

UNIVERSITY OF BALTIMORE SCHOOL OF LAW

Spring 2020

Course: Property LAW 607 419

SYLLABUS—PART ONE

Instructor: Jack Lynch

Office: 410-837-4629

Home: 301-962-3414

Email: [jlynch@ubalt.edu](mailto:jlynch@ubalt.edu)

Days/Times: Mon., Weds. 5:45-7:35

Law Scholar: Jennifer Franklin

**Course description:** This course includes the topics of 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. I have also included material at the beginning of the course pertaining to personal and intellectual property to let you know that there actually are truly stimulating and relevant property issues that are the subject matter of truly stimulating upper-level courses taught by a number of my wonderful colleagues.

**Course materials:**

Casebook: A Concise Introduction to Property Law, by David Callies et al (1<sup>st</sup> ed 2011 Carolina Academic Press); Workbook: Estates in Land and Future Interests, by Linda Edwards (5th ed 2017 Wolters Kluwer).

**Student learning outcomes:** The students in this course will be expected to:

- Master common law incidents of ownership of present and future interests in real property;
- Appreciate policy rationales behind different viewpoints of the courts of different jurisdictions;
- Understand legally imposed and contractually assumed regulations of relationships between landowners; and
- Acquire an ability to read and understand modern statutory regulation of land use and the relationship of landlord and tenant.

**Grading:** The final grade will be based on the final exam and a midterm. The midterm will be a multiple choice exam concerning future interests and will count for 20% of the course grade.

**Course expectations:** ABA standards call for 2 hours of work outside class for each hour per week in class. I have tried to limit the assignments to a reasonable amount of reading per class. If you have difficulty with the material, please do not hesitate, ever, simply to email me to see whether I may help you with your difficulty. I have expectations for you; you should have them for me.

**Attendance:** Students who miss more than 5 class meetings may be required to withdraw from the course with a grade of FA, or may be precluded from taking the final exam.

**Course website:** This course uses a TWEN site for posting materials. You are responsible for enrolling on this site at the beginning of the semester.

**Computers:** I and many other law school professors do not believe that laptops are a good way to take notes in a law school course. Nevertheless, you may use your laptops in class except during period of the semester when we are studying future interests.

**Class cancellation:** Students will be notified by email or any departures from the schedule of classes as indicated on the syllabus. If there is inclement weather, students should visit the University of Baltimore website 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.

**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, inappropriate communication about exams, misrepresentation about any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process are available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

**Title IX Sexual Misconduct and Nondiscrimination 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 Keri Hickey, Director of Student Services, at 410-837-4414.

Date	Topic	Reading
1/13	Intro. and Personal Property	Casebook, pp. 1-46; Pierson v. Post, 1805 WL 781; Holy Bible, King James Version, Book of Genesis, Ch. 23, vs. 1-20 or Breshis, Ch. 23, vs. 1-20 (for an entirely secular purpose).
1/15	Personal property	Casebook. Pp. 61-73; Popov v. Hayashi, 2002 WL 318337231 (Cal. Super. 2002); Lawrence v. A.S. Abell Co., 299 Md. 697 (1984); Casebook, pp. 73-78.
1/22	Personal property and right to lateral support	Casebook, pp. 78-84; A & M Records v. Napster, 239 F. 3d 1004 (9 <sup>th</sup> Cir. 2001); Casebook, pp. 86-104; Mullan v. Hacker, 187 Md. 261 (1946).

1/27	Right to exclude; adverse Possession	Casebook, pp. 105-22; <i>Stevens v. City of Cannon Beach</i> , 510 U.S. 1207 (1994) (dissent of Scalia, J.); casebook, pp. pp. 147-54; Md. (Courts and Jud. Proc.) Code Ann. §5-103 (a); <i>Collins v. Staubitz</i> , 300 Md. 60 (1984). Problem 1
1/29	Concurrent estates	Casebook, pp. 491-96; Md. (Cts. & Jud. Proc.) Code Ann. 11-603; <i>Downing v. Downing</i> , 326 Md. 468 (1992); <i>Johnson v. McIntyre</i> , 356 Md. 471 (1999); <i>Helinski v. Harford Memorial Hospital</i> , 376 Md. 606 (2003).
2/3	Concurrent estates	Casebook, pp. 496-502; <i>Carozza v. Murray</i> , 63 Md. App. 496 (1985); <i>Bruce v. Dyer</i> , 309 Md. 421 (1987).
2/5	Possessory estates	Workbook Ch. 1-2, Study questions 2-9/2-28; Casebook pp. 439-50; Workbook, Ch. 3.
2/10	Future interests retained	Workbook, ch. 4; Study questions, 4-1/4-10; Casebook, p. 450-60.
2/12	Remainders; executory interests	Workbook, Ch 5, study questions, 5-41/5-61; Casebook, pp. 450-60.
2/17	Vested remainders subject to divestment; shifting and springing executory interests	Ch. 7 Workbook; Workbook, study questions 7-4/7-7; Ch. 8 Workbook; Workbook questions, 8-3/8/10.
2/19	Rule against perpetuities	Workbook, Ch. 13, 14; Md. (Est. & Tr.) Code Ann. 11-102; Workbook, study questions, 14-2/14-16.
2/24	Rule against perpetuities	Casebook, pp. 476-91; <i>Symphony Space, Inc. v. Pergola Properties, Inc.</i> 669 N.E. 2d 799 (N.Y. 1996).
2/26	Mid term exam	



