

**SYLLABUS  
PROPERTY  
FALL, 2010**

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All page numbers for assignments refer to the casebook: Dukeminier, Krier, Alexander, Schill, PROPERTY, 7<sup>th</sup> edition. There is also a photocopied Supplement for this course. It is available at the NU Bookstore. Materials in this supplement will also be available online.

Check the page numbers carefully. You are required to read and study the cases, the notes following (or preceding) the cases, and the problems in the casebook.

**I. POSSESSION**

**A. FINDERS MAY BE KEEPERS BUT ARE LOSERS WEEPERS?**

**Classes 1-2    Assignment:**

Armory v. Delamire, 97-101  
Hannah v. Peel, 101-107  
McAvoy v. Medina, 107-116

**B. ACQUISITION, POSSESSION, FIRST COME, FIRST SERVED AND THE RIGHT TO EXCLUDE**

**Classes 3-5    Assignment:**

Johnson v. M'Intosh, 3-18  
Pierson v. Post, 18-26  
Ghen v. Rich, 26-29  
Keeble v. Hickeringill, 29-39  
Demsetz, 39-55

**C. ACQUISITION BY CREATION**

**Classes 6-7    Assignment:**

International News Service v. AP, 56-60  
Cheney Bros. v. Doris Silk Corp. 61-62  
Smith v. Chanel, 62-66  
White v Samsung Electronics, 66-70  
Midler v. Ford Motor Co., in Supplement  
Association for Molecular Pathology v. U.S. Patent and Trademark Office, in Supplement

**D. THE RIGHT TO EXCLUDE AND THE RIGHT TO INCLUDE**

**Class 8-10    Assignment:**

Moore v. Regents of the University of California, 70-88  
Jacque v. Steenberg Homes, 88-90  
State v. Shack, 90-96  
Uston v. Resorts Int'l Hotel, Inc. in the Supplement

**E. ADVERSE POSSESSION (LEGALIZED THIEVERY)**

**Class 11-13 Assignment: pages 116-122**

Van Valkenburgh v. Lutz, 122-136  
Manillo v. Gorski, 136-141  
Howard v. Kunto, 141-150  
O'Keeffe v. Snyder, 151-163

**II. GIFTS**

**Class 14 Assignment: pages 164-167**

Newman v. Bost, 167-174  
Gruen v. Gruen, 174-181

**III. ESTATES IN LAND OR HOW PROPERTY EVOLVES**

**Classes 16-17**

**A. FEUDAL ESTATES AND FEE SIMPLE**

**Assignment: pages 183-201**

**B. LIFE ESTATES**

**Assignment: White v. Brown, 202-210**

Baker v. Weedon, 210-218

Woodrick v. Wood, 218-222

**C. DEFEASIBLE ESTATES**

**Assignment: Mahrenholz v. County Board of School Trustees, 222-236**

Mountain Brow, Odd Fellows v. Toscano, 236--242

Ink v. City of Canton, 245-248

City of Palm Springs v. Living Dessert Reserve, 248-251

**IV. CO-OWNERSHIP**

**Classes 18-20 Assignment: pages 319-324**

Riddle v. Harmon, 324-329  
Harms v. Sprague, 330-335  
Delfino v. Vealencis, 337-347  
Spiller v. Mackereth, 348-351  
Swartzbaugh v. Sampson, 351-358  
Sawado v. Edo, 359-369

**V. A SHORT DETOUR INTO MORTGAGES**

**Class 20 Assignment: pages 616-621**

Murphy v. Financial Development Corp., 621-629

Commonwealth v. Fremont Investment and Loan, 629-639

**VI. LANDLORDS AND TENANT**

**Class 21**

**A. LEASEHOLDS AND LEASES**

**Assignment: Pages 419-423**

Garner v. Gerrish, 423-426, 427-431

If you have a lease or a dormitory agreement or some other document that permits you to use some space, read it and bring it to class.

**B. HOUSING DISCRIMINATION**

**Classes 22-23 Assignment: Pages 431-438**

Hanson v. The Veterans Administration in supplement.

Jancik v. HUD in supplement

Woodard v. Fanboy in supplement

Village of Arlington Hts. V. Metropolitan Housing Dev. Corp. in supplement

Metropolitan Housing Dev. Corp. v. Village of Arlington Hts. in supplement

**D. POSSESSION, SUBLEASES AND ASSIGNMENTS**

**Class 24-25 Assignment:**

Hannan v. Dusch, 438-442

Ernst v. Conditt, 442-449

Kendall v. Ernest Pestana, Inc., 450-459

American Book Co. v. Yeshiva U. Development Foundation Inc. in supplement.

**E. TENANTS IN DEFAULT**

**Class 26 Assignment:**

Berg v. Wiley, 459-469

Sommer v. Kridel, 469-481

Serreze v. YWCA. v Supplement.

**F. CONDITION OF THE PREMISES**

**Class 27 Assignment:**

Reste Realty Corp v. Cooper, 482-492

Hilder v. St.Peter, 493-503

**VII . SERVITUDES : EASEMENTS AND COVENANTS**

**A. A VERY BRIEF INTRODUCTION TO DEEDS AND TITLES**

**Class 27**

**Assignment: pages 585-590, 645-651**

**B. EASEMENTS**

**Classes 28-31 Assignment: pages 763-768**

Willard v. First Church of Christ, Scientist, 768-774

Holbrook v. Taylor, 774-779

Van Sandt v. Royster, 779-786

Othen v. Rosier, 786-799

Raleigh Avenue Beach Assn. v. Atlantis Beach Club, 800-812

Pazolt v. Director of the Division of Marine Fisheries in supplement

Sheftel v. Lebel in supplement.

Miller v. Lutheran Conference and Camp Association, 812-820

Brown v. Voss, 820-830

Pressault v. United States, 831-847

**C. COVENANTS RUNNING WITH THE LAND**

**Classes 32-36 Assignment: pages 847-853**

Tulk v. Moxhay, 854-859

Sanborn v. McLean, 859-864

Snow v. Van Dam in supplement

Riley v. Bear Creek Planning Comm., in supplement

Guillette v. Daly Dry Wall, 680-682

Neponsit Prop. Owners Ass., Inc. v. Emigrant, 864-876

Whitinsville Plaza Inc. v. Kotseas in supplement

Shelley v. Kraemer, 876-882

Western Land Co. v. Truskolaski, 882-887

Rick v. West, 887-892

Pocono Springs Civic Ass. Inc. v. MacKenzie, 892-896

**D. COMMON INTEREST COMMUNITIES**

**Assignment:** Nahrstedt v. Lakeside Village Condo. Ass., Inc., 896-913  
40 West 67<sup>th</sup> St. Corp.v. Pullman, 913-920  
Mulligan v. Panther Valley Property Owners Assn, 920-924

**VIII. AN INTRODUCTION TO SOME BASIC CONSTITUTIONAL PRINCIPLES CONCERNING PROPERTY: THE LIMITS OF THE POLICE POWER AND THE CONSTITUTIONAL PROHIBITION AGAINST TAKING PROPERTY WITHOUT JUST COMPENSATION**

**CLASS 37 and 38**

**Assignment:**

Kelo v. New London, 1061-1080  
Village of Euclid v. Ambler, 925-940  
Hadachek v. Sebastian, 1096-1103  
Pennsylvania Coal v. Mahon, 1103-1113  
Penn Central Transportation Co. v. City of New York, 1113-1131  
Loretto v. Teleprompter Manhattan CATV Corp. , 1081-1096  
Lucas v. South Carolina Coastal Council, 1131-1152

**7/28/10**