SYLLABUS
PROPERTY II—LAW 523
SECTION 2

Spring 2014
Professor Ryan T. Holte

Credit Hours: 3
Mondays & Wednesdays, 2pm—3:15pm
Room 202
Exam: Friday, May 3, 2014, 8:15am

Office # 256
Office Phone: 618.453.8749
Secretary: Susan Williams
Email: rholte@law.siu.edu

This syllabus is subject to change at the discretion of the professor. All general course descriptions, objectives, and general policies from the fall semester Property I syllabus apply to Property II unless revised herein. The class will generally follow the order of this syllabus (see assignments infra) with further reading assignments distributed as the course progresses. Students should monitor TWEN for announcements, assignments, and any changes from the syllabus. You will be expected to check TWEN regularly and are responsible for the materials posted.

COURSE DESCRIPTION
Property II continues the study of property law from the fall semester course, Property I. Property II subject matter attention is directed to: (1) land use controls, including easements and covenants; (2) government regulation of land, including discussion of zoning, eminent domain, and the extent to which other laws regulating the use of property may amount to inverse condemnations; (3) the transfer of interests in real property, including real estate contracts, deeds, recording procedures, and methods of title assurance; and (4) intellectual property.

TEXT (same as Property I)
Dukeminier, Krier, Alexander & Schill, PROPERTY (7TH ED.) (Aspen 2010)
  • ISBN: 978-0-7355-8899-8

LAPTOP & CELL PHONE POLICY
Laptops are allowed for class note taking purposes only. Cell phones must always be on vibrate/silent in the classroom and should not be used during class.

CREDIT HOURS / MEETING TIMES
This is a three credit hour course that will meet Mondays and Wednesdays from 2pm to 3:15pm. If a class is cancelled, a makeup class will be scheduled as soon as possible. Since this class meets on Mondays, one additional class sessions will be required at some point throughout the semester (or additional time added to our regularly scheduled class time) to make up for the class that will be missed due to the Martin Luther King Holiday on Monday, January 20th.
ATTENDANCE
Regular attendance and consistent preparation and participation are expected and required by the American Bar Association, School of Law, and the professor. Given that important circumstances can always arise, you are allowed **FOUR** absences.

Attendance will be taken daily. Your signature on the attendance sheet certifies that you are prepared for class—you have read the assigned material, prepared a written case brief if applicable, and are ready to participate in class discussions. If you are unprepared, you may attend class but not sign the attendance sheet. If you are found grossly unprepared through the class discussion, but signed the attendance sheet, you will be deducted two absences.

If you collect more than four absences, as indicated by the attendance sheets, you will be withdrawn from the course. Do NOT sign the attendance sheet for anyone else.

You are responsible for keeping track of your own absences. If you have a question about your records, you may consult with my faculty assistant, Susan Williams. Ms. Williams maintains my attendance records based upon the signatures on the attendance sheets.

Further points on attendance:
- Late arrivals will be treated as absences
- If you have special circumstances that may require you to have an excused absence from class, or an excuse to turn in a written assignment late (for example due to a prolonged illness), please contact the Associate Dean for Academic Affairs, Frank Houdek. Dean Houdek will then be in contact with me to notify me of any excused absences and how to proceed.

CLASS PARTICIPATION
All students will be expected to be prepared to participate in socratic classroom discussions. Your active participation in class is an important part of the classroom experience and learning process for both you and your classmates. Therefore, I expect everyone to participate voluntarily in addition to when you are called upon.

SEATING
To assist with calling on students during class discussions (and assist the professor with monitoring attendance), all students will be required to remain in the same seat they were in during the fall semester.

GRADING / EXAM
Just like the Bar Exam, your grade in this class will be based on a closed book / no notes final exam which you may take on your laptop using SIU-approved exam software. The exam will be a mix of multiple choice and essay questions and will be based on materials from the readings and class discussions. The spring semester Property II final exam will focus on material covered during the spring semester, however, will also include some material from fall semester Property I. I will expect you to demonstrate knowledge of not
only the law but also the policies underlying the law. The exams will be anonymously graded, with grades assigned according to the law school’s grading policies / curve.

Your grade on the final exam may be adjusted upwards or downwards based on the following provisions:

- You will be required to complete multiple ungraded written assignments during the semester. If you fail to complete these assignments, and/or fail to put forth a passing effort on these assignments, your final grade will be decreased by 0.10 (e.g., from a 3.00 to a 2.90).
- You will be required to attend and participate in class. I reserve the right to decrease your final grade by 0.10 (e.g., from a 3.00 to a 2.90) if you are unprepared on multiple occasions or for unprofessional conduct in the classroom such as regular disruptions or being rude to your classmates.
- In extraordinary circumstances, I may raise your final grade by 0.10 (e.g., from 3.00 to 3.10) for regular, thoughtful class participation combined with exemplary attendance.

*Students should contact Dean Houdek to discuss any extensions of time for the final exam, rescheduling the date the exam is administered, or extensions of time related to written assignments.*

**DISABILITIES REQUIRING ACCOMODATION**

If you have a disability for which you are or may be requesting accommodation, you should contact Dean Houdek as early as possible in the semester. Dean Houdek will verify your disability, determine reasonable accommodations for this course, and communicate with me regarding how to proceed.

*Due to the anonymous grading policy, students should not discuss exam accommodations with the professor.*

**CLASS RECORDING**

Each regularly scheduled class lecture will be recorded automatically using the equipment contained in the classroom. The lecture recordings will only be available with written permission from the professor. The intent is that the recordings might be used by students in emergency situations (e.g. prolonged absence due to medical necessity).

**OFFICE HOURS / COMMUNICATING WITH PROFESSOR**

I have an open door policy for students to drop by my office. If my door happens to be closed, please knock to see if I may be available to meet. Please feel free to stop by whenever you’d like, or email me to make an appointment, as I am in my office regularly during normal business hours on Mondays, Tuesdays, and Wednesdays. My “official” office hours are Mondays and Wednesdays from 3:30pm to 5pm (right after class) and Tuesdays from 2pm to 3pm.

You may also email me questions about the course or material; however, if the answer requires lengthy explanation I will likely suggest that you stop by my office to discuss. **If**
you email me, please put the words “PROPERTY LAW CLASS” in your subject line. You should also be aware that I may post a response to any course-related email to the TWEN site if I deem the information to be of general interest to the entire class.

EMERGENCY PROCEDURES
Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down), and in Emergency Response Guideline pamphlet. Please know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

**OTHER**
With the exception of medical or religious necessity, hats are not allowed to be worn in class.
READING ASSIGNMENTS

- Further class assignments will be distributed throughout the semester as the course progresses.
- Property II will cover portions of pages 517-1196 of the text.
- We may move through some material more quickly or slowly. I will announce at the end of each class what should be prepared for the next class period if it diverges from the listed assignment. Students are encouraged to not read ahead for classes as the reading assignments build upon the lecture discussions.
- Writing assignment due dates will never change.
- You are responsible for all the material assigned including case notes, comments, and questions that follow the principle cases in the book.
- All assigned material, even if we do not cover it in class, is fair game for the final examination.
- All written assignments should be submitted (in printed hardcopy), in class, on the due date listed.
- No case citations are necessary for written assignments unless explicitly required within the assignment.
- All written assignments should include the following at the top of the first page: your name, the date the assignment is due, and the title of the assignment. All written assignments should be double spaced, have 1” margins, 12 point Times New Roman font, be printed on white paper, and have all pages stapled together.

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<tr>
<th>CLASS</th>
<th>READING AND WRITING ASSIGNMENTS</th>
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<tbody>
<tr>
<td>1.</td>
<td>Monday, 13 January 2014 Reading—DKAS 763-768; 773-799</td>
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<td>2.</td>
<td>Wednesday, 15 January 2014 Reading—DKAS 820-847</td>
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<td>Monday, 20 January 2014 Martin Luther King Holiday—No Class</td>
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<td>3.</td>
<td>Wednesday, 22 January 2014 No reading assignment—review Property I exams <strong>BRING EXAM NUMBERS FROM FALL SEMESTER TO CLASS</strong></td>
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<td>4.</td>
<td>Monday, 27 January 2014 Reading—DKAS 847-853; 859 (Creation of Covenants); 864-876; 896-899</td>
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