PROPERTY
PROFESSOR TELESETSKY
FALL SEMESTER, 2018
T- 11:00-12:15 and W 11:30-12:20 and Thursday 11:00-12:15

SYLLABUS AND ASSIGNMENT LIST

I. REQUIRED CASEBOOK: Dukeminier, Krier, Alexander, Schill and Strahilevitz, Property (9th Edition)

NOTE: All page references in this Syllabus are to the Casebook.

II. BLACKBOARD WEBSITE: I will probably use BBLearn to communicate with the class. I may also use a Listserve.

III. OVERALL COURSE OBJECTIVES:

My expectations: I expect you to:

1. Be professional- that includes attending class and doing work in preparation for class
   • Course grade may be reduced for failure to attend class without approved excuse.
2. Be respectful
3. Be honest- No toleration for plagiarism or cheating
4. Learn lawyering skills

a. Critical Case reading

a. Identify relevant facts from all the facts presented in the case;
b. Articulate the rule or rules the Court applies to the relevant facts; and
c. Explain the analysis of the Court in reaching its decision. Why did the court apply the rules to the facts in the way that it did?
d. Evaluate whether the court made the right decision based on your reading of the facts and rules.

b. Application of Rules to Different Facts: Once you have read a case or statutory provision and identified and articulated the rule or rules, we will then learn to determine whether those rule(s) can be applied to similar, but not too similar, facts. We will do this by considering the Notes and problems in the casebook, and through hypothetical scenarios posed, usually by me, but often by your classmates, in class.

c. Problem Solving: Understand relevant legal rules in the study of property. Apply them to factual situations.
IV. **CLASS PARTICIPATION**

*I expect you to be prepared to speak during every class session. There is a difference between being prepared, and answering correctly.*

V. **OFFICE HOURS:** I will send an announcement to the class with my office hours. You may email me questions at atelesetsky@uidaho.edu

VI. **GRADES**

A. **Grades:**

- Final- 70%
- Mid-term- 15%
- Participation – 10%
- Case Briefs- 10%

**Final Examination:** The main component of your grade will be a “three-hour” closed-book final exam which will be administered during Finals Week. While the exam is a “three hour exam,” (that is, an exam designed to be completed in three hours) you will be given four hours in which to complete the exam. You may bring into, and use during, the exam ONLY:
  1. pen and paper,
  2. if you choose, your laptop computer with ExamSoft test software properly downloaded, and
  3. ONE 8 ½ x 11 inch sheet of paper with as much ink on it as you would like and are able to fit.

**Midterm Examination:** There will be a midterm exam that will be a closed book, one question exam. More information on the midterm will be forthcoming during the semester.

**Assignments (Case Briefs): I expect that you will**

1) **write out a case brief for each principal case** assigned (See Table of Cases, p.1271ff of the Casebook - principal cases noted in *italics*), and 2) **bring all your case briefs to class.**

The case briefs are *your* tools and are to be prepared by you in the manner best designed to aid you 1) in understanding the cases, 2) in answering in class; 3) in participating in classroom discussions; 4 in preparing your outlines for mid-term and exam.

During the semester I will ask you, on approximately 10 occasions, to hand in your hard copy one page case brief at the end of class when you will no longer need it for class discussion with your name on the brief. The case brief assignments will count 1% for each case brief handed in toward your final grade.
**Class Participation:** I will accept volunteers but I will also cold-call students.

**VII. Center for Disability Access and Resources (CDAR) Reasonable Accommodations Statement:**
Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Dodge for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without CDAR first submitting a recommendation. You may contact CDAR by:

- Calling 208-885-6307
- Emailing cdar@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at [http://www.uidaho.edu/current-students/cdar](http://www.uidaho.edu/current-students/cdar). Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

**VIII. Recording Class Sessions:**
Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.

**IX. Make Up Classes:** I will probably need to reschedule several classes if a colleague is unable to teach in my stead. I will discuss these rescheduled classes with you at a later date.

**X. ASSIGNMENT LIST**

The following is the list of assignments. This list of Assignments is highly likely to change. Any changes in the order or content of the following list of assignments will be announced in class in advance.

Each Assignment sets forth the pages to be covered in class. **You are required to brief each principal case.**
I. THE FUNDAMENTALS

Day 1 Acquisition by Discovery - P. 3-19.

Day 2 Acquisition by Capture - P. 19-52

Day 3+4 Acquisition by Creation - Intellectual Property P. 132-166

Day 5 Property in One’s Own Person To be announced.

Day 6 Exclusion, Abandonment and Destruction To be provided

Day 7 Acquisition by Find P. 53-70

Day 8 Acquisition by Adverse Possession P. 70-94

Day 9 Establishing Adverse Possession P. 95-112

Day 10 Cultural Property- Reading To Be Announced

Day 11- Mid-term

II. ESTATES IN LAND AND FUTURE INTERESTS AND CO-OWNERSHIP–Focused on the concept of property division between two or more people

Day 12 The Fee Simple - p. 207-226;

Day 13 The Life Estate - p. 265-282

Days 14 &15 Defeasible Fees - p. 283-310

Day 16 &17 Future Interests - p. 313-326

Day 18 Executory Interests p. 327-344

Day 19 Rules Furthering Marketability- Rule Against Perpetuities-p. 345-372
Day 20 Concurrent Interests - Forms; Severance of Joint Tenancies - p. 387-404;
Day 21 Relations Among Concurrent Owners – 405-426
Day 22 Community Property System and Domestic Partners- 427- 458

III. LANDLORD TENANT LAW
Day 23 The Leasehold Estates and The Lease - P. 461-482
Day 24 Sublease and Assignment – P. 483-499
Day 25 Defaulting Tenants P. 500-519
Day 26&27 Landlord’s Duties – P. 522-548

TRANSFERS OF LAND
Day 28 Deeds – Skim P. 551-616
Day 29 Mortgages- Skim P. 645-691
Day 30 Title- Skim P. 661-725

LAND CONTROL
Days 31& 32&33 Easements by Implication, Necessity and Prescription – p. 761-795
Day 34 Assignability and Scope of Easements - P. 799-815.
Day 35 Termination of Easements; Negative Easements; and other novel easements – P. 875-892.
Day 36 Covenants P. 835-852
Day 37 Validity and Enforcement of Covenants, P. 853-863.
Day 38 Termination of Covenants and Common Interest Communities P 865-886

Day 39 Eminent Domain - Lecture

Day 40 Zoning - Lecture

Day 41 Takings – Lecture

Day 42 Review

Credit Hours for Coursework
In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined above with respect to materials and assignments, in my professional judgement, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.