

**PROPERTY II**  
**Prof. Zvi Rosen, Spring 2021**  
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**Office: Room 232**

## **Overview**

This course covers the basics of property law. We will examine what makes property rights distinctive; how property rights are created, transferred, and destroyed; and what the powers and duties of property owners are. This course will serve as a foundation for a variety of upper-division courses, including land use, environmental law, intellectual property, and commercial law.

Class will meet on Mondays and Wednesdays from 1:30 pm to 2:45 pm.

## **Required Reading**

Dukemenier, Krier, Alexander, Schill, and Strahilevitz Property (9th ed.). The cheapest way to get this book is to rent it through Amazon or to seek out a used copy of the book early. The 8<sup>th</sup> Edition is also useable if the cost of the book is excessive, although coverage will vary a bit. I have uploaded the Table of Contents for the 9<sup>th</sup> Edition to the course TWEN site for students using the 8<sup>th</sup> edition to compare and keep track of the organization of the 9<sup>th</sup> Edition.

In addition, this course will use the Connected Quizzing module for the casebook, which is purchased separately for \$29 from <https://www.wklegaledu.com/cq>. An updated version of this syllabus will supply the course code for Connected Quizzing. The course code for this class is ROSENZ252971.

## **Attendance Policy**

Attendance is mandatory. Obviously these are unique times, so attendance may or may not be taken in every class, but if you miss more than six classes you will not be able to take the final exam. Some of you will be attending virtually fulltime, some of you may need to attend virtually for specific class sections, all of which is fine of course.

If you aren't feeling well, do not come in. If you think you might have to miss class let me know and we can arrange for you to attend virtually, and if you're not feeling well enough for that, just email me when you're able to.

## **Participation**

Students are expected to be prepared for class – you've paid to be here and the way to get the most out of this class is to do the reading before class so you understand what's going on in class. Excellent participation can result in a one-step raise in your grade in this class, and notably poor participation can result in a one-step reduction in your grade. Although I'll often ask for volunteers, I may call on people "cold."

## **Class Website**

There is a class website on TWEN, which is part of your Westlaw account. I will be endeavoring to share as much as possible there, including slides and other materials. Students are expected to monitor the TWEN site, although I'll also alert students in class and electronically of when materials are added there.

## **Video Recordings of Lectures**

All classes will be recorded and posted, subject to the caveat that there may be technical glitches. A recording of a class is not a substitute for real-time participation, and you may also want to ask another student to take notes for you.

## **Grading**

Your grade is determined by a combination of completing the Connected Quizzes modules and in class problems (15%), midterm (20%) and final exam (65%). The final exam schedule will be posted to the law school website. Both the midterm and final exam will be administered electronically.

## **Office Hours**

I encourage everyone schedule a conversation with me, whether to talk about class material, career goals, or anything else. Too often, students who are struggling don't come to office hours until the end of the semester. Remember—don't be ashamed, and ask me your questions as they come up – waiting until days before the final is hazardous.

That said, the current pandemic has resulted in a change where all office hours will be virtual (via Zoom) this fall. It's not ideal but I'm going to be flexible about timing to be sure I'm available to students – just email me to set up a meeting and we'll arrange a time.

## **Workload Expectations**

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), a "credit hour" is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. This is a 3-credit hour class, meaning that we will spend two 75-minute blocks of time together each week (scheduled for Wednesday and Friday, except for the initial class scheduled during Orientation Week). The amount of assigned reading and out of class preparation should take you about 6 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of 9 hours per week (3 in class and 6 preparing for class) on course-related work.

## **Emergency Procedures**

We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

## **Disability Policy**

SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or [disabilityservices.siu.edu](http://disabilityservices.siu.edu). You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations

and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation [request](#) and [renewal](#) forms can be found here: <https://law.siu.edu/academics/>.

### **Saluki Cares**

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or [siucares@siu.edu](mailto:siucares@siu.edu), <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu), and her phone number is 618- 453-3135.

### **COVID-19**

As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow physical or social distancing guidelines by keeping at least 6 feet from others, and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the [SIUC COVID-19 response](#).

## Provisional Reading

This reading is tentative—updated syllabuses will be posted to the TWEN class website. When problems are assigned, you should write a brief answer, no more than 150 words, and submit the answer via TWEN. The problems can be accessed on TWEN.

January 20	Exam Review and Intro to Land Sales – 551-569
January 25	Contract of Sale – 569-595 – Problem 1
January 27	Deeds – 595-617
February 1	Mortgages – 617-631 – Problem 2
February 3	Mortgages – 631-660
February 8	Title and Recording I – 661-691
February 10	Title and Recording II – 691-712
February 15	Title and Recording III – 712-729 – Connected Quiz 1 due at 11:59 PM on 2/14
February 17	Zoning I – 895-923
February 22	Zoning II – 923-962 – Problem 3
February 24	Zoning III – 962-996 – ABA Event at 12-1 PM to make up for Jan. 18, class at 1:30.
March 1	Land Use – 729-739
March 3	Land Use Remedies – 739-760
March 8-12	Midterm Week – Ours is March 12
March 15	Easements I – 761-785
March 17	Easements II – 785-815
March 22	Easements III – 815-835
March 24	Covenants I – 835-853
March 29	Covenants II – 853-873 – Problem 4
March 31	Covenants III – 873-894 – Connected Quiz 2 due at 11:59 PM on 4/4
April 5	Eminent Domain Generally – 997-1022 – Problem 5
April 7	Implicit Takings I – 1022-1050 – Problem 6
April 12	Implicit Takings II – 1050-1088 – Problem 7
April 14	Implicit Takings III and Personal Property – 1088-1115 – Problem 8
April 19	Judicial Takings IV – 1115-1148 – Connected Quiz 3 due midnight after class, Problem 9
April 21	What Does it All Mean? (plus catch-up and review) – Problem 10
TBD	Optional Review Session
April 27 through May 7	finals weeks – exam TBD