

PROPERTY

CLASS INFORMATION & SYLLABUS

Winter 2012

Professor Gerry W. Beyer
Visiting Professor of Law
The Ohio State University Moritz College of Law

Course Materials

JOHN E. CRIBBET, ET AL., PROPERTY: CASES AND MATERIALS (9th ed. 2008).

Contact Information:

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Office Hours:

Whenever I am in my office — below are typical times (but subject to change):

Monday through Thursday:

10:10 a.m. to 11:00 a.m.

1:00 p.m. to 4:30 p.m.

E-mail List:

It is *essential* that you register for e-mail updates as these updates serve as the official source of all class announcements. Please submit your name and preferred e-mail address to me directly or via e-mail if you are not already receiving class announcements.

Attendance:

- You are expected to attend **every** class meeting.
- **Prompt Arrival:** You are expected to be in your seat and ready to begin when class is scheduled to start. It is unprofessional and impolite to arrive at or after the start of class.
- **Tardy:** You are tardy if you (1) arrive late, (2) leave early, or (3) leave in the middle of class and return. Three tardies equates to one absence. (If you are really creative, you could come late, leave and return during class, and then leave early and get one absence in one day even though you are in class for awhile!)
- **Excessive Absences:** Other than in exceptional circumstances, if you accrue eight (8) or more absences, you will be automatically dropped from this course. Notice will be provided after the seventh absence. You may petition for relief from this rule by submitting a sworn affidavit along with supporting materials to document the reason for your absences. Note that your petition must show a justifiable reason for *all* your absences, not just the eighth and subsequent absences.

Class Preparation:

- You must be prepared for every class.
- You must be prepared to discuss the assigned material.
- Your final grade is subject to reduction for being unprepared.

Technology Etiquette:

- Turn off all mobile communication devices such as cellular telephones and pagers prior to the beginning of class.
- Boot up computers before class starts.
- Turn off computer audio.
- Disable distracting screen savers.

- Use an adequately charged battery or a power cord to avoid running out of power and the associated low battery warning noises.
- Do not use your computer for purposes that are not related to class. For example, do not write or reply to e-mail or instant messages, surf the Internet, tweet, work on your Facebook or MySpace page, etc.

Syllabus:

Assignments are subject to change. Updates will be sent to all students via e-mail.

<u>Date</u>	<u>Topic</u>	<u>Text</u>
	INTRODUCTION	
January 9, 2012	Introduction & Class Procedure Property Defined – Generally	1-18
January 10, 2012	Property Defined – Generally (continued)	18-34
January 11, 2012	Attributes of Property – Exclusion Attributes of Property – Disposition	35-56 57-62
January 12, 2012	Classification of Property Role of Property in Society	63-78 79-99
January 16, 2012	Martin Luther King, Jr. Day – No Class	
	PERSONAL PROPERTY	
January 17, 2012	Personal Property – Introduction Finding	101-102 103-124
January 18, 2012	Finding (continued)	124-140
January 19, 2012	Bailments	141-148
January 23, 2012	Unauthorized Possession	149-168
January 24, 2012	Improving Another’s Property by Mistake	193-202
January 25, 2012	Bona Fide Purchase	203-212
January 26, 2012	Donative Transfers – Overview	213-219
January 30, 2012	Engagement Gifts Gifts Causa Mortis	219-222 222-235
January 31, 2012	Transfers Upon Death	258-267

<u>Date</u>	<u>Topic</u>	<u>Text</u>
	PRIVATE INTERESTS IN LAND – INTRODUCTION	
February 1, 2012	Overview Historical Background	237 238-250
	FREEHOLD ESTATES & FUTURE INTERESTS	
February 2, 2012	Classification of Interests Fee Simple Absolute Life Estates	251-254 254-258 267-281
February 6, 2012	Defeasible Estates	281-300
February 7, 2012	Fee Simple Conditional and the Fee Tail Introduction to Future Interests Future Interests in the Grantor	300-305 307-308 308-312
February 8, 2012	Remainders	312-323
February 9, 2012	Rule in Shelley’s Case Doctrine of Worthier Title	323-328 328-334
February 13, 2012	Executory Interests	334-346
February 14, 2012	Executory Interests (continued)	Reread 334-346
February 15, 2012	Rule Against Perpetuities	355-370
	CONCURRENT OWNERSHIP	
February 16, 2012	Introduction Marital Estates	371-379 379-385
February 20, 2012	Creation and Attributes of Concurrent Ownership	385-395
February 21, 2012	Creation and Attributes of Concurrent Ownership (continued) Rights and Duties of Concurrent Ownership Condominiums and Time-Shares	415-420 420-428 432-434
	LANDLORD-TENANT	
February 22, 2012	Introduction Creation of Leasehold Estates Access to Rental Market	449 449-458 458-468
February 23, 2012	Tenant’s Right to Possession Duration	468-474 474-488

<u>Date</u>	<u>Topic</u>	<u>Text</u>
February 27, 2012	Condition of Premises Rent	488-501 501-507
February 28, 2012	Use of Premises Injuries to Persons and Property	507; 512; 516-517 517-525
February 29, 2012	Lessor's Remedies Against Defaulting Tenant Transfers	525; 531-537; 543- 547; 551-552; 557-558
	EASEMENTS, PROFITS, AND LICENSES	
March 1, 2012	Report on ACTEC Meeting Introduction Express Creation	559-561 561-571
March 5, 2012	Express Creation (continued) Creation by Implication	575-576 576-589
March 6, 2012	Creation by Prescription	589-603
March 7, 2012	Scope and Transferability	603-612
March 8, 2012	Termination	612-617
	REAL COVENANTS & EQUITABLE SERVITUDES	
March 12, 2012	Introduction Elements of Real Covenants	617-618 618-634
March 13, 2012	Equitable Servitudes	634-640
March 14, 2012	Equitable Servitudes (continued) Limitations on Covenants and Servitudes	640-646 652-661
March 15, 2012	Construction, Administration, and Termination	662-672
March 19-22, 2012	Spring Break – No classes	
	NON-VOLITIONAL (NATURAL) INTERESTS	
March 26, 2012	Nuisance Support of Land	673-679 691-698
March 27, 2012	Drainage Interests in Water – Introduction	698-706 706
March 28, 2012	Water in Watercourses	706-713
March 29, 2012	Groundwater Oil & Gas	714-716 724-725

<u>Date</u>	<u>Topic</u>	<u>Text</u>
April 2, 2012	Airspace & Sunlight	730-750
	PUBLIC INTERESTS IN LAND	
April 3, 2012	Introduction Zoning	751-752 753-763
April 4, 2012	Regulation of the Subdivision of Land Other Zoning Issues	767-769 772; 782-790
April 5, 2012	Land Use Planning – Introduction Physical Takings	791-807 807-810
April 9, 2012	Regulatory Takings (continued)	811-816; 836-849; 849-855
	THE REAL ESTATE CONTRACT & RELATED MATTERS	
April 10, 2012	Introduction Statute of Frauds “Standard” Written Contract	915-918 918-927; 936-945 956-964
April 11, 2012	Time for Performance Financing Arrangements	964-973 974-986
April 12, 2012	Merchantable Title Tender Assignment Remedies	1002-1007 1016-1019 1019-1026 1029-1036
April 16, 2012	Equitable Conversion Risk of Loss Role of the Real Estate Broker	1036; 1042 1055-1057
April 17, 2012	The Deed	1069-1071; 1076- 1080; 1089-1096; 1103-1109
April 18, 2012	The Recording System	1129-1138; 1146- 1155; 1158-1165; 1180-1184
April 19, 2012	Methods of Title Assurance (including adverse possession)	168-178; 1189; 1206- 1208; 1213-1215; 1230-1240; 1246- 1248; 1254-1263; 1280-1282
April 23, 2012	Conclusion Examination Information	

<u>Date</u>	<u>Topic</u>	<u>Text</u>
May 1, 2012	<i>Final Examination</i> 9:00 a.m.	