

**PROPERTY II, SECTION 2**  
**Prof. Zvi S. Rosen, Spring 2023**  
**Email: zvi.rosen@siu.edu**  
**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 11 am to 12:15 pm.

**Learning Objectives**

To learn and understand the law of property, in terms of both rules and concepts.

**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 2022 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. Pursuant to both school and ABA if you miss more than six classes you will not be able to take the final exam. If this is in danger of happening please talk to me ASAP.

**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**

Office hours are 3-5 PM Tuesdays. Please don't hesitate to come by, and (ideally) don't wait until the end of the semester to do so.

## **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 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 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.

## **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), <https://salukicare.siu.edu/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at [judiray@siu.edu](mailto:judiray@siu.edu), or call 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 (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to [pandemicinfor@siu.edu](mailto:pandemicinfor@siu.edu).

## **Safety Awareness Facts and Education**

Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>

## Provisional Reading

This reading is tentative—updated syllabi will be posted to the TWEN class website.

January 18	Gifts 1 – 567-587
January 23	Gifts 2 – 587-608
January 25	Wills & Deeds – 609-616
January 30	Delivery – Sprinkling on Delivery
February 1	Warranties and Defects - 631-652, <i>Stambovsky v. Ackley</i>
February 6	Mortgages 1 – Sprinkling 643-664
February 8	Mortgages 2 – Sprinkling 664-681
February 13	The Mortgage Crisis – 662-664, 721-744
February 15	Recording 1– 751-766
February 20	Recording 2 – 766-779
February 22	Eminent Domain – 780-801
February 27	Nuisance 1 – 802-823
March 1	Nuisance 2 – 823-843
March 6 – March 10	No classes this week – Midterms
Midterm	TBD
March 11 – March 19	No class this week – Spring Break
March 20	Regulatory Takings 1 – 844-883
March 22	Regulatory Takings 2 – 883-907
March 27	Regulatory Takings 3 – 907-938
March 29	Regulatory Takings 4 – 938-966, <i>Valancourt v. Perlmutter</i>
April 3	Zoning 1 – 967-996
April 5	Zoning 2 – 996-1023
April 10	Zoning 3 – 1023-1049
April 12	Zoning 4 – 1049-1056
April 17	Covenants 1 – 1057-1076
April 19	Covenants 2 – 1076-1093
April 24	Common-Interest Communities – 1094-1112
April 26	CICs 2 + Summation – 1112-1122, 3-4
May 2-12	Finals Period