



ACADEMIC COURSE SYLLABUS

COURSE TITLE:	REAL PROPERTY	
COURSE NUMBER:	LAW 602A	Real Property - 1st semester of two-semester course*
	LAW 602B	Real Property - 2nd semester of two-semester course*
	LAW 602A/B*	Real Property
	* Denotes all non-severable, two semester courses. Both semesters must be successfully completed to receive final A/B course grade.	
UNITS:	3 Units/Semester (must complete both semesters to earn 6-Unit final grade at the end of both semesters)	
COURSE TYPE:	Required	
PROFESSOR(S) NAME:	Prof. Lawrence E. Ornell	
PROFESSOR CONTACT INFO:	leornell@live.com	
SCHEDULE:	Two-semester class: Fall 2013, Tuesdays 6:00-9:00pm, Room # 104 and Spring 2014, Tuesdays 6:00-9:00pm, Room # 104	
PREREQUISITES:	Successful completion of first-year course work	
COREQUISITES:	None	
TEXTS AND MATERIALS: (Identification of any texts, materials and references used throughout the course.)	<i>CONTEMPORARY PROPERTY, 3rd Edition</i> , Nelson, Stoebuck & Whitman, American Casebook Series, West Group, 2008, ISBN-13: 9780314183538	
COURSE DESCRIPTION:	The law of real property; historical background; common law estates and interests; statute of uses and modern conveyancing; concurrent ownership; landlord and tenant; deeds and delivery; boundaries; recording acts and title search; contract for sale of land; easements, servitudes and other land use restrictions; adverse possession; landowners; rights, including air, water, mineral and lateral and subjacent support.	
COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.)	<p>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.</p> <p>The course is intended to help prepare students to competently represent clients.</p> <p>Students must demonstrate they possess a minimum level of knowledge to pass a CA State Bar Examination question involving the subject matter of the law of real property; historical background; common law estates and interests; statute of uses and modern conveyancing; concurrent ownership; landlord and tenant; deeds and delivery; boundaries; recording acts and title search; contract for sale of land; easements, servitudes and other land use restrictions; adverse possession; landowners; rights, including air, water, mineral and lateral and subjacent support.</p> <p>Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For</p>	

	<p>example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p>
<p>FORMAT OVERVIEW / METHOD OF INSTRUCTION (Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p>	<p>Course material will be presented in a lecture-discussion and Socratic method format.</p> <p>Students should be prepared to brief all cases assigned.</p> <p>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.</p>
<p>EXAMS:</p>	<p>Two essay questions and a series of multi-state/multiple choice questions will be given for both the midterm and final exams. For the essay questions, students will be expected to identify the legal issues raised in the fact patterns, apply the appropriate rules of law, and arrive at a well reasoned conclusion.</p> <p>For the multi-state/multiple choice questions, students will be expected to choose the best of alternative answers, according to generally accepted common law views, without consideration of any statutes.</p>
<p>GRADING / ASSESSMENT CRITERIA/CLASS POLICIES:</p>	<p>Empire College uses the following grading system: <u>Numerically graded classes:</u> 90 – 100 A Outstanding 80 - 89 B Superior 70 - 79 C Satisfactory 65 - 69 D Unsatisfactory 64 and Below Failing/No Credit</p> <p>Only numeric grades in Required courses are used to calculate grade point average.</p> <p>The course grade will be comprised of the results of:</p> <p>Midterm exam - 50% And Final cumulative exam - 50%</p> <p>Students will be expected to be prepared, to think creatively about the issues presented, and to participate.</p> <p>Instructor may deduct up to 3 points from course grade for lack of preparation or participation or failure to submit any assigned projects.</p>
<p>ATTENDANCE:</p>	<p>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.</p> <p>Make-up classes to be scheduled if needed.</p>
<p>ASSIGNMENTS: FALL 2013</p>	<p>Note: All text page references are to Nelson, Stoebuck & Whitman, <i>Contemporary Property, Third Edition</i>.</p>
<p>Week 1: 9.3.13</p>	<p>Chapter 1 – Property, Possession and Ownership</p>

	PGS. 34-74 (Skip 1 to 33)	1. The Concept of Property B. Property Rights Based on Possession
Week 2: 9.10.13	PGS. 31-34 PGS 75-119	Chapter 1 – Property, Possession and Ownership (Cont'd) 2. Possession and Ownership A. Judicial Remedies C. The Duties of Possessors: A Look at Bailment D. Adverse Possession
Week 3: 9.17.13	PGS. 120-170	Chapter 1 – Property, Possession and Ownership (Cont'd) Chapter 2 – Some Further Dimensions of Property in Land 1. The Right of Reasonable Use: Nuisance
Week 4: 9.24.13	PGS. 170-221	Chapter 2 – Some Further Dimensions of Property in Land 2. Rights Above and Below the Surface 3. Water Rights A. Common Law Rights as to Streams B. Common Law Rights as to Surface Water C. Underground Water
Week 5: 10.1.13	PGS. 221-243	Chapter 2- Some Further Dimensions of Property 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 <i>Braun v Brown</i> (1939) 13 Cal.2d. 346, 94 P.2d 348

<p>Week 6: 10.8.13</p>	<p>PGS. 244-279 Skip PGS 280-300 PGS 301-312</p>	<p>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</p>
<p>Week 7: 10.15.13</p>	<p>PGS. 312-346</p> <p>Marital Property</p>	<p>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 C. Homestead Rights</p>
<p>Week 8: 10.22.13</p>	<p>PGS. 346-398</p>	<p>Chapter 4 – Estates (Cont'd) 3. Concurrent Estates A. Common Law Concurrent Estates</p>
<p>Week 9: 10.29.13</p>	<p>PGS. 398-428</p>	<p>Chapter 4 – Estates (Cont'd) 3. Concurrent Estates (Cont'd) A. Common Law Concurrent Estates (Cont'd) B. Community Property</p>
<p>Week 10: 11.05.13</p>	<p>PGS. 428-452</p>	<p>Chapter 5 – Landlord and Tenant 1. Nature and Creation of Leaseholds A. Leaseholds Distinguished From Other Relationships B. The Several Tenancies C. Statutory Modifications</p>
<p>Week 11: 11.12.13</p>	<p>PGS. 453-505</p>	<p>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</p> <p>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</p>
<p>Week 12: 11.19.13</p>	<p>PGS. 513-570</p>	<p>Chapter 5 – Landlord and Tenant (Cont'd)</p>

	(Skip 506-512)	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: 11.26.13	PGS. 570-628	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: 12.3.13	PGS. 628-669	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: Midterm date TBA	Midterm exam –3-hour exams with 2 Essay questions and MBEs	

ASSIGNMENTS:	TBA
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SPRING 2014		
Week 1: 1/07/14	PGS. 628-669	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
Week 2: 1/14/14	PGS. 669-737	Chapter 6 – Covenants Running With Land (Cont'd) 2. Covenants Between Owners in Fee A. Running Covenants at Law B. Equitable Servitudes C. Enforcement in Subdivisions
Week 3: 1/21/14	PGS. 737-778	Chapter 6 – Covenants Running With Land (Cont'd) 2. Covenants Between Owners in Fee C. Enforcement in Subdivisions D. Interpretation Chapter 7 – Easements 1. Nature and Types
Week 4: 1/28/14	PGS. 779-835	Chapter 7 – Easements (Cont'd) 2. Methods of Creation A. Grant B. Implication C. Prescription 3. Scope
Week 5: 2/4/14	PGS. 835-886	Chapter 7 – Easements (Cont'd) 3. Scope (Cont'd) 4. Extinguishment <u>Part Two - The Transfer of Ownership -</u> Chapter 8 – Contracts for the Sale of Land A. Real Estate Brokers
Week 6: 2/11/14	PGS. 887-931	Chapter 8 – Contracts for the Sale of Land (Cont'd) B. The Statute of Frauds C. Remedies and Real Estate Contracts
Week 7: 2/18/14	PGS. 932 -979	Chapter 8 – Contracts for the Sale of Land (Cont'd) D. Time of Performance and Tender E. Title to be Conveyed F. Equitable Conversion G. Introduction to Financing
Week 8: 2/25/14	PGS. 985-1034	Chapter 8 – Contracts for the Sale of Land (Cont'd) G. Introduction to Mortgage Financing H. Conditions in Contracts

		<p align="center">Chapter 9 – Deeds and Titles</p> <p align="center"> A. Deeds B. Land Descriptions C. Delivery and Escrows </p>
Week 9: 3/4/14	PGS. 1034-1070	<p align="center">Chapter 9 – Deeds and Titles (Cont'd)</p> <p align="center"> C. Delivery and Escrows (Cont'd) D. Warranties of Quality E. Title Covenants in Deeds </p>
Week 10: 3/11/14	PGS. 1071-1124	<p align="center">Chapter 9 – Deeds and Titles (Cont'd)</p> <p align="center"> E. Title Covenants in Deeds F. Title Assurance Methods </p>
Week 11: 3/18/14	PGS. 1125-1173	<p align="center">Chapter 9 – Deeds and Titles (Cont'd)</p> <p align="center"> G. Title Insurance H. Settlement </p> <p align="center"><u>Part Three – Land-Use Regulations</u></p> <p align="center">Chapter 10 – Constitutional Limitations on Land-Use Regulations</p> <p align="center"> 1. Introduction 2. The Regulatory Taking Issue </p>
Week 12: 3/25/14	PGS. 1174-1226	<p align="center">Chapter 10 – Constitutional Limitations on Land-Use Regulations (Cont'd)</p> <p align="center"> 2. The Regulatory Taking Issue 3. Substantive Due Process </p>
Week 13: 4/01/14	PGS. 1226-1263	<p align="center">Chapter 10 – Constitutional Limitations on Land-Use Regulations (Cont'd)</p> <p align="center">4. Equal Protection</p>
Week 14: 4/08/14	PGS. 1268-1344	<p align="center">Chapter 11 – The Planning and Zoning System</p> <p align="center"> 3. Departures from Original Zoning A. The Variance B. Special Exceptions C. Zoning Amendments </p> <p align="center"> 4. Reflections on the System: Glances Backward </p>
Week 15: Final Exam date TBA	3-hour Final Examination – The final exam will be cumulative, covering all course material from both semesters. 3-hour exams with 2 Essay questions or and MBEs	