I. COURSE DESCRIPTION – PROPERTY

A. Seven Substantive Areas of Property

This course will cover seven substantive broad areas of property law, including:

1. **Landlord and Tenant Law,**
2. Find, Bailment, Adverse Possession, Bona Fide Purchaser, and Gift
3. Discovery, Feudalism, and **Estates,**
4. People as Property and Property in One’s Person,
5. **Future Interests, Inheritance, and Alienation,**
6. Co-ownership (Joint Tenancy and Tenants in Common), and
7. **Servitudes (Licenses, Easements, Real Covenants, Equitable Servitudes)**

B. Legal History, Ethics, Professionalism, and Morality

In this course, history, ethics, professionalism, and morality issues will also be analyzed.

C. Legal Methods and Skills

This course will develop analytical reading, thinking, speaking, and writing skills (“like a lawyer”), utilizing the “Crusto TSIRRAAC” system. We will use “Socratic” dialogue in class to discuss your reading and analyzing of judicial appellant decisions.

D. Professor’s Assistance

Please consult with me anytime by email at mcrusto@wulaw.wustl.edu. Group discussions will be held on Monday, Tuesday, and Thursday in Room 305, from 4:00-5:00 p.m. Individuals may meet me in my office located, Rm. 458, on Monday and Tuesdays from 5:00-6:00 p.m. (My cell telephone number is (314) 323-9307, for emergency use only.)

II. COURSE REQUIREMENTS/GRADING SYSTEM

A. Grading

As is traditional, your semester grade is based solely upon your performance on a Final Examination. The Final Examination is a four-hour, scheduled closed book examination. It is scheduled to be given during the weeks December 4th-15th, 2006. The Final Examination is "blindly graded" as to protect the exam taker's identity. Final grades are subject to the Law School grading policies. Please note that the Law School has an honor code which each student is expected to review and follow.
On a related subject, if you have special needs (alternative testing, etc.), please contact Susan Halvorson, the Assistant Registrar at the Law School, office number 303C, telephone number 314-935-4750 or email her at halvorss@wulaw.wustl.edu.

B. Academic Success

Transitioning into law school presents unique challenges often requiring special assistance. To support students in this transition, the Law School has available an academic success coordinator. Please contact Elizabeth Patton Walsh, Director of Student Services, at the Law School, office number 302D, telephone number 314-935-5861 or email her at eapatton@wulaw.wustl.edu.

III. Specific Topics of Proficiency

Students are responsible to exhibit a working knowledge of the issues, rules (including relevant authorities, statutory, cases and Restatements found in the Course material described herein), rationale, and application of specific topics of property law. Listed below are the specific topics to be covered in this course. Each topic is followed by an essential question. A proficient student will be able to answer each question after taking this course, knowing the relevant legal principles/rules of law and their application. Critical examination topics are in bold print.

1. Property
   What is Property?

2. Leases
   How are leaseholds different from freeholds?

3. Holdovers and Lease
   What is a holdover and is a lease a contract or property?

4. Tenant Selection
   Can a landlord refuse to lease to a “qualified” tenant?

5. Delivery of Possession
   Is delivery of possession implied in a lease?

6. Sublease and Assignment
   How does a sublease differ from an assignment?

7. Tenant Defaults
   What can a landlord do if a tenant defaults on a lease?

8. Tenant Abandons
   What can a landlord do if a tenant abandons the premises?
9. Landlord’s Duties; Illegal Lease
   What are a landlord’s duties to a tenant? What is an illegal lease?

10. Implied Warranty of Habitability
    When does the implied warranty of habitability apply, what result?

11. Tenant’s Duties; (Un)affordable Housing
    What are a tenant’s duties to a landlord? What are the problems of affordable housing?

12. Find
    Does a finder own lost, abandoned, or mislaid property?

13. Bailment
    What is a bailment and does it ever transfer title to property?

14. Adverse Possession
    Can an adverse possessor acquire property; what is the role the statute of limitations?

15. Gift
    What is a gift, what is required to make one, and compare to an oral trust?

16. Bona Fide Purchaser
    Who is a bona fide purchaser and can she have better title than the true owner?

17. People as Property
    Can people be property?

18. Property in One’s Person
    Do you have a property interest in your body parts?

19. Right to Include, Exclude, and Destroy
    Does the right to property always include the rights to include, exclude, and destroy?

20. Procedural Protections
    What procedures or causes of action protect property rights?

21. Discovery
    Can real property be acquired by discovery?

22. Feudalism and Estates
    How does feudalism influence the modern concept of an estate?

23. Fee Simple, Inheritance, and Fee Tail
    What is fee simple, fee tail and how created? What is intestate succession?
24. Life Estate, Defeasible Estates
   What is a life estate? What types of defeasible estates are there?

25. Future Interests
   What are future interests, types, and in whose interest?

26. Executory Interests, Trusts
   What are equitable interests in land? What is a use? What is a trust?

27. Marketability Rules- Shelley’s Case, Worthier Title
   What are special rules relating to conveyancing to heirs, the Rule in Shelley’s Case, the Doctrine of Worthier Title?

28. The Rule Against Perpetuities
   What is the Rule Against Perpetuities, how does it operate, what is its purpose?

29. Co-ownership- Joint Tenants and Tenants in Common
   What is a joint tenancy? What is a tenancy in common?

30. Relations Among Co-Owners
   What are the rights/duties between co-owners?

31. Servitudes
   What non-possessory rights are incidental to ownership of land?

32. Easements
   What are easements and licenses? How are they created, transferred, and terminated?

33. Easements by Necessity/Prescription/Public Trust
   What are easements by necessity, by prescription? What is the public trust doctrine?

34. Assignability and Scope of Easements
   Are easements assignable? What is their scope?

35. Termination of Easements
   How are easements terminated?

36. Negative Easements/Real Covenants/Equitable Servitudes
   What are negative easements, real covenants, and equitable servitudes?

37. Creation of Covenants Running with the Land
   What are "covenants running with the land," and how are they created?
38. Scope/Termination of Covenants
What is the scope of covenants and how are they terminated?

39. Common Interest Communities
What are condominiums and co-ops? How are they regulated?

IV. FINAL EXAMINATION INSTRUCTIONS

This is a closed book, essay examination.

You have four continuous hours to complete this examination.

Professor Mitchell F. Crusto Thursday, December 7, 2006

INSTRUCTIONS:

1. Use the "Crusto analogical and deductive legal analysis method" ("Crusto IRAC") to answer all questions: topic, sources of law, issues, rules (and authority), rationale, applications, answers, and comment; except where indicated otherwise.

2. Where indicated not to use the Crusto IRAC, answer each question with an issue, a rule and authority, and an answer only.

3. Answer the following utilizing as legal authority the material/cases found in the Dukeminier casebook, and any material handed out in class.

4. Please apply the facts as presented. You should not find it necessary to assume additional facts in any question. If you choose to assume additional facts, please state the additional facts that you are adding and state your reason(s) for adding them.

5. Answer each question in order, and number your answer to correspond to the question.

6. Do not repeat the call of the question in your answer. You can repeat facts in your answer.

7. Time given after each question refers to projected time you should allocate to each question.

8. All questions are equally weighted unless otherwise indicated.

9. Write legible, complete answers on only one side of each page or type answers using ExamSoft software on your laptop.

10. Neither the examination nor any material may be removed from the examination room(s) assigned.

11. This examination is subject to the provisions of the Honor Code.
V. **Final Examination Focus**

1. There will be nine (9) questions. Seven of the questions require the full “Crusto IRAC” answers. Two of the questions will require that for each sub-question, you provide an issue, a rule and authority, and an answer. (These two “shorter styled” questions will be clearly noted.)

2. There will be two questions on landlord-tenant law, one question on estates including defeasible estates, one question on executory interests, one question on rule furthering marketability, one question on the Rule Against Perpetuities, one question on co-ownership, and two questions on servitudes.

3. There will be no questions on find, bailment, adverse possession, bona fide purchaser, and gift, discovery, feudalism, people as property and property in one’s person.