

EMPIRE COLLEGE SCHOOL OF LAW

SYLLABUS

COURSE NUMBER: F210
COURSE NAME: REAL PROPERTY

PROFESSOR: Prof. Ornell

CLASS TIME: Thursdays: 6:00 – 9:00 p.m.
Fall Semester 2009

UNITS: 3 Units/Semester

- TEXTS:**
- 1) CONTEMPORARY PROPERTY, 3rd Edition,
Nelson, Stoebuck & Whitman
American Casebook Series, West Group, 2008,
ISBN-13: 9780314183538
 - 2) UNDERSTANDING MODERN REAL ESTATE TRANSACTIONS,
2d Ed. Alex M. Johnson, Jr.
LexisNexis ISBN 1-4224-1142-7
(Second Semester)

GOALS: This course will provide students with an understanding of the most important concepts of property law. Students will learn to recognize property law issues and develop strategies for approaching and solving problems.

GRADING:	90 – 100	A	Outstanding
	80 – 89	B	Superior
	70 – 79	C	Satisfactory
	65 – 69	D	Unsatisfactory
	below 65		Failing/No credit

The course grade will be comprised of the results of:

Midterm exam - 50%
Final exam - 50%

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The course is intended to help prepare students to competently represent clients. The focus will be on approaching assigned cases as real examples of clients with real legal problems. Students will be expected to be prepared, to think creatively about the issues presented, and to participate.

Instructor may deduct up to 3 points from course grade for lack of preparation or participation or failure to submit any assigned projects.

ATTENDANCE:

Regular and punctual attendance is essential for the successful completion of law school. Students should plan to attend every class. Students must attend a **minimum of 80% (36 hours — 12 of 15 classes)** of the class sessions during each semester. Roll will be taken at each class.

PREREQUISITES:

Successful completion of first year.

CONTACT INFORMATION:

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WEEK 5: PGS. 221-243
10/01/09

Chapter 2- Some Further Dimensions of Property in Land (Cont'd)

4. Lateral Support

Chapter 3 – Methods of Transferring Property: An Overview

1. Inter Vivos Transfer

2. Intestate Succession

A. Descent of Land in England

B. Distribution of Personalty in England

C. Descent and Distribution of Real and Personal Property in the United States

3. Testamentary Disposition

A. The English Law of Wills

B. The American Law of Wills

C. Revocation of Wills

Gruen v Gruen (1986) 68 N.Y.2d 48, 496 N.E.2d 869

Braun v Brown (1939) 14 Cal.2d. 346, 94 P.2d 348

WEEK 6: PGS. 244-279
10/08/09 Skip PGS 280-300
PGS 301-312

Chapter 4 – Estates

1. Present and Future Estates

A. The Theory of Estates

B. The Present Estates

C. The Future Estates

D. Two Rules Relating to Remainders: One Dead – One Revived

E. Estates in Personal Property

F. The Rule Against Perpetuities

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WEEK 7: PGS. 312-363
10/15/09

Chapter 4 – Estates (Cont'd)

- G. Direct Restraints on Alienation
 - H. Protection of Future Interests
 - I. Unproductive Property
 - 2. Marital Estates
 - A. Marital Life Estates at Common Law
 - B. Modern Modification of Marital Estates and Marital Property
 - C. Homestead Rights
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WEEK 8: PGS. 346-398
10/22/09

- 3. Concurrent Estates
 - A. Common Law Concurrent Estates
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WEEK 9: PGS. 331-392
10/29/09

Chapter 4 – Estates (Cont'd)

- 3. Concurrent Estates (Cont'd)
 - A. Common Law Concurrent Estates (Cont'd)
 - B. Community Property
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WEEK 10: PGS. 398-452
11/05/09

Chapter 5 – Landlord and Tenant

- 1. Nature and Creation of Leaseholds
 - A. Leaseholds Distinguished From Other Relationships
 - B. The Several Tenancies
 - C. Statutory Modifications
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WEEK 11: PGS. 453-505
11/12/09

Chapter 5 – Landlord and Tenant (Cont'd)

- 2. Some Fundamentals of the Relationship
 - A. Landlord's Warranties of Title and Possession
 - B. Does Tenant Have Duty to Occupy?
 - 3. Duties Respecting Fitness and Repair of Leased Premises
 - A. The Traditional Legal Doctrine
 - 3. Duties Respecting Fitness and Repair of Leased Premises (Cont'd)
 - A. The Traditional Legal Doctrine (Cont'd)
 - B. The New Duties of Residential Landlords
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WEEK 12: PGS. 513-570
11/19/09 Skip 506-512

Chapter 5 – Landlord and Tenant (Cont'd)
C. The Retaliatory Eviction Doctrine
D. Regulation of Security Deposits

- 4. Fitness of Leased Premises – Landlords' Tort Liability**
- 5. Governmental Activities in the Housing Market**
 - A. Rent Control**
 - B. Regulations Against Discrimination in Housing**
 - 6. Assignment and Subletting**

WEEK 13: PGS. 570-628

Thanksgiving Class
TBD

Chapter 5 – Landlord and Tenant (Cont'd)
6. Assignment and Subletting (Cont'd)
7. Termination

- A. Termination by Notice**
- B. Summary Eviction Statutes**
- C. Illegality and Frustration of Purpose**

WEEK 14: PGS. 628-669
12/03/09

Chapter 5 – Landlord and Tenant (Cont'd)
7. Termination (Cont'd)
D. Abandonment and Surrender

Chapter 6 – Covenants Running With Land
1. Covenants Between Landlord and Tenant

REVIEW OF FIRST SEMESTER

WEEK 15:
To be Announced

Midterm Exam