancel a class session, students will be notified via email and a notice will be posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

COURSE WORK EXPECTATIONS: American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and to spend two hours of out-of-class work each week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.
**GRADING:** Final grades will be determined as follows:

- Class and Simulation Participation: 15% of final grade
- Mid-Term Examination: 25% of final grade
- Final Examination: 60% of final grade

Class participation grades will be based on attendance, preparation, and meaningful participation in class discussion. Students are expected to read all assignments prior to class. Simulation participation will be assessed on preparation, collaboration with other students, and meaningful participation in the exercises.

**COURSE WEBSITE:** This course has a TWEN page that links to this syllabus, class announcements, class assignments, and other class materials. You are responsible for enrolling on the TWEN page and for checking it regularly for course information.

**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.

**ACADEMIC INTEGRITY:** Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

**TITLE IX SEXUAL MISCONDUCT AND NON-DISCRIMINATION POLICY:** The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty,
student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

**DISABILITY POLICY:** If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

**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. 449-450

B. Creating the Tenancy

1. Selecting the Estate pp. 464-471
2. Delivering Possession pp. 472-478

C. Condition of the Premises

1. The Challenge of Substandard Housing pp. 478-480
2. Constructive Eviction pp. 481-491
3. The Implied Warranty of Habitability pp. 491-500

D. Transferring the Tenant’s Interest pp. 500-511

E. Ending the Tenancy pp. 519

1. Abandonment pp. 519-526
2. Eviction pp. 528-540

F. Housing Discrimination pp. 450-464

II. Selling Real Property

A. Introduction pp. 543-544

*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 supersede those on this syllabus.

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B. The Purchase Contract

1. Introduction pp. 544
2. Statute of Frauds pp. 545-552
3. Marketable Title pp. 553-559
4. Equitable Conversion pp. 559-564
5. Duty to Disclose pp. 564-576

C. The Closing

1. Introduction pp. 576-577
2. The Deed pp. 577-588
3. The Mortgage pp. 588-602
4. Remedies for Breach pp. 602-608

D. Title Assurance

1. Introduction pp. 608-609
2. Title Opinion Based on Search of Public Records pp. 618-639

III. Adverse Possession

A. Introduction pp. 98-99

B. Elements of Adverse Possession pp. 99-116

C. The Adverse Possessor’s State of Mind pp. 116, 122-127

D. Proving Adverse Possession pp. 127-133
IV. Co-Ownership of Property

A. Concurrent Ownership
   1. Modern Concurrent Estates pp. 383-390
   2. Severance pp. 390-394
   3. Partition pp. 394-403

B. Marital Property
   1. Tenancy by the Entirety pp. 411-418
   2. Unmarried Couples pp. 426-432

V. Estates and Future Interests

A. Introduction p. 311

B. A Short History pp. 312-314

C. Modern Freehold Estates pp. 314-316

D. Fee Simple Absolute pp. 316-321, 351 (chart), 362 (chart)

E. Fee Tail pp. 333-335

F. Life Estate pp. 321-333, 355-360

G. Fee Simple Subject to an Executory Limitation pp. 338-339, 360-362

H. Fee Simple Determinable p. 336, 353-355

I. Fee Simple Subject to a Condition Subsequent pp. 337-338, 339-346
J. Rule Against Perpetuities pp. 368-379

VI. Private Land Use Planning

A. Introduction pp. 665-666

B. Nuisance pp. 765-780

C. Easements
   1. Introduction pp. 666-667
   2. Creating Easements pp. 668-699
   3. Interpreting Easements pp. 699-707
   4. Terminating Easements pp. 707-714

D. Land Use Restrictions
   1. Introduction pp. 716
   2. Traditional Approach pp. 717-730
   3. Common Interest Communities pp. 731-765