

PROPERTY I, SECTION 2
Prof. Zvi Rosen, Spring 2022
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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 11 am to 12:15 pm.

Required Reading

The book for this class is Open Source Property, available at <https://opensourceproperty.org/download/>. We'll mainly be using Jeremy Sheff's 2020 Build, which is available print-on-demand if you want for around \$30. We will also sometimes use material from the modules, available from the same page.

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.

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.

It's possible some virtual element to this course may be necessary, depending on things beyond our control. If that happens my rule has always been flexibility.

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.

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 class participation and completing ungraded assignments (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.

Given the current pandemic, there may be a preference for meeting via Zoom instead. That's fine as well, just ask to set up a meeting.

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 at SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness at SIU website and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

Disability Support Services

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. You may request accommodations at any time, but timely requests help to ensure 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 use the DSS Student Portal to notify their faculty members and the School of Law Registrar's Office of their accommodations.

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, emotion, financial, or personal. By working closely with faculty, staff, students, and their families, SIUC 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, <https://salukicare.siu.edu/index.php>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu and her phone number is 618-453-3135.

COVID-19

SIUC'S policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (siu.edu/coronavirus), which includes the Saluki Safety Plan. People can also send an email to pandemicinfo@siu.edu.

Provisional Reading

This reading is tentative—updated syllabuses will be posted to the TWEN class website. When problems are assigned, you only need to read them before class unless the syllabus says otherwise.

January 10	Gifts 1 – 583-604
January 12	Gifts 2 – 604-625
January 17	No Class. Will be made up for with video.
January 19	Wills & Deeds – 626-644
January 24	Delivery – Sprinkling on Delivery, Problem 1 Due Before Class
January 26	Warranties and Defects - 648-669, <i>Stambovsky v. Ackley</i>
January 31	Mortgages 1 – Sprinkling 643-664, Problem 2 Due Before Class
February 2	Mortgages 2 – Sprinkling 664-681
February 7	The Mortgage Crisis – 679-681, 720-758
February 9	Recording 1– 765-780
February 14	Recording 2 – 780-793
February 16	Eminent Domain – 794-815, Problem 3 Due Before Class
February 21	Nuisance 1 – 816-837
February 23	Nuisance 2 – 837-858
February 28 – March 3	No classes this week – Midterms
Midterm TBD	
March 5 – March 13	No class this week – Spring Break
March 14	Regulatory Takings 1 – 858-897, Problem 4 Due Before Class
March 16	Regulatory Takings 2 – 897-922, Problem 5 Due Before Class
March 21	Regulatory Takings 3 – 922-950, Problem 6 Due Before Class
March 23	Regulatory Takings 4 – <i>Valancourt</i> and catch-up, Problem 7 Due Before Class
March 28	Zoning 1 – 951-980
March 30	Zoning 2 – 980-1006
April 4	Zoning 3 – 1007-1030, Problem 3 Due Before Class
April 6	Zoning 4 – 1030-1040
April 11	Covenants 1 – 1041-1060
April 13	Covenants 2 – 1060-1077, Problem 4 Due Before Class
April 18	Common-Interest Communities – 1078-1096
April 20	CICs 2 + Summation – 1096-1106, 3-4
April 26 through May 6	finals weeks