

**WESTERN STATE COLLEGE OF LAW
COURSE SYLLABUS, POLICIES, AND ASSIGNMENTS
2024 SPRING SEMESTER
PROPERTY I
SECTION 151B AND SECTION 151C
PROFESSOR SHEPPARD**

CLASS MATERIALS:

REQUIRED TEXTS: John G. Sprankling and Raymond R. Coletta, **Property - A Contemporary Approach, Fifth Edition** (2021 West Academic Publishing Interactive Casebook Series); ISBN: 978-1-68467-717-7

John G. Sprankling, **Property Law Simulations** (2013 LEG, Inc. d/b/a West Academic Publishing) Bridge to Practice Series; ISBN: 978-0-314-27788-6

RECOMMENDED

TEXT: John G. Sprankling, **Understanding Property Law, Fifth Edition** (2023 Carolina Academic Press) ISBN 978-1-522-10557-2

REQUIRED

SUPPLEMENTS: Professor's Course Supplements posted to the Web Course

THE COURSE TEXTS AND COURSE SUPPLEMENTS:

The Interactive Course Text

Features of the required interactive course text include Internet access to visual information and audio files relevant to various course topics, and Westlaw search terms that enable you to find state law regarding certain course topics. You are also able to access online chapter quizzes with answers and explanations. I urge you to access and answer each chapter quiz problem and compare your quiz answers to the answers and explanations provided by the authors of the text as part of your course study habits.

Note with care that you are able to obtain a license to access the online information provided by or organized by the authors for your edification by using the "KeyCode" that appears on the face page of the text if you acquired a new text. If you acquired a used text, you will have to pay a separate fee to West Publishing to obtain a license to access the eBook version of the course text. You may be able to acquire a license to use the online version of the text without having to obtain a hard copy of the text if you prefer to do so.

I expect that you will study page vii of the text, "*Features of This Casebook*," with care.

The assigned portions of the interactive course text questions posed by the authors as parts of "Points for Discussion" or sets of problems. You should engage in an analysis of each of those questions or problems. At the very least, you should engage in an issue spotting exercise with respect to a text question or problem. I have posted comments regarding each of the problems to the Lexis Classroom Web Course for your review. Information about enrollment in the Lexis Classroom Web Course is available on page 7 of this syllabus.

Property Law Simulations

Although we will not be able to devote classroom time to engage in any of the simulations included in the *Simulations* text, a study of the content of that text that is relevant to a topic covered during this semester will be of benefit to you. That material can be used by you individually or by you and other members of the class (e.g., by members of a study group).

Each chapter of the simulations text is comprised of an introduction and an overview of relevant substantive law. Sample documents are part of each simulation (e.g., letters, or contracts, or deeds, or pleadings, etc.).

You may schedule either an in-person meeting, or a zoom meeting, with me to discuss your observations about a particular simulation that pertains to a topic covered during this semester of Property.

Understanding Property Law

The *Understanding Property Law* text that I have recommended is a soft cover hornbook. The author, Professor John G. Sprankling, is a co-author of the required course text.

Professor's Course Supplements

It behooves you to study the content of the course supplements that I have posted to the web course after you have engaged in the study of the assigned portions of the course text and the hornbook.

Professor's Computer Panels (aka, Power Points)

I will post copies of my computer panels (aka, power points) to the course website for your study. I usually place copies of my computer panels to the course website prior to the commencement of the semester.

WESTERN STATE COLLEGE OF LAW – PROGRAMMATIC LEARNING OUTCOMES

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Associations, Evidence, Civil Procedure, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular

interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternative dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities and differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author's or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' backgrounds and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

COURSE COVERAGE AND OPPORTUNITIES:

Property I is the first semester of the year-long basic course regarding various aspects of American property law. We will focus on the following topics during this semester: (1) the concept of property including the "bundle of rights theory" of property; (2) the estates system of ownership rights in real property; (3) forms of concurrent ownership of interests in property; (4) servitudes (i.e., burdens on interests in real property known as licenses, profits, easements, and land use covenants); (5) an introduction to the law of nuisance; (6) an introduction to the law of zoning; (6) an introduction to the law of eminent domain; and (7) an introduction to the law of regulatory takings.

During the second semester of the basic property course, Property II, our attention will be focused on: (1) leasing real property and landlord/tenant law; (2) methods of acquiring ownership of property including by find, gift, adverse possession, and purchase which will include introductory material regarding various aspects of residential real estate sale transactions (the purchase contract, deeds, mortgages, deeds of trusts, installment land sale contracts, and various forms of title assurance including contract warranties, deed warranties, recording acts, and title insurance).

EXPECTATION OF YOUR AMOUNT OF OUTSIDE PREPARATION TIME

I expect you to devote a MINIMUM of 4 HOURS a week to prepare for each hour of class time (i.e., a MINIMUM of 12 hours of study each week).

OFFICE HOURS, OFFICE TELEPHONE, E-MAIL ADDRESS, FACULTY FAX NUMBER:

I plan to maintain the following office hours **beginning** Tuesday, January 16, 2024, and **ending** Tuesday, April 30, 2024:

Tuesdays: 10 am – Noon; 1:30 pm – 3:00 pm
Wednesdays: 1:00 pm – 2:15 pm
Thursdays: 1:00 pm – 3:00 pm.

Office consultations or Zoom conferences for two or more students at a time are encouraged. I will need the names of each student who will participate in a requested Zoom conference so that I may send each student an email invitation to participate in the Zoom conference.

I will not have office hours during the semester break (Monday, March 4 through Sunday, March 10, 2024).

You may contact me via e-mail by addressing your communication to csheppard@wsulaw.edu.

You may contact me via telephone by calling (714) 459-1152.

The faculty fax number is (714) 525-2786. If you send a fax to me, be sure to include an appropriate cover sheet.

DECORUM

You are required to adhere to proper decorum when arriving for a class session, during a class session, and when departing from a class session. You are also required to adhere to the College of Law's "Principles of Community," the College of Law's "Honor Code," and other conduct policies of the College of Law and of Westcliff University.

If it becomes necessary to conduct an "office conference" or a class session via Zoom:

- You should find a dedicated quiet space to minimize the chances that you will be disrupted during the session.
- Arrive to a class Zoom session early and dressed as you would to attend an in-person class session.
- Your camera must be turned on for the duration of either a class Zoom session or a Zoom office conference. If you desire, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.

- Come prepared, as you would for an in-person class session or an in-person office conference. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
 - Zoom classes are not YouTube, or Netflix, or some other streaming service. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.
- If you have to miss a Zoom session, or arrive late, or leave early, notify me in advance; as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify me so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes or Zoom office conferences on social media. Such actions will constitute a violation of the Student Honor Code. If you need access to a recording of a Zoom session, please contact me.
- Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify me in advance to avoid being marked as absent.
- Unless I instruct you otherwise, mute your microphone when you are not speaking. Unmute your microphone to ask a question, or to respond to a question, or to make a comment.
- If you intend to use your computer to take notes and/or to use the eBook version of the course text, you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. You must figure out how you will resolve that technological issue before a Zoom class session and consider possible modifications to your normal mode of note taking (e.g., switch to taking notes by hand) or using a two-screen set-up.
- Zoom has a number of tools available for you to use as a student: yes/no symbols, raise hand and thumb icons, share screen if I permit you to use that tool, chat windows, etc. Please familiarize yourself with those tools before class so that you can use them to the

extent I allow you to use those tools. I will provide additional information to you about the way in which you are to use a particular tool during a particular Zoom class session.

- From time-to-time, I may utilize various interactive functions in Zoom such as polling questions, breakout rooms, etc. I will expect you to participate fully in any such activities and functions; for example, answering polling questions, speaking with your classmates during breakout sessions, and so forth.

LEXIS CLASSROOM WEB COURSE

You will be able to enroll in the course Lexis Classroom platform on and after 9:00 a.m., Monday, January 8, 2024. The last day to access the web course material is Friday, May 31, 2024. To enroll in the web course:

1. Log into LexisNexis for Law School at <https://www.lexisnexis.com/lawschool/>.
2. In the **Student** view, click the **Add A Course** link found on the right-hand side of the page.
3. Locate my name (Sheppard); then click my name.
4. Locate **Select Course to Enroll**; locate Property_Law_101649 and click.
5. Follow the instructions to enroll in the Property I LexisNexis Classroom
6. If you are directed to enter a password, enter: BRMR3P

If you encounter a problem while attempting to enroll in the web course, please contact a LexisNexis representative, or Faculty/Academic Support person Alejandra Gonzalez, agonzalez@wsulaw.edu, (714) 459-1128), or Faculty/Academic Support person Helen Terzis, helenterzis@wsulaw.edu, (714) 459-1163.

NO MIDTERM EXAM

There will NOT be a midterm exam in this course. I will administer four extra-credit quizzes in lieu of a course midterm exam.

“EXTRA CREDIT” COURSE QUIZZES

I will administer four quizzes during the semester. Each quiz will be worth 100 points. If your average score on the course quizzes is 70 to 74, you will have earned one extra-credit course grade point. If your average score on the course quizzes is 75 to 79, you will have earned one and one-half extra-credit course grade points. If your average score on the course quizzes is 80 to 84, you will have earned two extra-credit course grade points. If your average score on the course quizzes is 85 to 89, you will have earned two and one-half extra-credit course grade points. If your average score on the course quizzes is 90 to 94, you will have earned three extra-credit course grade points. If your average score on the course quizzes is 95 – 100, you will have earned four extra-credit course grade points. If your average score on the course quizzes is 69 or less, you will not have earned any extra-credit grade points.

If you earn one extra-credit grade point, or more than one extra-credit grade points, your extra-credit grade point or points will be added to your final exam score.

You will be required to enter your semester student exam number in the space provided therefor on the first page of a quiz packet. In the event you are not able to access your student exam number for insertion

on a quiz packet, enter a “bogus number” on the quiz packet. After the conclusion of the class session during which the quiz was administered, send an email to one of the Faculty/Academic Support persons notifying that person that you used a “bogus number” on a course quiz. List the bogus number you used and the quiz number with respect to which listed the bogus number in your email. You must also list your assigned student exam number in the email to the Faculty/Academic Support person. The Faculty/Academic Support person will communicate the information you provided to her to me without disclosing your identity to me.

I will send you answers to and comments regarding each quiz problem after I have scored the quiz packets. You should study that information carefully.

FINAL EXAMINATION

If you are not notified otherwise, the course final exam will be a three-hour, on campus, closed book, closed notes exam. If you are not notified otherwise, the final exam will consist of twenty multiple-choice problems and two essay problems.

CALCULATION OF COURSE GRADE

Course grades will be recorded using a numeric grade system on a scale of 0.0 to 4.0. Please note with care that I do not grade on a curve. The grade you earn in this course will be based solely on your individual level of performance in the course. Consequently, the level of performance of another member of the class will not affect the manner in which your course grade will be calculated.

To earn a numeric grade of 4.0, you must accumulate at least 90 course grade points. A total of 89 course grade points results in a numeric grade of 3.9; 88 course grade points results in a numeric grade of 3.8; and so forth.

MANDATORY ATTENDANCE

Attendance in class is mandatory. If you are absent from more than six hours of class sessions, you will be subject to being administratively withdrawn from the course. If you have not already done so, you should study the appropriate portions of the current edition of the *Student Handbook* regarding the College of Law’s attendance policy.

Due to possible differences in the manner in which course materials are covered in different sections of a course, you are **not** permitted to “make-up” a missed class by attending another section of this course regardless of whether the other section is taught by another professor or by me.

BE AN ACTIVE LEARNER

To be successful in law school, you must be an active learner. You will gain maximum benefit from class attendance only if you are prepared for class. Proper preparation for a class session by you will include, but not be limited to: engaging in effective time management; engaging in a critical reading and re-reading of assigned course material; briefing cases; critically reading and re-reading text notes and footnotes; analyzing problems included as part of assigned reading; critically reading court opinions of cases cited as part of text notes or Points for Discussion; reviewing and editing notes you have taken during prior class sessions; reading, and re-reading, if necessary, course computer slides posted to the web course; personally preparing and reviewing study aids (e.g., sections of your personally prepared

course outline, flash cards, and/or flow charts or diagrams); reading and re-reading to the extent necessary appropriate segments of hornbooks, treatises, workbooks or other study aids; engaging in exam prep or exam taking exercises; and preparing questions that you want addressed during an ensuing class session or conference with me.

You should be prepared to participate in class sessions. You should be an active listener at all times during class sessions when you are not speaking during a class session. Being an active listener includes assessing whether you understand, or you do not understand, comments being made by me, or by one of your classmates. If you conclude that you do not understand my comments or the comments of a classmate, be sure to seek recognition so that you may voice your question. If you understand my comments or the comments of a classmate, you should assess whether you agree or disagree with those comments. More importantly, you should assess the reason or reasons you agree or disagree with those comments. Do not hesitate to seek recognition to voice your questions or comments along those lines as well.

DISABILITY SERVICES STATEMENT

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Library Building, Room 275-B. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

SEATING CHART

I will circulate a class seating chart during the second week of class. You will be required to legibly print your name on the seating chart.

READING ASSIGNMENTS:

I encourage you to complete your initial study of each set of assignments prior to the week during which we are scheduled to address that material in class. Be sure to note whether the reading assignment includes the study of supplemental material.

Complete all reading as assigned. If the class “falls behind” in the assessment of a particular aspect of the course, do not “fall behind” in your study of assigned course material. You do not want to be “left in the dust” when the class “catches up” to assignments as scheduled.

Do not lull yourself into a false sense of preparedness by only reading the content of the assigned text pages and course supplements. I expect you to:

- Look up the definitions of words and phrases that are not familiar to you.
- Brief the text cases. If an edited case opinion included in the book is confusing to you, access the unedited opinion of the court using either your Lexis or your Westlaw account.
- Read cases, statutes, or other sources of law cited in a text “Point for Discussion.”
- Use eBook features to access supplemental information provided by the authors of the text.
- Analyze each problem that is part of a reading assignment and compare your analysis with the comments regarding each problem that I have posted to the Modules section of the web course.
- Prepare questions that you want me to address and either post your question to the appropriate Discussion thread on the Lexis Classroom platform, or email your question to me, or state your question at the appropriate time during a class session.
- I post copies of “computer panels” I might display during a class session to the Modules section of the web course for you to access and study. Look upon the content of some of those panels as the functional equivalent of an in-class lecture.

SECTION 151B
READING ASSIGNMENTS

Wk.	DATES	Course Topics	Text (T) Hornbook (HB)	Supplements
01	Tue: 01-16 Thu: 01-18	The Concept of Property: Property Defined; Property Theories or Images; Right to Transfer	T: v – viii; 89 – 90; 1 – 7; 24 – 45 HB: 3–9; 11 – 13	Gen. Info. 1 – 6 Concept 1 – 3
02	Tue: 01-23 Thu: 01-25	Right to Exclude; Right to Use; Right to Destroy	T: 45 – 87 [Skip pp. 68-74: <i>Prah v Maretti</i>] HB: 8 – 10	Concept 4
03	Tue: 01-30 Thu: 02-01	Possessory Estates: Fee Simple, Fee Tails, Life Estates, and Leaseholds; Future Interests Retained by a Transferor: (1) Reversion; (2) Possibility of Reverter; or (3) Right of Entry (a.k.a., Power of Termination); Reversion; Possibility of Reverter; Future Interests Retained by a Transferee: (a) Remainder; or (b) Executory Interest	T: 287 – 336 HB: 112 – 135; 173 – 203	Estates, etc. 1-10

04	Tue: 02-06 Thu: 02-08	Rules “Furthering Marketability”: Rule in Shelley’s Case; Doctrine of Worthier Title; Destructibility of Contingent Remainders; Rule against Perpetuities	T: 336 – 342 HB: 220 – 223 206 – 216	Estates, etc. 11, 12 [Note: This block of instruction includes reviews of principles of future interests.]
05	Tue: 02-13 Thu: 02-15	Rules “Furthering Marketability”: Rule against Perpetuities	T: 342 – 353 HB: 217 – 220	Estates, etc. 11, 12 [Note: This block of instruction includes reviews of principles of future interests.]
06	Tue: 02-20 Thu: 02-22	NO CLASS SESSION: “Legislative Day” – Monday classes meet on this Tuesday Forms of Non-Marital Concurrent Ownership: Tenancy-in-Common; Joint Tenancy; Severance of Joint Tenancy;	T: 355 – 366 HB: 138 – 142; 151 – 153	Concurrent Ownership 1 – 4
07	Tue: 02-27 Thu: 02-29	Partition; Cotenant Rights and Duties; Property Rights of a Spouse: (1) Separate Property; (2) Community Property; (3) Tenancy-by-the-Entirety Servitudes: Express Easements; Easements implied by prior use; Easements implied by necessity	T: 367 – 389; 409 – 410 HB: 153 – 154; 164 – 165 T: 637 – 654 HB: 548 – 561	[Note: We will not cover the material on pp. 389 – 409 regarding Marital Property, Unmarried Couples, and Same-Sex Marriage. That material is usually covered in a Community Property course or a Family Law course.] Easements 1 – 6
08	Tue: 03-05 Thu: 03-07	NO CLASS: SEMESTER BREAK NO CLASS: SEMESTER BREAK		
09	Tue: 03-12 Thu: 03-14	Servitudes: Easements by prescription; Easements by estoppel; interpreting Easements (determining the scope of rights and burdens re an easement); Terminating easements; Negative Easements	T: 654 - 684 HB: 561 – 574	Easements 7 – 9
10	Tue: 03-19 Thu: 03-21	Private Land Use Restrictions: (a) Real Covenants; (b) Equitable Servitudes; (c) Running Covenants	T: 684 – 706**	Covenants 1 – 4

			[Skip Point for Discussion b on p. 697] HB: 578 – 604	
11	Tue: 03-26 Thu: 03-27	Private Land Use Restrictions: Common Interest Development Use Restrictions – Creation and Enforcement	T: 697, Point for Discussion b. T: 706 - 717 HB: 605 – 608	Covenants 1 – 9
12	Tue: 04-02 Thu: 04-04	Private Land Use Restrictions: Enforcement and Defenses against Enforcement; Methods of Termination Land Use Regulation: Nuisance Law	T: 717 – 734 HB: 608 – 613 T: 736 – 749; 68 – 74 [<i>Prah v. Maretti</i>]	Nuisance 1
13	Tue: 04-09 Thu: 04-11	Land Use Regulation: Basics of Zoning; Constitutionality of Zoning; Typical Zoning Ordinance; Nonconforming Uses; Zoning Amendments; Variances; Conditional Uses; “New Approaches to Land Use Regulation”	T: 749 – 784 HB: 631 – 660	Zoning 1 - 2
14	Tue: 04-16 Thu: 04-18	Eminent Domain	T: 851 – 872 HB: 685 – 697	
15	Tue: 04-23 Thu: 04-25	Regulatory Takings	T: 873 – 900 HB: 700 – 715	Regulatory Takings 1 - 4
16	Tue: 04-30	Regulatory Takings	T: 900 – 926 HB: 715 - 730	Regulatory Takings 1 - 4 <i>Surfrider Foundation v. Martina Beach 1, LLC</i> , 14 Cal.App.5 th 238 (2017, 1 st Dist.)

** See my law review article re land use covenants at 37 Western State University Law Review 27 (Summer 2009)

SECTION 151C
READING ASSIGNMENTS

Week	DATES	Course Topics	Text (T) Hornbook (HB)	Supplements
01	Thu: 01-18	The Concept of Property: Property Defined; Property Theories or Images; Right to Transfer	T: v – viii; 89 – 90; 1 – 7; 24 – 45 HB: 3-9; 11-13	Gen. Info. 1 – 6; Concept 1 – 3
02	Thu: 01-25	Right to Exclude; Right to Use; Right to Destroy	T: 45 – 87 [Skip pp. 68-74 <i>Prah v Maretti</i>] HB: 8 - 10	Concept 4
03	Thu: 02-01	Possessory Estates: Fee Simples, Fee Tails, Life Estates, and Leaseholds; Future Interests Retained by a Transferor: (1) Reversion; (2) Possibility of Reverter; or (3) Right of Entry (a.k.a., Power of Termination); Reversion; Possibility of Reverter; Future Interests Retained by a Transferee: (a) Remainder; or (b) Executory Interest	T: 287 – 336 HB: 112 – 135; 173 – 203	Estates, etc. 1-10
04	Thu: 02-08	Rules “Furthering Marketability”: Rule in Shelley’s Case; Doctrine of Worthier Title; Destructibility of Contingent Remainders; Rule against Perpetuities	T: 336 – 342 HB: 220 - 223 206 – 216	Estates, etc. 11, 12 [Note: This block of instruction includes reviews of principles of future interests]
05	Thu: 02-15	Rules “Furthering Marketability”: Rule against Perpetuities	T: 342 – 353 HB: 217 – 220	Estates, etc. 11, 12 [Note: This block of instruction includes reviews of principles of future interests]

06	Thu: 02-22	Forms of Non-Marital Concurrent Ownership: Tenancy-in-Common; Joint Tenancy; Severance of Joint Tenancy; Partition; Cotenant Rights and Duties; Property Rights of a Spouse: (1) Separate Property; (2) Community Property; (3) Tenancy-by-the-Entirety	T: 355 – 389; 409 – 410 HB: 138 – 142; 151 – 154; 164 – 165	Concurrent Ownership 1 – 4 [Note: We will not cover the material on pp. 389 – 409 regarding Marital Property, Unmarried Couples, and Same-Sex Marriage. That material is usually covered in the Community Property course.]
07	Thu: 02-29	Servitudes: Express Easements; Easements implied by prior use; easements implied by necessity; easements by prescription; easements by estoppel; interpreting easements (determining the scope of rights and burdens re an easement); terminating easements	T: 637 – 684 HB: 548 – 573	Easements 1 – 6
08	Thu: 03-07	NO CLASS: SEMESTER BREAK		
09	Thu: 03-14	Negative Easements; Private Land Use Restrictions: (a) Real Covenants; (b) Equitable Servitudes; (c) Running Covenants	T: 684 – 706** [Skip Point for Discussion b – p. 697] HB: 578 – 604	Easements 7 – 9 Covenants 1 – 4
10	Thu: 03-21	Private Land Use Restrictions: Common Interest Development Use Restrictions – Creation and Enforcement	T: 697, Point for Discussion b T: 706 - 717 HB: 605 – 608	Covenants 1 – 9
11	Thu: 03-28	Private Land Use Restrictions: Enforcement and Defenses against Enforcement; Methods of Termination Land Use Regulation: Nuisance	T: 717 – 734 HB: 608 – 613 T: 736 – 749; 68 – 74 [<i>Prah v. Maretti</i>]	Nuisance 1
12	Thu: 04-04	Land Use Regulation: Basics of Zoning; Constitutionality of Zoning; Typical Zoning Ordinance; Nonconforming Uses; Zoning Amendments; Variances; Conditional Uses; “New Approaches to Land Use Regulation”	T: 749 – 784 HB: 631 - 660	Zoning 1 – 2
13	Thu: 04-11	Eminent Domain	T: 851 – 872 HB: 685 – 697	
14	Thu: 04-18	Regulatory Takings	T: 873 – 900	Regulatory Takings 1 - 4

			HB: 700 – 715	
15	Thu: 04-25	Regulatory Takings	T: 900 – 926 HB: 715 – 730	Regulatory Takings 1 - 4 <i>Surfrider Foundation v. Martina Beach 1, LLC, 14 Cal.App.5th 238 (2017, 1st Dist.)</i>

**** See my law review article re land use covenants at 37 Western State University Law Review 27 (Summer 2009)**