

## ASSIGNMENTS

**NOTE: PLEASE READ THE FOOTNOTES ON THIS SYLLABUS.**

### Class 1

Monday

Jan. 4

## I. INTRODUCTORY

### A. CONCEPT OF PROPERTY

Singer xxv-xxvii & Ch. 1 (22 pp.)<sup>1</sup>

Problem 1<sup>2</sup>

International News Service v. Associated Press, 248 U.S. 215 (1918)<sup>3</sup>

Cf.<sup>4</sup> Agrarian Justice (Thomas Paine 1797).

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<sup>1</sup> **Singer = Joseph Singer, Property (5th ed. 2017).** The Singer text is dense but clear in laying out the rules of law and the uncertainties, which is why I am assigning it. I believe it will give you a much deeper and more thorough understanding of the law of property than will simply reading a series of cases. Worry about the footnotes only insofar as needed to understand the text. After doing a “timed” careful reading of many of the sections, I have adopted a rule of thumb that it takes me about an hour for every 18-20 pages assigned in Singer. I am expecting 2 hours of reading for each hour of class time. Since we have an 80 minute class, that is 2 2/3 hours of homework, which I round down to 2.5 hours, which translates to about 45-50 pages in Singer (if I am doing the reading) and if that is all that is assigned. You will see that all of the readings from Singer are much shorter than that. I have dialed back my careful reading speed to something that I think most students can do with time for reflection and notes. (If I assigned the whole book and divided by the number of our classes (37), it averages out at just over 23 pages/class.) Many assignments from Singer are less than 20 pages. Where the Singer material is particularly short, I have added cases or other materials. My objective is to assign you no more than 2.5 hours of homework per class. If you are taking less time than that, you are probably not reading carefully enough. If you are taking much more time than that, you are probably worrying too much about the detail. Remember this is a survey course. In thinking about the length of the reading from Singer, notice that at the beginning of each chapter he has an introductory section that summarizes the detail that follows in the chapter. Some of these intros are quite long. E.g. Ch. 10.1 (6 pp). You might skip reading the introductory section for class and use it to review at the end.

<sup>2</sup> Problems will be found on the Canvas page on the page for “Required Course Materials”.

<sup>3</sup> You can read assigned cases on westlaw or lexis or any other source of your choice. For your convenience I have compiled all of them into a Course Supplement (CS) that I plan to circulate to you all electronically. A copy will also be uploaded to the Canvas site on the “Required Course Materials” Page. Some of the non-case materials assigned are also in the CS and I have shown this on the syllabus as “CS”).

<sup>4</sup> **I have designated a number of items in the syllabus by the prefix “cf.” This means that they are not required, but they are relevant and useful if you have time to read them.** This particular essay by Thomas Paine can be found on the website under Supplemental Materials of Interest. For those interested, I have also posted there a collection of other theoretical materials on Property. Where cases, statutes, or regulations are designated by a “Cf.” and highlighted, and therefore not required, I have generally not included them in the Supplement or on the webpage, but presume you can find them if you want.

## **Class 2**

Tuesday

Jan 5

### **B. HISTORICAL ORIGINS OF PROPERTY IN AMERICA**

#### **1. INDIGENOUS PROPERTY RIGHTS**

Cohen's Handbook of Federal Indian Law (Ch. 15)(excerpts)(CS)

Johnson v. M'Intosh, 21 U.S. 543 (1823)

McGirt v. Oklahoma, 140 S.Ct. 2452 (2020)(ed)

## **Class 3**

Wednesday

Jan 6

### **B. HISTORICAL ORIGINS OF PROPERTY IN AMERICA**

#### **2. SLAVERY & THE LAW OF PROPERTY**

African Slavery in America (1775)(CS)

Dred Scott v. Sanford, 60 U.S. 393 (1857) (Excerpts)(11 pp)<sup>5</sup>

U.S. Con. Amends 13&14

Civil Rights Act of 1866 (Section 1)<sup>6</sup>

Shelley v. Kraemer, 334 U.S. 1 (1948)

The Color of Law (2017)(Preface)

Berry Poem

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<sup>5</sup> I am asking you only to read a massively edited portion of the Dred Scott decision, and of one of the dissenting Justices. The edited version can be found in Course Supplement. The full case is hotlinked on this syllabus and the table of contents if you want to explore more of it.

<sup>6</sup> Required Course Materials. Where a required reading is not in the Course Supplement and is not a current statute or case or case easily found on Westlaw, I have tried to upload it to the Canvas page called Required Course Materials. If you don't find it there, check the section called "Supplemental Materials." If you can't find it either place, please contact me.

Problem 3

Ta-Nehisi Coates: The Case for Reparations (2014)

David Frum: The Impossibility of Reparations (2014)

## **Class 4**

Thursday

Jan 7

### **D. HISTORICAL ORIGINS OF PROPERTY IN AMERICA**

#### **3. GENDER, MARRIAGE AND PROPERTY**

Singer Ch. 9.1-9.6 (29pp)

RCW 26.16.010-.030, 26.16.200, .220-.230

Connell v. Francisco, 127 Wn.2d 339 (1995)

Problem 4

Connected Quiz 4<sup>7</sup>

## **Class 5**

Monday

Jan. 11

### **C. PERSONAL PROPERTY I:**

#### **1. BASIC DISTINCTIONS**

#### **2. CAPTURE**

#### **3. FINDERS**

Singer Ch. 16.1-16.3 (10 pp)

Problem 5

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<sup>7</sup> Connected Quizzes are to be taken after we finish the related class and before midnight of that class day.

Brown on Personal Property (1955) Ch. 1, §7.<sup>8</sup>

In re Oakley, 344 F.3d 709 (7th Cir. 2003)

Popov v. Hayashi, 2002 WL 31833731 (CA Superior Ct)

Benjamin v. Lindner Aviation, Inc., 534 N.W.2d 400 (Iowa 1995)

RCW 63.21.010-.080

Treasure Hunting: A Case Study<sup>9</sup>

Connected Quiz 5

## **Class 6**

Tuesday

Jan. 12

### **C. PERSONAL PROPERTY II:**

#### **1. ACCESSION**

#### **2. BAILMENTS**

#### **3. GOOD FAITH PURCHASERS**

#### **4. BODIES**

Singer Ch. 16.5- 16.9 (9 pp.)

Problem 6

Meyers v. Gerhart, 54 Wash. 657 (1913)

RCW 62A.2-403

Heinrich v. Titus-Will Sales, Inc., 73 Wash. App. 147 (1994)

Moore v. Regents of Univ. of California, 51 Cal. 3d 120, 134–48 & 153–60 (1990)

Connected Quiz 6

## **Class 7**

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<sup>8</sup> Required Course Materials

<sup>9</sup> Course Supplement

Wednesday

Jan 13

## **C. PERSONAL PROPERTY**

### **III: INTELLECTUAL PROPERTY**

#### **1. COPYRIGHT**

#### **2. PUBLICITY RIGHTS**

#### **3. MORAL RIGHTS**

#### **4. CULTURAL PROPERTY**

Singer 17.1-17.2, 17.6-17.9 (13 pp)

Problem 7

Suntrust Bank v. Houghton Mifflin Co., 268 F.3d 1257 (11th Cir. 2001)

Midler v. Ford, 849 F.2d 460 (9th Cir. 1988)

White v. Samsung Elecs. Am., Inc., 989 F.2d 1512 (9th Cir. 1993) (Kozinski dissent from court's refusal to hear en banc).

RCW 63.60.010-.080

Cf. The Hebrew University of Jerusalem v. General Motors LLC, 903 F.Supp.2d 932 (CD Cal 2012).

### **Class 8**

Thursday

Jan 14

## **D. DONATIVE TRANSFERS**

### **1. GIFTS AT DEATH**

Singer Ch. 9.7 (6 pp)

*RCW 11.02.005(13), 11.04.015*

*RCW 11.12.010-.020,*

*In re Estate of Kuralt, 303 Mont. 335 (2000)*

*Hecht v. Superior Court, 50 Cal. App. 4th 1289, 59 Cal. Rptr. 2d 222, 223–29 (1996)(ed.)<sup>10</sup>*

## **Problem 8**

## **Connected Quiz 8**

## **Class 9**

Tuesday

Jan. 19

## **2. GIFTS DURING LIFE**

Singer Ch. 16.4 (4 pp),

Singer Ch. 11.4.1.2 (4 pp)

*Gruen v. Gruen, 496 NE2d 869 (NY 1986)*

*In re Estate of Lamplough, 270 Neb. 941 (2006)*

*Walton v. Snow, 2014 WL 820579 (Del. Com. Pl. 2014)*

*Scherer v. Hyland, 75 N.J. 127 (1977)*

*RCW 64.28.010; RCW 30A.22.050, .090, .100, .140; RCW 11.02.091*

## **Problem 9**

## **Class 10**

Wednesday

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<sup>10</sup> I have edited the 1996 Hecht decision shown by inserting an important piece from an earlier 1993 decision. The edited version is contained in Course Supplement.

Jan. 20

## **II. RIGHTS WITH RESPECT TO PROPERTY**

### **A. RIGHT TO EXCLUDE & TRESPASS**

#### **1. HORIZONTAL PROPERTY RIGHTS**

#### **2. VERTICAL PROPERTY RIGHTS**

#### **3. TRESPASS TO CHATTELS**

Singer Ch. 2.1-2.5, 2.9 (23 pp)

Western Turf Assoc. v. Greenberg, 204 U.S. 359 (1907)

Proctor v. Huntington, 169 Wn. 2d 491 (2010)

Chance v. BP Chemicals, Inc., 77 Ohio St.3d 17 (1996)

Problem 10

Connected Quiz 10

## **Class 11**

Thursday

Jan. 21

### **B. PUBLIC ACCOMMODATION LAW**

Singer Ch. 2.6 (omitting subsections on “Pre-and Postcontract Discrimination” and “Does section 1981 regulate private clubs?” (pp. 59-middle of page- 64)(23 pp)

State v. Arlene’s Flowers, Inc., 193 Wn.2d 469, 481-92 (2019)(11 pp only)

RCW 49.60.215

Problem 11

## **Class 12**

Monday

Jan. 25

### **C. FREE SPEECH ACCESS**

### **D. PUBLIC TRUST DOCTRINE**

Singer Ch. 2.7-2.8 (15 pp)

PruneYard Shopping Ctr. v. Robins, 447 U.S. 74 (1980)

Matthews v. Bay Head Imp. Ass'n, 95 N.J. 306 (1984)

Problem 12

## **Class 13**

Tuesday

Jan. 26

### **III. RELATIONSHIPS AMONG NEIGHBORS**

#### **A. NUISANCE**

Singer 3.1-3.2 (25 pp)

Boomer et al v. Atlantic Cement Co., Inc., 26 N.Y.2d 219 (1970)

Adams v. Cleveland-Cliffs Iron Co., 602 N.W.2d 215 (Mich.App. 1999).

Cf. Bradley v. Am. Smelting & Ref. Co., 104 Wn.2d 677 (1985); Bradley v. Am. Smelting & Ref. Co., 635 F.Supp. 1154 (W.D.WA. 1986)

Problem 13

Connected Quiz 13

## **Class 14**

Wednesday

Jan. 27

#### **A. NUISANCE (CONT'D)**



## **1. WATER**

## **2. SUPPORT**

## **3. LIGHT & AIR**

Singer 3.3-3.6 (15 pp)

Sipriano v. Great Spring Waters of America, 1 S.W.3d 75 (Tex. 1999)

Klebs v. Yim, 54 Wn. App. 41 (1989)

Prah v. Maretti, 321 N.W.2d. 182 (Wis. 1982)

Problem 14

Connected Quiz 14

## **Class 15**

Thursday

Jan. 28

## **B. ADVERSE POSSESSION**

Singer Ch. 4.1-4.3 (22 pp.)

Howard v. Kunto, 3 Wn. App. 393 (1970)

Mannillo v. Gorski, 54 N.J. 378 (1969)

RCW 4.16.020, 7.28.070

Problem 15

## **Class 16**

Monday

Feb. 1

## **B. ADVERSE POSSESSION (CONT'D)**

Singer Ch. 4.4-4.8 (12 pp.)

Malella v. Keist, 2011 WL 6916482, 165 Wn.App. 1020 (2011)

Devins v. Borough of Bogota, 124 N.J. 570 (1991)

RCW 4.16.160, 7.28.090

Songbyrd, Inc. v. Estate of Grossman, 206 F.3d 172 (2d Cir. 2000)(Facts & III only).

O'Keeffe v. Snyder, 83 N.J. 478 (1980)(edited version in Course Materials).

Problem 16

Connected Quiz 16

## **Class 17**

Tuesday

Feb. 2

## **MIDTERM ASSESSMENT**

Practice Exam

Review

## **Class 18**

Wed

Feb. 3

## **C. LICENSES & EASEMENTS**

### **1. IMPLIED EASEMENTS**

Singer Ch. 5.1-5.4 (31 pp)

Van Sandt v. Royster, 148 Kan. 495 (1938)

RCW 8.24.010, .030

Problem 18

Connected Quiz 18

## **Class 19**

Thursday

Feb. 4

### **2. EXPRESS EASEMENTS**

Singer Ch. 5.5-5.6 (17 pp)

Brown v. Voss, 105 Wn. 2d 366 (1986)

Willard v. First Church of Christ, Scientist, 7 Cal. 3d 473 (1972)

Marcus Cable Associates, L.P. v. Krohn, 90 S.W.3d 697 (Tex. 2002)

Problem 19

Connected Quiz 19

## **Class 20**

Monday

Feb. 8

### **D. COVENANTS**

Singer Ch. 6.1-6.2 (28pp)

Problem 20

Connected Quiz 20

## **Class 21**

Tuesday

Feb. 9

### **D. COVENANTS (CONT'D)**

Singer Ch. 6.3-6.5 (17 pp.)

Forster v. Hall, 265 Va. 293 (2003)

Problem 21

Connected Quiz 21

## **Class 22**

Wednesday

Feb. 10

### **D. COVENANTS (CONT'D)**

Singer Ch. 6.6-6.8 (28 pp)

Problem 22

Connected Quiz 22

## **Class 23**

Thursday

Feb.11

### **E. COMMON INTEREST COMMUNITIES**

Singer Ch. 8.5 (13pp)

Wilkinson v. Chiwawa Communities Assoc., 180 Wn.2d 241 (2014)(majority opinion, thru section II only); skim dissents.

Problem 23

Connected Quiz 23

## **Class 24**

Tuesday

Feb. 16

### **IV. COMMON OWNERSHIP**

#### **A. PRESENT & FUTURE ESTATES**

Singer Ch. 7.1-7.6 (23 pp)

Problem 24

Connected Quiz 24

## **Class 25**

Wednesday

Feb. 17

### **A. RULE AGAINST PERPETUITIES AND OTHER REGULATORY RULES**

Singer Ch. 7.7 (22 pp)

RCW 11.98.130 & .150

Problem 25

Cf. *In re Lee's Estate*, 49 Wn. 2d 254 (1956)

Connected Quiz 25

## **Class 26**

Thursday

Feb. 18

### **B. CO-TENANCIES**

Singer Ch. 8.1-8.4, Ch. 4.4.4. (22 pp.)

RCW 64.28.010-.040

RCW 30A.22.040, .041, .090, .100.

*Sawada v. Endo*, 57 Haw. 608 (1977)

Problem 26

Connected Quiz 26

## **Class 27**

Monday

Feb. 22

### **V. MARKET FOR SHELTER**

#### **A. LEASEHOLDS**

Singer Ch. 10.1, 10.3-10.4 (30pp)

Cf. Singer Ch. 10.2

Problem 27

Connected Quiz 27

## **Class 28**

Tuesday

Feb. 23

#### **A. LEASEHOLDS (CONT'D)**

Singer Ch. 10.5-10.7.2 (26pp)

RCW 59.18.040, .060, .090, .100, .110, .115, .130, & .200.

Problem 28

Connected Quiz 28

## **Class 29**

Wednesday

Feb. 24

### **B. REAL ESTATE TRANSACTIONS**

#### **1. BROKERS**

#### **2. PURCHASE & SALES CONTRACTS**

Singer Ch. 11.1-11.3.7 (omit pp. 522-25 on “Title by Adverse Possession” and section 11.3.6 (p. 531))( 29pp)

Problem 29

Connected Quiz 29

## **Class 30**

Thursday

Feb. 25

## **B. REAL ESTATE TRANSACTIONS (CONT'D)**

### **3. DEEDS AND TITLE PROTECTION**

Singer Ch. 11.4 (26pp.)

How to Conduct a Title Search

Recording Act Problems

Problem 30

Connected Quiz 30

### **4. REAL ESTATE FINANCE**

Real Estate Finance Overview (2 pp)(background only)

REF Quiz (Optional)

## **Class 31**

Monday

March 1

## **C. FAIR HOUSING LAW**

Singer Ch. 12.1-12.3 (31pp)

Cf. Fair Housing Council of San Fernando Valley v. Roommate.com, LLC, 666 F.3d 1216 (9th Cir 2012)

Problem 31

## **Class 32**

Tuesday

March 2

### **C. FAIR HOUSING LAW (CONT'D)**

Singer Ch. 12.4-12.9.3 (29pp)

Problem 32

Connected Quiz 32

## **Class 33**

Wednesday

March 3

### **VI. LAND USE REGULATION**

Singer Ch. 13.1-13.3.2; 13.4-13.7 (29 pp)

Problem 33

Connected Quiz 33

## **Class 34**



Thursday

March 4

## **VII. EMINENT DOMAIN & REGULATORY TAKING**

### **A. PUBLIC USE REQUIREMENT, STATE LEGISLATION AND THE UNIQUE LAW FOR NATIVE AMERICANS**

Singer Ch. 14.7-14.10 & 15.4.1-15.4.2 (23 pp)

Problem 34

Connected Quiz 34

### **Class 35**

Monday

March 8

### **B. GENERAL BALANCING TEST**

Singer Ch. 14.2.3, 14.4-14.6 (25pp)

Penn Cent. Transp. Co. v. City of N.Y., 438 U.S. 104 (1978)

Problem 35

Connected Quiz 35

### **Classes 36-37**

Tuesday & Wednesday

March 9-10

### **C. CATEGORICAL TAKINGS**

Singer Ch. 14.3 (36pp)

Cf. Pascoag Reservoir & Dam, LLC v. Rhode Island, 217 F. Supp. 2d 206 (D.R.I. 2002)  
(Background and Takings Analysis only)

Problem 36

Connected Quiz 36