PROPERTY LAW -- FALL 2009
Professor Carpenter – kristen.carpenter@colorado.edu
University of Colorado School of Law

Course Description
This course introduces property law through themes of acquisition and possession, exclusion and access, ownership and social relations. As listed below in the syllabus, we will study these themes through specific topics including conquest, gifts, capture, trespass, adverse possession, servitudes, estates and future interests, leaseholds, real estate transactions, takings, and intangible property.

Course Materials
Required: JOSEPH WILLIAM SINGER, PROPERTY LAW: RULES, POLICIES, AND PRACTICES (Aspen, 4th ed., 2006); LINDA H. EDWARDS, ESTATES IN LAND AND FUTURE INTERESTS: A STEP-BY-STEP GUIDE (Aspen 3d ed. 2009); and supplements distributed in class & posted on TWEN.

Class Requirements
Attendance, preparation, and professionalism all count toward the class participation grade. Students are expected to attend each class and be prepared to discuss all assigned materials, which will be announced at the end of the previous week. I will call on students to present assigned cases etc. at the beginning of each class, after which volunteers will be welcome. Any student who is unable to attend or unprepared must notify the professor, via email, in advance of class.

Law School and University Policies

Evaluation
The grade will be based 10% on class participation and 90% on a final exam (3-hour, limited open-book). Our exam is scheduled for Friday, Dec. 11, 2009 at 8:15 AM.

Class Meetings
Fall Semester: Tuesday, Thursday, and Friday: 10:45-11:40 AM, Wolf 206. Please note that we will not meet on Thursday, Sept. 3 or Friday, Sept. 4. The professor will hold two make-up classes as exam review sessions at the end of the semester.

Other information
Office meetings: My office is #465 and my office hours are Wednesdays from 1-2 or by appointment. I am also glad to answer questions by email which is the best way to reach me.
Website: Each day’s Powerpoints, problems & other relevant materials will be posted on the class TWEN site. You are responsible for reading class materials posted on the site, as well as emails sent to the address you provide there.
Syllabus: The syllabus below provides a working outline of the course for the entire year, and I will announce specific assignments on a daily basis. In Property I, we will make it through roughly half of this syllabus, saving the rest for Property II in the spring. On occasion, I will make changes (delete certain readings, add others, etc.) and will announce these changes in class & via email. “CB” refers to the Singer casebook, and “ED” refers to the Edwards workbook.
SYLLABUS

INTRODUCTION

1. Course Overview: Studying & Conceptualizing “Property” Law - CB: xxxix-lv

ACQUISITION

2. Conquest & distribution by the sovereign - CB: 3-14, 24-30
   - Johnson v. M'Intosh
   - Homestead Acts & Land Grants
   - Hurst, Law and the Conditions of Freedom
   - Litwack, Been in the Storm So Long: The Aftermath of Slavery

   - Pierson v. Post
   - Moore v. Regents of University of California
   - Charrier v. Bell
   - *John Locke, Two Treatises of Government (excerpt)

RIGHTS OF EXCLUSION AND ACCESS TO PROPERTY

   - State v. Shack
   - Uston v. Resorts International Hotel
   - Patricia Williams, Spirit-Murdering the Messenger
   - Walter Williams, The Intelligent Bayesian

   - Civil Rights Act of 1964
   - Civil Rights Act of 1866
   - Matthews v. Bay Head Assn.

RELATIONS AMONG NEIGHBORS

   - Brown v. Gobble
   - Romero v. Garcia
   - Nome 2000 v. Fagerstrom

7. Boulder’s Infamous & Recent Adverse Possession case
   - McLean/Stevens v. Kirlin

8. Licenses & Express Easements - CB: 319-20, 344-364
   - Green v. Lupo
   - Cox v. Glenbrook Co
   - Henley v. Continental Cablevision of St. Louis County, Inc.

9. Easement by estoppel; constructive trusts; easement by prior use - CB: 320-338
   Finn v. Williams
   Community Feed Store, Inc. v. Northeastern Culvert Corp.

11. Covenants & Equitable Servitudes - CB: 365-393
    Davidson Bros. v. Katz
    Whitinsville Plaza v. Kotseas

    El Di v. Bethany Beach
    Blakely v. Gorin

13. Racially Restrictive Covenants - CB: 433-450
    Shelley v. Kraemer
    Evans v. Abney

PRESENT ESTATES AND FUTURE INTERESTS

Intro to the Estate System: Present & Future Interests, CB 493-515 (background only – no need to bring CB to class as we will use the Edwards casebook for this portion of the course)

    Limitations Added to Possessory Estates, ED Ch. 3

15. Future Interests Retained by Grantor, ED Ch. 4
    FIs in a Grantee, ED Chs. 5-6

16. Additional FIs, Class Gifts & Subsequent Divesting, ED Ch. 7
    Shifting & Springing Executory Interests, ED Ch. 8

17. Post-Conveyance Factual Developments & Alienability, ED Ch. 11-12

18. The Rule Against Perpetuities, ED Ch. 12-14

19. Relief from the RAP, ED Ch. 15

20. Reviewing the Estate System, ED Ch. 16

Interpreting Conveyances

21. Presumption against Forfeitures & Grantor's Intent - CB: 515-527
    Wood v. Bd. of Comm.
    Cathedral v. Garden City
    Edwards v. Bradley
22. Regulating Future Interests & Other Restraints on Alienation - CB: 527-537, 451-453
   RAP
   Johnson v. Whiton
   Horse Pond Fish & Game

CONCURRENT OWNERSHIP

23. Types, Elements + Obligations of Co-Tenants - CB: 569-579
   Olivas v. Olivas

24. Tenancy in Common, Joint Tenancy & Tenancy by the Entirety - CB: 579-593
   Carr v. Deking
   Tenhet v. Boswell
   Kresha v. Kresha
   Sawada v. Endo

LEASEHOLDS

   Somer v. Kridel

   Kendall v. Pestana
   Slavin v. Rent Control

27. Covenant of Quiet Enjoyment & Implied Warranty of Habitability - CB: 701-720
   Minjak
   Blackett
   Javins

REAL ESTATE TRANSACTIONS

28. Intro - CB: 743-757

29. Purchase & Sale Agreement - CB: 758-778
   Burns
   Hickey
   Gardner
   Johnson

   Sabo
   McCoy v. Love

TAKINGS

Readings TBA

INTANGIBLE PROPERTY

Readings TBA