

Property Syllabus
Professor Angela Carmella
Seton Hall University School of Law
Spring Semester, 2008
Tuesdays and Fridays, 10:40 am-12:15 pm/ Thursdays, 12:50-2:25 pm
Room 373

All assignments set forth below are from Dukeminier, Krier, Alexander and Schill, PROPERTY (6th ed., Aspen Publishers, 2006).

I. "Ownership" by First Possession and Subsequent Possession

Finders: 95-112
Adverse Possession: 112-136
The Mechanics of Adverse Possession: 136-144

II. Possessory Estates and Future Interests in Real Property: Exploring the Status and Marketability of Title

The Fee Simple: 173-186 (175-180 background only)
Life Estates: 197-206, 239-240 (on trusts)
Defeasible Fees: 206-208, 215-221, 195-196 (note 1), 237-238
Future Interests: 225-239
Rule Against Perpetuities: 244-262*

III. Concurrent Estates: Ownership of Property by More than One Person

Creation and Severance: 275-284
Co-tenant Relations: 291-310

IV. Eminent Domain: The Power of the Sovereign to Take Property

Public Use and Just Compensation: 941-959, 221-223

V. Leasehold Estates: the Landlord-Tenant Relationship

Basics of Landlord-Tenant: 361-376
Sublease and Assignments: 388-402
Tenant Duties and Liabilities: 403-421
Landlord Duties and Modern Reform: 421-444
Regulation under the Fair Housing Act: 376-384

* The editors have made a correction to p. 247, which will be provided to you in class.

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VI. The Law of Nuisance

Substantive Law and Remedies: 637-666

VII. Private Land Use Controls: Non-Possessory Interests in Real Property

Easements: Creation: 667-709
Easements: Scope and Termination: 716-740
Real Covenants and Equitable Servitudes: 740-772
Servitudes: Scope and Termination: 773-798
Common Interest Communities: 798-819

VIII. Public Land Use Controls

Introduction to Zoning: 821-849
Exactions and Conditions: 1042-1059

IX. Land Transactions: Buying and Selling Real Property

The Contract and Marketable Title: 451-463, 479-484, 512 (note 4)
The Contract and Condition of Premises: 484-502
Deed Warranties: 513-521, 526-532
Delivery of Deed: 532-541 (335-337 for background)
Mortgages: 541-554

X. Title Assurance

The Origins of Title: 3-9
Recording System: 559-571, 579-580 (note 3)
Recording Acts: 580-589, 604-608
Marketable Title Acts: 612-614
Title Insurance: 623-635

XI. Revisiting the Relationship between Private Ownership and the Common Good

Affordable Housing: 444-449; 918-939
Regulatory Takings: 980-1025

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Course Responsibilities:

Your preparation before class and participation during class are the essential elements of a good law school experience. Please read carefully all the assigned cases, notes, questions and problems; please be sure to brief each case. Thorough preparation will also help you articulate questions and comments for class discussion.

Because the classroom experience is so important, you are responsible for attending at least 75% of our class sessions. A sign-up sheet will be handed out at the beginning of each class. Anyone missing more than 25% of the class sessions will be administratively withdrawn from the course.

You are responsible for all the assigned reading (even those portions we do not cover in class). You are also responsible for all topics/issues/problems discussed in class (even those that are not covered in the assigned reading).

Please register on TWEN (available through Westlaw) when the page has been set up (to be announced in class). I will use TWEN to post announcements and specific page assignments for each week's classes.

Details regarding the final examination will be provided to you later in the semester. Your grade on the final exam will be your grade for Property. (No discretion will be given.) The final exam will be graded anonymously.

Please don't hesitate to see me if you are having difficulties with the material. Tutorial programs (group and individual) are available for review and clarification, and, of course, I am always willing to answer your questions.

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