

Property I Law (Spring 2021) - Syllabus

Josh Blackman

Spring 2021

Email: Prop1Spring2021@JoshBlackman.com

Zoom for Class C1:

<https://stcl.zoom.us/j/96167536590?pwd=NWxvcFRkYVo4a3Z4MWFoalNjVHFRUT09>

Telephone Number for Class C1: 346-248-7799, Code: 96167536590#

Zoom for Class C2:

<https://stcl.zoom.us/j/91518856341?pwd=WU9OMmNXejk0eHpWQVptWlQzZ1ZFdz09>

Telephone Number for Class C2: 346-248-7799, Code: 91518856341#

Zoom for Office Hours: <https://stcl.zoom.us/j/7136461829>

Telephone Number for Zoom Office Hours: 346-248-7799, Code: 7136461829#

Syllabus: <https://bit.ly/Spring2021Prop1Syllabus>

Overview:

Welcome to Property II. We will be using the Dukeminier, Krier, Alexander, Schill, Property (9th ed.) casebook. In this class, we will cover acquiring property, future interests, estates, and leaseholds.

A Special Note About The Spring 2021 Semester

This semester will be different from past semesters. First, our classes will meet exclusively on Zoom. Second, the College has reduced the length of each class; instead of meeting for one hour and thirty minutes, each class will meet for one hour and fifteen minutes. Third, office hours will be held virtually. Fourth, the midterm and final exam will be administered online.

In light of these new circumstances, I have made several significant changes to the class. (You can compare this syllabus with the syllabus from [Spring 2020](#)).

1. I have removed several topics from the syllabus so we can use our limited time more effectively without rushing. And, I have added two classes without new readings for the sole purpose of reviewing difficult topics (present and future interests).
2. To make up for the reduced pages from the textbook, I will ask you to read certain supplemental materials I will distribute throughout the semester. Because we have less time together in class, these readings will help you prepare better for class.
3. I will offer more formative assessments--that is, opportunities to measure your progress before the final exam. In the past, I would start each class with a single poll question. Now, I will ask several poll questions throughout the class.
4. During Class 16, I will administer a midterm exam from a previous year. During Class 17, I will review the midterm. I hope that immediate feedback proves useful.
5. I will require each student to meet with me, one-on-one, at least once per semester. Of course, you are welcome to meet with me more than once--and I hope you do!--but only one meeting is required. We can use that time to review your midterm or final exam, or talk about possible career prospects, or discuss challenges from this unique semester. I want to get to know you, as best as I can, over Zoom.

Historically, my syllabus remained unchanged from the beginning of the semester till the end. I seldom had to make changes. This semester will be full of surprises. I will do my best to keep everything on track, but I trust you will be understanding if our approach has to change. We are all in this process together.

Examination:

During the exam period, I will administer a three-hour in-class final examination. We will hold a review session before the final exam.

The exam is completely open-book. You can use anything you wish, so long as that it was printed before the distribution of this exam. Obtaining any new information from anyone or anything after the exam is distributed is prohibited.

You can download previous exams:

- [Spring 2021 Property I Final Exam](#), [Memo](#), [A+ Exam](#)

- [Spring 2021 Property I Midterm](#), [Memo](#), [A+ Exam](#)
- [Spring 2020 Property I Final Exam](#), [Memo](#) (No A+ Exam from Spring 2020)
- [Spring 2018 Property I Final Exam](#), [A+ Exam](#), [Memo](#)
- [Spring 2018 Property I Midterm](#), [A+ Exam](#), [Memo](#)
- [Spring 2017 Property I Final Exam](#), [A+ Exam](#)
- [Spring 2017 Property I Midterm](#), [A+ Exam](#)
- [Spring 2016 Property I Exam](#), [A+ Exam](#)
- [Spring 2016 Property I Midterm](#), [A+ Exam](#)
- [Fall 2014 Property I Exam](#), [A+ Exam](#)
- [Spring 2014 Property I Exam](#), [A+ Exam](#)
- [Fall 2013 Property I Exam](#), [A+ Exam](#)
- [Spring 2013 Property I Exam](#), [A+ Exam](#)
- [Spring 2013 Sample Exam](#)

Attendance and Class Participation:

I will take attendance in class. I expect everyone to be prepared to participate in class. Please consult the [South Texas College of Law Student Handbook's](#) section on Attendance and Class Participation (pp. 12).

I will also use the iClicker Reef system to receive feedback from students. You can use the Clicker with your [smartphone](#) or in your [web browser](#). Please download the application and register an account before class begins. I will open up the attendance page a few minutes before class, and turn it off when I begin class. If you are not present when class begins, you will be marked absent.

Office Hours

I will hold office hours on Mondays and Wednesdays from 2:30-3:30, and at other times by appointment.

Interaction:

Outside of class, there will be several channels available to interact with me and your colleagues. First, you can reach me via email at Prop1Spring2021@JoshBlackman.com. You can also view all the class videos by watching the [Spring 2021 playlist](#) or subscribing to the [YouTube channel](#). I have created playlists of the lectures from previous years.

- [Property I Lectures, Spring 2020](#)
- [Property I Lectures, Spring 2018](#)
- [Property I Lectures, Spring 2017](#)
- [Property I Lectures, Spring 2016](#)
- [Property I Lectures – Fall 2014](#)

- [Property I Lectures – Spring 2014](#)

You can view all of the class notes in this Google Drive [folder](#).

You can read the case summaries in this [folder](#). The summaries will appear the morning before class begins.

You can also access videos on the STCL streaming server.

Section C1:

username: blackman

Password: 3539

Section C2:

username: blackman

Password: 7513

Schedule

The course calendar is available [here](#).

Class 1 – 1/13/21

From Nature to Commons

- Johnson v. McIntosh, 3-10
- Notes and Questions, 10-19

Class 2 – 1/20/21

Efficiency and Fairness

- Ghen v. Rich, 27-30
- Notes and Questions, 30-35
- Keeble v. Hickeringill, 35-36
- Notes and Questions: 36-39
- Popov v. Hayashi: 46-51
- Notes: 52

Class 3 – 1/25/21

Law and Judges

- Pierson v. Post, 19-23
- Notes, 24-27
- [The Case of the Speluncean Explorers](#)
 - Note: When you come to class, be prepared to identify which Justice you agree with most, and explain why. Also, keep in mind the rulings of the judges from Pierson v. Post when reading this article.

Class 4 – 1/27/21

The Capture Rule: Oil and Gas

- Capture and Other “Fugitive” Resources: 43-46

Acquisition by Creation

- Acquisition by creation, 132-133
- International News Service v. Associated Press, 133-137
- Notes, 137-140
- Copyright, 140-141
- Patent, 161
- Trademarks, 198-200

Class 5 – 2/1/21

Property in Yourself

- Moore v. Regents of the University of California, 167-177
- Notes, 177-178

Class 6 – 2/3/21

The Bundle of Sticks

- The Right to Exclude and its Limits, 205
- Jacque v. Steenberg Homes, 205-207
- State v. Shack, 207-209

- Notes, 209-211 (skip note 4)

Class 7 – 2/8/21

Acquisition by Find – Finders Keepers?

- Armory v. Delamirie, 53-54 (shortest case of the semester!)
- Notes, 54-57
- Hannah v. Peel, 57-62
- Notes, 62-63
- McAvoy v. Medina, 63-64
- Notes, 64-70 (Skim)

Class 8 – 2/10/21

Acquisition by Gift

- Introduction, 114-115
- Problems, 115-116
- Newman v. Bost, 116-122
- Notes, 122-123
- Gruen v. Gruen, 123-129
- Notes, 129

Class 9 – 2/22/201

Estates I: Fee Simple

- The System of Estates, 247-248
- The Nature of Judicial Process: 248
- Possessory Estates, 249-255
- Seisin, 282
- Video of Seisin: <http://youtu.be/sS0i6dMIOKU>
- Fee Simple: 255-258
- Problems, 258

(Read these few pages very, very carefully).

Class 10 – 2/24/21

Estates II

Fee Simple, Continued

- Inheritances, 258-260
- Notes and Problems, 260-261
- Fee Tail, 261-265 (skim)

The Life Estate

- The Life Estate, 265
- White v. Brown, 266-271
- Baker v. Weedon, 274-278
- Notes, 278-280 (skip note 4 on waste).

Class 11 – 3/1/21

Estates III - Fee Simple and Life Estate, Reviewed

- Same readings as Classes 9 and 10

Class 12 – 3/3/21

Estates IV: Leasehold and Defeasible Estates

- Leasehold estates, 282-283
- Defeasible Estates, 283-286
- Mahrenholz v. County Board of School Trustees, 286-292
- Notes, 292-294
- Review Problems 1-4, 310

Class 13 – Friday, 3/5/21

C1: 9:00-10:15

C2: 10:30-11:45

Future Interests I: Interests in Transferor and Transferees

- Introduction, 313-315
- Future Interests in the Transferor, 315-317
- Future Interests in the Transferees, 317-321
- Problems, 321 (1-4)

(Read these pages very, very carefully).

Class 14 – 3/8/21

Future Interests II: Executory Interests

- Notes and Questions, bottom of 321-322
- Executory Interests, 327-333
- Problems, 334
- Review Problems, 334-335
- Notes, 335-337
- The System of Estates Chart, 338

Class 15 – Tuesday, 3/9/21

C1: 1:50-3:05

C2: 3:20-4:35

Future Interests III: Review

- Same readings as Classes 12, 13, and 14

Class 16 – 3/10/21

In-Class Midterm

Spring Break (3/15/20-3/19/20)

Class 17 – 3/22/21

Midterm Review

Class 18 – 3/24/21

Co-Ownership I: Creation and Severance of Joint Tenancies

- Common Law Concurrent Interests, 387-390
- Problems, 390-392
- Riddle v. Harmon, 392-396
- Notes, 397-397

Class 19 – 3/29/21

Co-Ownership II: Concurrent Owners

- Relations among concurrent owners, 405
- Delfino v. Vealencis, 406-411
- Notes, 411-414
- Spiller v. Mackereth, 416-418
- Notes, 418-419
- Swartzbaugh v. Sampson, 419-423
- Notes, 423-424

Class 20 – 3/31/21

Marital Property I

- Marital Interests, 427-428
- Common Law Marital Property, 428-429
- Sawada v. Endo, 429-434
- Notes, 434-437

Class 21 – 4/5/21

Marital Property II

- Divorce, 437-438
- In re: Marriage of Graham, 438-443
- Notes, 443-444
- Termination of Marriage by Death, 445-446
- Problems, 446
- Modern Elective Share, 446-447

Class 22 – 4/7/21

Marital Property III – Community Property

- Community Property, 447-449
- Common-Law Concurrent Interests, 449-450
- Problem, 450
- Management of Community Property, 450-451
- Problem, 451-452
- Mixing Community with Separate Property, 452
- Problems, 452-453
- Migrating Couples, 453-454
- Problem, 454
- Texas Marital Property Law
- Rights of Domestic Partners, 454-456

Class 23 – 4/12/21

Leaseholds I: Leasehold Estates

- The Term of Years, 461-462
- The Periodic Tenancy, 462
- Problems, 462
- Tenancy at Will, 463
- Garner v. Gerrish, 463-465
- Questions, 465-467
- Tenancy at Sufferance: Holdovers, 467-468
- The Lease, 468-471
- Selection of Tenants, 471-478

Class 24 – 4/14/21

Leaseholds II: Delivery of Possession & Subleases

- Hannan v. Dusch, 478-481
- Notes and Question, 481-482
- Problems, 483
- Ernst v. Conditt, 483-488
- Notes, 488-490
- Kendall v. Ernest Pestana, Inc. 490-496
- Notes, 496-498

Class 25 – 4/19/21

Landlord-Tenant Relationship I

- Berg v. Wiley, 500-505
- Notes, 505-508
- Summary Proceedings, 508-510
- Sommer v. Kridel, 510-516
- Notes, 516-519

- Texas eviction law

Class 26 – 4/21/21

Landlord-Tenant Relationship II

- Security Devices, 519-522 (Skip Anticipatory breach)
- Duties, Rights, and Remedies, 522
- Village Commons, LLC v. Marion County Prosecutor's Office, 523-528
- Notes, 528-531
- Problems, 531-532
- Illegal lease, 532

Class 27 - 4/26/21

Sample In-Class Final Exam

Class 28 - 4/28/21

In-Class Final Exam Review

Final Exam - 5/6/2021

Learning Outcomes.

By the end of the course, students will be able to

1. Identify Property law issues that arise from events or transactions in real and personal property;
2. Invoke in writing the pertinent rule of law associated with that issue;
3. Analyze in writing these events or transactions, explaining the likely legal solution;
4. Articulate the evolution and historical development of Property law from feudal to modern times;
5. Apply the abstract concepts of the possessory estates and future interests to various concrete real-world problems;

6. Advocate for and against the proper application and desirability of a rule of Property law on the basis of efficiency, the equitable distribution of resources across society, and fairness.
7. Differentiate on the basis of granting language the various possessory estates, futures interests, leasehold estates, and concurrent estates.

Students with Disabilities. The Americans with Disabilities Act is federal antidiscrimination legislation providing comprehensive civil rights protection for persons with disabilities. South Texas College of Law is committed to providing a learning environment meeting the needs of all students; and to that end it provides reasonable accommodations to students who have physical, learning, mental, or other disabilities. If you believe you have a disability requiring an accommodation, please contact Assistant Dean Gena Singleton in the Office of Student Academic Affairs to discuss how your need for support services may be met. Her office is in Room 809, and you may contact her by telephone 713-646-1778 or email gsingleton@stcl.edu. All discussions will remain confidential. Please note that accommodations cannot be provided retroactively. More information regarding the law school's Policy for Accommodating Law Students with Disabilities, including application deadlines, can be found in the Student Handbook.