

Property (Law 607)

Sections: 329B and 339

Spring 2020
Prof. Hubbard

Syllabus and First Assignment

Hello! The information on this syllabus is important to your success in this course. I encourage you to read this carefully.

- I. **First Reading Assignment:**
 - a. Read the entirety of this syllabus.
 - b. THOMAS W. MERRILL & HENRY E. SMITH, PROPERTY: PRINCIPLES AND POLICIES 1-16, 24-31 (3d ed. 2017).

- II. **Classes**
 - a. Room: check the schedule on the website, as room assignments sometime change in the days leading up to the start of the term.
 - b. Times and Days: Wednesday and Friday from 10:00 a.m. to 11:50 a.m.

- III. **Law Scholar sessions**
 - a. Every week there will be supplementary classes run by my Law Scholars dynamic duo, Taylor Bayat and Tori Devore.
 - b. Be nice to Taylor and Tori. They are here to help you.

- IV. **Instructor Info**
 - a. Office: AL 508
 - b. Office Hours:
 - i. Tuesdays from 1:00 p.m. to 3:00 p.m.
 - ii. By appointment.
 - iii. Or just stop by. Unless I'm under the gun with some other commitment, I will be happy to talk with you
 - c. E-mail: whubbard@ubalt.edu
 - i. **NOTE:** If you email me from an email account other than your University of Baltimore account, the University's spam filter may prevent me from getting your email. To be on the safe side, always use your University of Baltimore email account to contact me.

V. Course Description:

- a. From the official course description: Possession and adverse possession; estates in land and future interests; landlord and tenant; concurrent tenancies; easements, covenants, and servitudes; rights incident to ownership of land; conveyancing; title guarantees and recording acts.

VI. Materials

- a. Required:
 - i. THOMAS W. MERRILL & HENRY E. SMITH, PROPERTY: PRINCIPLES AND POLICIES (3d ed. 2017)

VII. Learning Outcomes

- a. First, the course is designed to teach you about property law. By the end of the course, you should be able to demonstrate knowledge of doctrinal property law and the policy goals that underlie that law.
 - i. Not surprisingly, the course will focus on major property law doctrines.
 - ii. In addition to learning **what** the laws are you will learn **why** the laws are what they are. In law, this issue of “why” often goes by the name “policy.” Knowledge of the policies underlying property law will help you understand how different rules and doctrines fit together and what to do when they apparently conflict. A strong foundation in policy will also help to guide you in the practice of law.
- b. Second, the course is designed to improve your legal analysis skills. By the end of the course, you should be able to demonstrate legal analytic skills, including the capacity:
 - i. To pay attention to details
 - ii. To understand and use specialized terminology
 - iii. To use case law and policy to analyze new fact patterns

VIII. Course Expectations

- a. American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned.
- b. Students should expect approximately one hour of classroom instruction and 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.

IX. Course Webpage

- a. This course has a TWEN webpage with links to this syllabus, announcements, class assignments, and other materials. You must check the web site regularly. I might accidentally post answers to the exam. You never know.
- b. The TWEN webpage will also be a forum for you to ask questions and for me to post answers.

X. Reading Assignments

- a. On average there will be about 24 pages of reading assigned for each class.
- b. Please read this material carefully and think about it before class.
- c. Assigned reading for each class will be announced each week in class. A list of the readings is also included at the end of this syllabus.
- d. I have done my best to balance the schedule, but from time to time the discussions of some reading assignments might extend beyond the class for which that material was assigned. I have tried to assign the reading in a fashion that will help you pace yourself.

XI. Classroom Policies

- a. Participation:
 - i. I hope that you will all actively participate in class discussions and contribute your thoughts and ideas.
 - ii. I encourage you to volunteer in class, but I will also call on people at random.
- b. Professionalism:
 - i. I expect you to behave like graduate students, and I expect you to behave professionally. That means you should generally be prompt, prepared, and polite. I consider this part of your class participation, and failure to behave professionally may therefore affect your grade.
- c. Seating Chart
 - i. To help me learn your names, I will be using a seating chart.
 - ii. I will be passing around the seating chart on the ***first day of class***, so choose your first seat wisely. Don't sit next to your nemesis.
- d. Internet use:
 - i. I love the Internet truly, madly, deeply. I think it makes all of our lives better. If I could, I would hug the Internet. I would send the Internet a present every year on her birthday. I would give the Internet a pony.
 - ii. Unfortunately, in my experience Internet use during class does not help students learn. Almost always, a student who surfs learns less and participates less in class discussions. Online activities are also distracting to the people around you. Online

- social networking (e.g., a chat room) is even worse, as it adds peer pressure to online distractions.
- iii. As a result, during our class we will take a break from the information superhighway.
- iv. When you come to class, please turn off your Wi-Fi altogether. If you have trouble figuring out how to do this, you can ask me or call OTS (x6262).
- e. Facilitating learning
 - i. If anything happens in our class that makes you feel less inclined to participate or learn, *please let me know*.

XII. Attendance Policy

- a. UB has an attendance policy -- <http://law.ubalt.edu/academics/policiesandprocedures/index.cfm>
- b. The maximum number of absences is **THREE**.
- c. Absent extraordinary circumstances beyond your control, if you are absent more than 3 times you may fail this course. If you have four absences and need to miss another class, please contact me beforehand.
- d. **Attendance will be taken each class.**
 - i. If you do not sign in, you will not be counted as present.
 - ii. If you have not signed in when the attendance sheet is collected, it may count as an absence.
- e. **NOTE:** A student who is present but unprepared for class may be treated as absent.
- f. **NOTE:** Don't fool yourself. Missing class probably will lower your grade even in the absence of a formal rule that reduces your grade. The more engaged you are in any class the more you will learn and the better you will perform.

XIII. Grading and Evaluation

- a. There will be one midterm exam worth 20% of your grade final exam that accounts for 80% of your grade.
 - i. The midterm will be given during our normal class time on February 28, 2020.
- b. Class participation
 - i. I may adjust your grade one grade step to reflect outstanding contribution to the class or egregious lack of contribution, e.g., raising a grade from a B+ to an A- for great participation, lowering a grade from an A- to a B+ for poor participation.
- c. The class average
 - i. Grading in this course is governed by a mandatory curve that specifies that:
 - 1. Between 15-25% shall be grades of A- or higher,

2. Between 7-14% shall be grades of C- or below, and
 3. The total average for the class shall be no lower than 2.670 and is no higher than 3.000.
- ii. I will determine where to place the class average and grades within the acceptable ranges in part based on the quality of our classroom discussions.

XIV. Miscellaneous

- a. I allow audio/video taping allowed with permission. Please let me know if you would like to record class so that I can adjust the lighting, my makeup, etc.
- b. Computer Use
 - i. The use of laptop computers for taking notes is allowed.
- c. Academic integrity: (<http://law.ubalt.edu/template.cfm?page=477>)
- d. Disability policy: (<http://law.ubalt.edu/template.cfm?page=519>)

READING ASSIGNMENTS

Subject	Specific Topics	start	stop	Date
Intro - what is property?	Exclusion	1	16	1/15/2020
Intro - what is property?	Nuisance	24	30	1/15/2020
Intro - what is property?	Exclusion versus Governance	31	31	1/15/2020
Property Theory	Coase	31	42	1/17/2020
Property Theory	Encroachments	42	50	1/17/2020
Property Theory	Ex Ante/Ex Post	50	55	1/17/2020
Property Theory	Property Rules and Liability Rules	959	965	1/17/2020
Property Theory	Restitution	432	443	1/17/2020
Property Theory	Academic Perspectives - Demsetz & Radin	238	250	1/22/2020
Property Theory	Ownership of persons	209	224	1/22/2020
Getting Property	Accession	132	142	1/24/2020
Getting Property	Ad ceolum	142	150	1/24/2020
Getting Property	Accretion	150	154	1/24/2020
Getting Property	Fixtures	155	161	1/24/2020
Getting Property	Adverse Possession	161	193	1/29/2020
Ownership rights	Right to Exclude - criminal	335	337	1/31/2020
Ownership rights	Right to Exclude - civil	337	354	1/31/2020
Ownership rights	Exceptions to right to exclude - policy	373	391	2/5/2020
Ownership rights	Exceptions to right to exclude - antidiscrimination	391	413	2/7/2020
Ownership rights	Other ownership powers - licenses	449	455	2/12/2020
Ownership rights	Other ownership powers - transfer	857	869	2/12/2020
Dividing Property	Estates - Intro and divisions in time	503	521	2/14/2020
Dividing Property	Estates - Conservation of Estates	521	528	2/19/2020
Dividing Property	Estates - Conservation of Estates	589	596	2/19/2020
Dividing Property	Estates - planning	528	532	2/19/2020
Dividing Property	Estates - Waste	548	560	2/21/2020
Dividing Property	Estates - alienation	560	566	2/21/2020
Dividing Property	Concurrent ownership	596	620	2/26/2020
Dividing Property	Landlord-tenant - I	641	665	3/6/2020
Dividing Property	Surrender and Acceptance	665	672	3/11/2020
Dividing Property	Landlord-tenant - II	672	697	3/11/2020
Dividing Property	Duty to Mitigate	698	705	3/13/2020
Dividing Property	Landlord-tenant - III	705	725	3/13/2020
Land Transfer	Nemo Dat and good faith purchasers	882	899	3/25/2020
Land Transfer	Recording	915	936	3/27/2020
Land Transfer	Land Transactions	801	810	4/1/2020
Land Transfer	Deeds	TWEN		4/1/2020
Land Transfer	Liens	810	818	4/3/2020
Land Transfer	Mortgages - I	818	828	4/3/2020

Land Transfer	Mortgages - II	828	856	4/8/2020
Law of Neighbors	Easements - I	982	1003	4/10/2020
Law of Neighbors	Easements - II	1003	1027	4/15/2020
Law of Neighbors	Covenants	1027	1044	4/17/2020
Law of Neighbors	Covenants	1046	1055	4/17/2020
Law of Neighbors	Covenants	1059	1067	4/17/2020
Land-use regulation	Zoning	1067	1094	4/22/2020
Land-use regulation	Takings - public use	1170	1174	4/24/2020
Land-use regulation	Takings - just compensation	1198	1208	4/24/2020
Land-use regulation	Takings - regulatory takings	1219	1228	4/24/2020