

## **LAW 7122-03: PROPERTY II**

### **SYLLABUS**

Prof. Bell  
Spring 2012

### **COURSE DESCRIPTION AND OBJECTIVES**

Property law surrounds us, providing a fundamental framework for our social world. Property law determines what we own, how rights we enjoy, and how to transfer those rights to others. Last semester, in Property I, we focused on first possession, subsequent possession, possessory estates, future interests, co-ownership and marital interests, and leasehold estates. This semester, in Property II, we will cover land transactions, title assurance, nuisance, servitudes, zoning, and takings.

Together with Property I, Property II should prepare you to analyze a wide variety of property law issues at a general level. Dealing with particular problems, such as commercial leases or foreclosures, may require additional, specialized study. This class will also give you the opportunity to polish your legal reasoning skills and introduce you to some of the practical and ethical concerns of a working attorney. Property law provides a fundamental framework for *all* of us; for some of you it will also provide a rewarding career.

### **GRADING**

A final exam of essay and multiple-choice questions will count for 75% of your grade for the course. The essay portion will predominate. It will be partially closed-book; the multiple-choice part will be closed-book. A similarly formatted mid-term exam will count for 25% of your course grade.

Your class participation may also affect your grade. I will throughout the semester call on students at random to ask questions about the assigned materials and various related hypothetical problems. If you are not prepared to engage in such a discussion you may elect to pass. There is no penalty for passing once, but any student who elects to pass more than once, or who fails to pass but exhibits inadequate preparation, will lose .1 points from his or her final grade each time.

### **HOW TO CONTACT ME**

I encourage you to contact me if you have questions or comments about what we discuss in class or about law school in general. Look for me in my office, room 438, each Tuesday and Thursday from 8 a.m. until 10 a.m., and on Tuesday from 1 until 5 p.m. I'm often also available at lunch on those days, though meetings sometimes intervene. I welcome you to

drop by and chat during my office hours or at other times by appointment or chance. You may phone me at 714/628-2503 or email me at [tbell@chapman.edu](mailto:tbell@chapman.edu). I prefer email. On the appropriate Blackboard site and at [www.tomwbell.com/teaching.html](http://www.tomwbell.com/teaching.html) you can find course documents and study materials.

## READING ASSIGNMENTS

This syllabus sets forth the readings assigned from the course's only required text, PROPERTY (Dukeminier, Krier, Alexander, & Schill, eds., 7<sup>th</sup> ed. 2010). You should read all of these citations inclusively; "pp. 1-5," for instance, means "pages 1, 2, 3, 4, and 5." Please note that while I will make a good faith effort to follow this syllabus, I reserve the right to change it.

<u>class #</u>	<u>assignment</u>	<u>(# pages)</u>
<b>Introduction</b>		
Class 1:	517, 519-20, 645, 731, 763-64, 1061	(7)
<b>Ch. 7. The Land Transaction</b>		
Class 2:	520-40	(20)
Class 3:	541-53	(12)
Class 4:	553-64, 572-73	(12)
Class 5:	573-585	(12)
Class 6:	585-93, 598-605	(16)
Class 7:	605-21	(16)
Class 8:	621-24 (last full ¶), 626 (4 <sup>th</sup> full ¶)-30 (1 <sup>st</sup> full ¶), 637 (note 3)-44	(15)
<b>Ch. 8. Title Assurance</b>		
Class 9:	pp. 645-58, 665-67	(14)
Class 10:	pp. 667-86	(19)
Class 11:	pp. 686-704	(19)
Class 12:	pp. 704-15, 721-27	(17)
<b>Ch. 9. Judicial Land Use Controls: The Law of Nuisance</b>		
Class 13:	pp. 729-46	(17)
Class 14:	pp. 747-61	(15)
<b>Midterm Exam</b>		
Class 15 (Tuesday, March 6)		(0)
<b>Ch. 10. Private Land Use Controls: The Law of Servitudes</b>		
Class 16:	pp. 763-79	(16)

Class 17:	pp. 785-99	(15)
Class 18:	pp. 812 (“3.” and next ¶), 819-820, 826-30, 841-53	(20)
Class 19:	pp. 854-59 (to case), 862-64 (to case), 872 (note 2)-81	(18)
Class 20:	pp. 882 (to case), 888-908	(20)
Class 21:	pp. 910-22	(13)

**Ch. 11. Legislative Land Use Controls: The Law of Zoning**

Class 22:	pp. 925-29, 939 (note 3)-945, 950 (note 2)-54	(18)
Class 23:	pp. 955-69, 1000, 1008-10	(18)
Class 24:	pp. 1010, 1016 (note 4)-21, 1026-29 (to “I.”), 1034-36, 1052-58	(20)

**Ch. 12. Eminent Domain and the Problem of Regulatory Takings**

Class 25:	1061-65, 1068-80	(17)
Class 26:	1081-82 (1 <sup>st</sup> full ¶), 1084 (last partial ¶)-85 (4 <sup>th</sup> full ¶), 1093 (note 2)-96 (2 <sup>nd</sup> full ¶), 1099 (2 <sup>nd</sup> full ¶)-99 (4 <sup>th</sup> full ¶), 1101 (note 2)-03 (note 4), 1111 (note 2)-13 (all but last ¶), 1119 (last full ¶)-21 (all but last ¶), 1124 (1 <sup>st</sup> full ¶)-25 (maj. opinion)	(14)
Class 27:	1131 (from “3.”)-33 (1 <sup>st</sup> partial ¶), 1136 (last partial ¶)-38, 1151 (note 6)-52 (“claim . . .”), 1154 (2 <sup>nd</sup> full ¶)-55 (2 <sup>nd</sup> full ¶), 1158 (case name)-58 (last full ¶), 1163 (3 <sup>rd</sup> full ¶)-74 (1 <sup>st</sup> partial ¶), 1178 (case name)-78 (1 <sup>st</sup> full ¶ of case), 1180 (last partial ¶)-83 (1 <sup>st</sup> full ¶)	(17)

**Review**

Class 28		(0)
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