

Property

In this subject, CALI has Lessons, Podcasts and eLangdell Press Texts. There are also Casebook Correlations and CALI Topic Grids available on the CALI website to aid you in assigning lessons.

CALI Lessons:

Adverse Possession: An Introductory Lesson

This lesson provides an introductory overview of the law of adverse possession, and lays a foundation for the succeeding lessons that focus upon specific portions of the adverse possession doctrine. This lesson includes: an explanation of the historical origins of adverse possession doctrine; an explanation of the policy justifications for modern adverse possession law; a brief discussion of the elements required to establish title by adverse possession at common law, as well as under typical modern statutory reforms; and a discussion of the basic mechanics of the adverse possession doctrine (including types of claims, i.e., claims with and without color of title; the role of adverse possession as a statute of limitation upon possessory actions; and the quality of title obtained by adverse possession).

Lesson Completion Time: 35 minutes

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Adverse Possession: Color of Title and Constructive Adverse Possession

This lesson focuses upon the concept of "color of title" and the role that it plays in the resolution of adverse possession disputes. The lesson should assist students in understanding: the distinction between claims of possession with color of title and without color of title; the significance of color of title as a basis (in some states) for shortening the statutory period for adverse possession; and the significance of color of title as a prerequisite for a claim of title by constructive adverse possession.

Lesson Completion Time: 45 minutes

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Adverse Possession: Continuous and Exclusive Possession for the Statutory Period

This lesson focuses upon the requirements that claims of adverse possession must be exclusive and continuous (without interruption) for the applicable statutory period. This lesson should assist students to understand the following: the rationales behind these requirements and how they relate to the other elements of the common law adverse possession rule; how to distinguish "exclusive" possession from "nonexclusive" possession; what conduct by the possessor or the true owner is sufficient to interrupt the continuity of possession; the extent to which successive periods of adverse possession may be "tacked" together to satisfy the applicable statutory period; and the extent to which the applicable statutory period may be "tolled" (thereby preventing the statutory period from running against the true owner).

Lesson Completion Time: 1 hour

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Adverse Possession: Hostile Possession or Possession Under Claim of Right

This lesson focuses upon the requirement that an adverse possession claim must be based upon possession that is sufficiently "hostile" and "under claim of right." This lesson addresses the following topics: the rationale behind the "hostile/under claim of right" requirement and how it relates to the other elements of the common law adverse possession rule; the significance of "permission to occupy land" under adverse possession doctrine, and how to distinguish between permissive and hostile claims; and the legal standards by which differing courts have evaluated the hostility of a possessor's claim, either by reference to the possessor's actions (objectively), or state of mind (subjectively).

Lesson Completion Time: 50 minutes

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Adverse Possession: Open and Notorious Possession

This lesson focuses upon the requirement that an adverse possession claim must be based upon possession that is sufficiently "open and notorious." The lesson discusses the rationale behind the "open and notorious" requirement and the way in which the "open and notorious" requirement relates to the other elements of the common law adverse possession rule. The lesson includes problems designed to test student understanding of this element in a variety of different factual settings, including "open lands" (large, unenclosed parcels of land not suitable for cultivation or development), subsurface rights, and minor boundary line encroachments.

Lesson Completion Time: 1 hour

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Adverse Possession: Related Doctrines

This lesson focuses upon a number of doctrines that are closely related to adverse possession of land. It includes a discussion of the following doctrines: agreed boundaries; mutual recognition and acquiescence; estoppel; good faith improvement; and the extent to which one can establish title to chattels by adverse possession (or by the operation of finding statutes). The lesson is in "lecturette" format. Each doctrine is introduced with a brief, slide-accompanied lecture introduction, and the lesson concludes with a series of review questions designed to reinforce student understanding of the material introduced in the lecturette.

Lesson Completion Time: 40 minutes

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Adverse Possession: Review Questions

This lesson concludes the set of lessons on adverse possession with a series of review questions (including true-false, multiple choice, and essay questions) to test overall student understanding of the various elements of the adverse possession standard, as explored in the earlier lessons. This lesson may prove most helpful to students when reviewing the doctrine of adverse possession as part of their exam preparation.

Lesson Completion Time: 1.25 hours

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Basic Future Interests

Basic Future Interests is a follow-up tutorial exercise to The Estate System. It deals with the two major classes of future interests, those retained by transferors and those created in third persons. Emphasis is given to distinguishing among the various kinds of vested remainders and contingent remainders, as well as to distinguishing between remainders and executory interests.

These lessons also provide the primary treatment of the defeasible fee simple estates, with emphasis on the future interests that tailor them.

This lesson is broken into 10 separate parts available separately:

- Lesson 1: The Concept of "Future Interest"
- Lesson 2: The Defeasible Estates and Their Future Interests
- Lesson 3: Fee Simple Determinable (and Possibilities of Reverter)
- Lesson 4: Fee Simple on Condition Subsequent (and Rights of Re-entry)
- Lesson 5: Fee Simple On Executory Limitation (and Executory Interests)
- Lesson 6: Reversions
- Lesson 7: Remainders
- Lesson 8: Kinds of Vested and Contingent Remainders
- Lesson 9: Executory Interests
- Lesson 10: Identifying Remainders and Executory Interests

Lesson Completion Time: 3 hours

Author: John Humbach, Professor of Law, Pace University School of Law

Coase's Irrelevance 'Theorem'

This lesson tries to explain Coasean irrelevance (which is often known as the "Coase Theorem").

Lesson Completion Time: 45 minutes to 3 hours

Author: Nicholas Georgakopoulos, Harold R. Woodard Professor of Law, Indiana University - Indianapolis School of Law

Contract for Purchase and Sale 1: Formation and Terms

This exercise is designed as an introduction for first year Property students to the basic concepts involved in a traditional contract used in a standard real estate transaction.

Lesson Completion Time: 30-40 minutes

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Contract for Purchase and Sale 2: Remedies and the Merger Doctrine

This is the second lesson of two designed to introduce the first year law student to the basic concepts involved in a contract for the purchase and sale of real estate.

This lesson is merely a basic introduction to prepare students for a traditional Property class. Therefore, one should not assume that this lesson would enable one to represent oneself or assist another in preparing or examining real estate contracts. Additional law school courses such as Real Estate Finance, Real Property Closing Workshop and the like, along with passing the bar exam, are needed before engaging in such responsibilities.

Furthermore, this lesson presumes the user has completed the first lesson, Contract for Purchase and Sale: Formation and Terms, before using this one.

Lesson Completion Time: 30-40 minutes

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Covenants of Title and Types of Deeds

This lesson is designed to teach a student about the various types of covenants of title in deeds and the different types of deeds arising from the covenants they contain. Students who are unfamiliar with real covenants are advised to review the CALI lessons related to real covenants before trying this lesson.

Lesson Completion Time: 45 minutes

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Covenants, Equitable Servitudes and Restrictions 1: Creation

As with many areas of the law, especially the more complicated ones, there is more than one way to analyze a problem. Law students and attorneys regularly find the study of real covenants and equitable servitudes to be extremely difficult. Casebooks and hornbooks often address more than one topic at a time when dealing with legal materials.

In contrast, to facilitate students' learning and understanding, the series of lessons on real covenants and equitable servitudes provides an approach which breaks the study into more discreet, digestible components. This will not replace the traditional analysis regarding real covenants and servitudes. Rather, by mastering the lessons, students will be better able to understand traditional covenants analyses.

This tutorial is the first in a series of interactive tutorials written to assist the first year law student with a basic introduction to analyzing real covenants, equitable servitudes and similar use restrictions applied to real property. Once the student successfully completes the current lesson, he or she may later use the series of questions throughout this lesson as a preliminary review for a final examination. Also, the student will benefit more from these materials after having successfully completed the exercises addressing easements.

Lesson Completion Time: 30-40 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Covenants, Equitable Servitudes and Restrictions 2: Determining the Validity and Scope

This lesson is designed to assist the first year Property student with analyzing the numerous potential questions arising when one encounters a real covenant or equitable servitude. The lesson addresses the questions of what might make a validly created covenant or equitable servitude invalid or unenforceable and what factors influence whether a restriction applies to offending conduct.

This tutorial is the second in a series of lessons. To get the maximum benefit of CALI's alternative approach, before using this exercise, students should first complete the lesson on Covenants and Equitable Servitudes: Creation.

As with many areas of the law, especially the more complicated ones, there is more than one way to analyze a problem. Law students and attorneys regularly find the study of real covenants and equitable servitudes to be extremely difficult.

Casebooks and hornbooks often address more than one topic at a time when dealing with topics. In contrast, to facilitate students' learning and understanding, this series of lessons on real covenants and equitable servitudes provides an approach which breaks the study into more discreet, digestible components. This will not replace the traditional analysis regarding real covenants and servitudes. Rather, by mastering the lessons, students will be better able to understand traditional covenants analyses.

Lesson Completion Time: 30 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Covenants, Equitable Servitudes and Restrictions 3: Who Has the Right to Enforce Covenants and Equitable Servitudes?

This lesson is designed to assist the first year Property student in analyzing the various questions arising from one's attempting to enforce real covenants and equitable servitudes. It follows in the order of the analytical process developed in the lesson on creating covenants and addresses the question "What is required for one to be able to enforce a real covenant, equitable servitude or restriction?"

This tutorial is the third in a series of lessons. To get the maximum benefit of CALI's alternative approach, before using this exercise, students should complete the following lessons in order: Covenants, Equitable Servitudes and Restrictions: Creation and Covenants, Equitable Servitudes and Restrictions: Determining Their Validity and Scope.

As with many areas of the law, especially the more complicated ones, there is more than one way to analyze a problem. Law students and attorneys regularly find the study of real covenants and equitable servitudes to be extremely difficult.

Casebooks and hornbooks often address more than one topic at a time when dealing with topics. In contrast, to facilitate students' learning and understanding, this series of lessons on real covenants and equitable servitudes provides an approach which breaks the study into more discreet, digestible components. This will not replace the traditional analysis regarding real covenants and servitudes. Rather, by mastering these lessons, students will be better able to understand traditional covenants analyses.

Lesson Completion Time: 30-40 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Covenants, Equitable Servitudes and Restrictions 4: Against Whom May One Enforce the Promise?

This lesson is designed to assist the first year Property student in analyzing the various questions arising from one's attempting to enforce real covenants and equitable servitudes. It follows in the order of the analytical process developed in the lesson on creating covenants and addresses the question "Under what circumstances might one who is not the original promisor be liable for not performing the promise?"

This tutorial is only the fourth in a series of lessons. To get the maximum benefit of CALI's alternative approach, before using this exercise, students should complete the following lessons in order: Covenants, Equitable Servitudes and Restrictions: Creation; Covenants, Equitable Servitudes and Restrictions: Determining Their Validity and Scope;

and Covenants, Equitable Servitudes and Restrictions: Who Has the Right to Enforce Covenants and Equitable Servitudes?

As with many areas of the law, especially the more complicated ones, there is more than one way to analyze a problem. Law students and attorneys regularly find the study of real covenants and equitable servitudes to be extremely difficult. Casebooks and hornbooks often address more than one topic at a time when dealing with topics.

In contrast, to facilitate students' learning and understanding, CALI's series of lessons on real covenants and equitable servitudes provides an approach which breaks the study into more discreet, digestible components. This will not replace the traditional analysis regarding real covenants and servitudes. Rather, by mastering the CALI lessons, students will be better able to understand traditional covenants analyses.

Lesson Completion Time: 45-60 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Covenants, Equitable Servitudes and Restrictions 5: Defenses to Enforcement

This lesson is designed to assist the first year Property student in analyzing the various questions arising from one's attempting to enforce real covenants and equitable servitudes. It follows in the order of the analytical process developed in the lesson on creating covenants and addresses the question "What defenses might be available to one against whom another is attempting to enforce a real covenant, equitable servitude or restriction?"

This tutorial is the fifth and final tutorial in a series of lessons. To get the maximum benefit of CALI's alternative approach, before using this exercise, students should complete the following lessons in order: Covenants, Equitable Servitudes and Restrictions: Creation, Covenants, Equitable Servitudes and Restrictions: Determining Their Validity and Scope, and Covenants and Equitable Servitudes: Who Has the Right to Enforce Covenants and Equitable Servitudes?

As with many areas of the law, especially the more complicated ones, there is more than one way to analyze a problem. Law students and attorneys regularly find the study of real covenants and equitable servitudes to be extremely difficult. Casebooks and hornbooks often address more than one topic at a time when dealing with legal issues. In contrast, to facilitate students' learning and understanding, CALI's series of lessons on real covenants and equitable servitudes provides an approach which breaks the study into more discreet, digestible components. This will not replace the traditional analysis regarding real covenants and servitudes. Rather, by mastering the CALI lessons, students will be better able to understand traditional covenants analyses.

Lesson Completion Time: 1.5 hours

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Distinction Between Real Property and Personal Property

This lesson provides an introductory overview of the distinction between real property and personal property, including the historic origins of the distinction, the consequences of attaching things to land and severing things from land, the significance of fixtures, and examples of intangible property classified as real or personal property.

Lesson Completion Time: 15 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Easements Appurtenant and in Gross

This lesson examines the distinction between easements appurtenant (easements that exist to benefit another parcel of land) and easements in gross (easements that benefit an individual or business entity without regard to his or its ownership of land).

Lesson Completion Time: 25 minutes

Author: Patricia Reyhan, Professor of Law, Albany Law School

Easements Defined

This lesson introduces the law of easements by describing the typical scenario in which the need for an easement arises, examining alternatives to the creation of an easement, offering a legal definition of an easement, and summarizing the key sub-issues that arise in this legal area.

Lesson Completion Time: 25 minutes

Author: Patricia Reyhan, Professor of Law, Albany Law School

Easements Implied from Prior Existing Use

This lesson examines the circumstances under which the law will imply an easement from prior existing use of the dominant and servient parcels. Each of the required elements for such implication: common ownership, prior use, severance and reasonable necessity are addressed specifically. The lesson also describes the different burden imposed when the common owner claims the benefit of the easement from that imposed when the grantee claims that benefit.

Lesson Completion Time: 50 minutes

Author: Patricia Reyhan, Professor of Law, Albany Law School

Equitable Remedies - An Overview

This exercise gives a basic overview of the types of equitable remedies. You need not have read any particular materials or taken any particular law school courses in order to complete the tutorial. It can be used to provide background in your courses where equity is especially relevant or to review the types of equitable remedies for use in a remedies course. The lesson will not examine doctrines of substantive equity (other than to note their existence) nor will the lesson explore the prerequisites for obtaining, defending against, or enforcing equitable remedies. Rather, the lesson is designed to introduce you to the basic vocabulary of equitable remedies.

Lesson Completion Time: 45 minutes

Author: Barbara Glesner Fines, Associate Dean & Rubey M. Hulen Professor of Law, University of Missouri - Kansas City School of Law

Estate in Fee Tail

This lesson will introduce students to the estate in fee tail, one of the traditional estate in land recognized by Anglo-American Law. While the fee tail has been abolished in most American jurisdictions, it continues to be recognized in modified form in a few states. Understanding the fee tail will give you a better understanding of the system of estates in land as a whole. This lesson will describe: the characteristics of the traditional fee tail; the characteristics of the fee tail in those states which continue to recognize it today; and the treatment under modern statutes of attempts to create a fee tail in states which no longer recognize that estate.

Lesson Completion Time: 50 minutes

Author: Robert Steinfeld, Professor of Law, State University of New York - Buffalo School of Law

Express Easements

This lesson introduces the student to the most common type of easement, the express easement. When we speak of an express easement we mean an easement that is voluntarily created by the parties to it. Express easements are to be contrasted with easements that are implied by law. Implied easements are the subject of another lesson.

Lesson Completion Time: 30 minutes

Author: Patricia Reyhan, Professor of Law, Albany Law School

Fee Simple Absolute

In the Anglo-American legal system land is not owned directly. Rather, people own legal interests in land. The reason land is owned in this way goes back to the feudal origins of land holding in England. The fee simple absolute is one of the estates in land, which emerged from that system.

This lesson will help students understand: (1) the legal concept of an estate in land, (2) the legal characteristics of the fee simple absolute, and (3) what is necessary to create a fee simple absolute.

Lesson Completion Time: 45 minutes

Author: Robert Steinfeld, Professor of Law, State University of New York - Buffalo School of Law

Financing Real Estate Transactions: A Basic Introduction

This exercise is designed as a basic introduction for the first year law student to the fundamental principles involved in real estate financing, including mortgages, deeds of trust and installment land sales contracts. However, real estate financing is a complicated topic and best dealt with in an upper division Real Estate Finance class. So, this interactive tutorial will not complete the topic, except as typically addressed in a first year Property class.

Lesson Completion Time: 30 minutes

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Future Interest Rules

This lesson reviews the key aspects of the Merger Rule, the Rule in Shelley's Case and the Doctrine of Worthier Title. These three rules transform future interests in certain types of conveyances and should be learned after one has mastered the classification of estates and future interests and before one studies the Rule Against Perpetuities.

Lesson Completion Time: 30 minutes

Author: John Makdisi, Professor of Law, Saint Thomas University School of Law

Gifts I: Inter Vivos Gifts

This lesson addresses inter vivos gifts of property, focusing primarily on personal property (but with a brief discussion of inter vivos gifts of land). The lesson explores the function of the various requirements (donative intent, delivery, and acceptance) for a valid inter vivos gift and the policies implicated by the law of gifts. The lesson includes a wide variety of problems designed to test student understanding of the rules governing inter vivos gifts.

Lesson Completion Time: 55 minutes

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Gifts II: Testamentary Gifts, Causa Mortis Gifts and Gifts of Future Interests

This lesson follows up and builds upon the material in the lesson on Inter Vivos Gifts, but focuses instead upon transfers at death or in anticipation of death. The lesson should help students to understand the following: the requirements necessary for an effective testamentary or causa mortis gift; the functions these requirements serve; the policies implicated by the law of gifts made at death or in anticipation of death; the extent to which the donor may make an inter vivos gift of a future interest in property; and how courts have distinguished inter vivos gifts of future interests from testamentary gifts.

Lesson Completion Time: 1.5 hours

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Implied Easements of Necessity

This exercise examines the requirements for implication of an easement of necessity. Implied easements of necessity arise when, as a result of an owner of land transferring

part of his land, either the transferred part or the retained part is landlocked such that the owner of that parcel cannot gain access to it.

Lesson Completion Time: 30 minutes

Author: Patricia Reyhan, Professor of Law, Albany Law School

Interpreting the Language of Conveyances

In property, trusts and estates, or wills students learn a range of technical language for creating estates and interests in land and other property. They have probably prepared themselves to recognize these "magic words" and identify the interests they create. They may even find themselves enjoying this linguistic exercise, feeling as though here, finally, is an area of law in which there are "right" and "wrong" answers.

This exercise is designed to take students beyond those "magic words" to work with conveyances in which the magic words aren't used correctly or do not point to a single, plain meaning: to learn rules for interpreting language that are manipulable, sometimes contradictory, but very important to the task of interpretation; and to recognize the uncertainty in creating and interpreting granting language.

Lesson Completion Time: 1 hour

Author: Barbara Glesner Fines, Associate Dean & Rubey M. Hulen Professor of Law, University of Missouri - Kansas City School of Law

Joint Tenancy

This lesson is the first of several addressing the various relationships resulting in the concurrent ownership of property. It is designed to introduce Property students to this tenancy form. The tutorial progresses from addressing the traditional unities required to create a joint tenancy, the resulting right of survivorship, and the numerous events severing the tenancy. Also, it addresses with the status of joint tenancy under modern statutes.

Lesson Completion Time: 1.75 hours

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Landlord and Tenant: An Introductory Lesson

This lesson provides an introductory overview of landlord-tenant law, including: the historical origins of non-freehold estates; basic vocabulary of landlord-tenant law, including the concept of rent; the significance of leases as a mechanism for gaining the right to use and possess land; and the conveyance and contract theories of landlord-tenant law as alternative approaches for fashioning legal rules.

Lesson Completion Time: 40 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Landlord and Tenant: Constructive Eviction

The lesson in landlord-tenant law addresses the doctrine of constructive eviction. It is assumed that you have a good understanding of the covenant of quiet enjoyment, which is a predicate for the doctrine of constructive eviction. Before doing this lesson, you should study the separate lesson named "Landlord and Tenant: Quiet Enjoyment," unless you are sure that you have a firm grip on the covenant of quiet enjoyment, actual evictions, and remedies for breach of quiet enjoyment.

Lesson Completion Time: 40 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Landlord and Tenant: Delivery of Possession and Title Covenants

This lesson examines the duty of the landlord to deliver possession of the leased premises to the tenant. Courts have split as to whether the landlord has an implied duty to deliver actual physical possession of the property. Express lease provisions that bear on the delivery of possession are also considered. There is also a short discussion of a related topic: covenants of title in leases.

Lesson Completion Time: 40 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Landlord and Tenant: Periodic Tenancy

This lesson in landlord-tenant law addresses the periodic tenancy, also known as the periodic estate. Topics include creation of the periodic tenancy by express agreement, creation by implication, and termination of the periodic tenancy by notice. Hybrid transactions, which combine elements of the periodic tenancy and the term of years, are also considered. A sample essay exam question is included.

Lesson Completion Time: 40 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Landlord and Tenant: Quiet Enjoyment

This lesson in landlord-tenant law addresses the covenant of quiet enjoyment. Topics include use of an express covenant of quiet enjoyment, including variations in wording; implication of the covenant; the scope of the covenant (protection against the landlord; persons claiming through the landlord; and paramount titleholders), actual eviction; and remedies for breach of quiet enjoyment.

Lesson Completion Time: 35 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Landlord and Tenant: Statute of Frauds

This lesson addresses the application of the statute of frauds to leases of real property. Topics include the conveyance and contract provisions of the statute; the contents of the lease document that are required to comply with the statute of frauds; the effect upon the parties when a tenant takes possession under an invalid oral arrangement; the doctrine of part performance; and the statutory exception for short-term leases.

Lesson Completion Time: 40 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Landlord and Tenant: Tenancy at Sufferance (Holdover Tenants)

This lesson in landlord-tenant law addresses the tenancy at sufferance, also known as the estate at sufferance. A tenant at sufferance is also known as a holdover tenant. Topics include: creation of the tenancy at sufferance by express and implied agreement; the liability of the tenant at sufferance for rent and other obligations; and the landlord's choices in treating the tenant at sufferance as a trespasser or as a tenant for a new term.

Lesson Completion Time: 30 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Landlord and Tenant: Tenancy at Will

This tutorial in landlord-tenant law addresses the tenancy at will, also known as the estate at will. Topics include creation of the tenancy at will by express agreement, creation by implication, and termination of the tenancy at will by notice. Hybrid transactions in which one or both parties relinquish or modify their right to terminate at any moment are also considered.

Lesson Completion Time: 35 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Landlord and Tenant: Tenancy for Years

This lesson in landlord-tenant law covers the tenancy for years, also known as the estate for years, term for years, or term of years. The following topics are addressed: limits on the parties' choice as to duration of the term; the requirement that the term have a definite ending date; treatment of a lease to commence in the future; termination of the tenancy for years; and the use of renewal options and terms.

Lesson Completion Time: 45 minutes

Author: James Smith, John Byrd Martin Professor of Law, University of Georgia Law School

Licenses Contrasted: Easements by Estoppel

This lesson examines the law of licenses, specifically as that law intersects the law of easements. The lesson first defines licenses and contrasts that definition with the definition of easements. It then explores the circumstances in which a license, normally revocable, becomes irrevocable and explains that an irrevocable license essentially gives the parties the same rights and duties as an easement would.

Lesson Completion Time: 20 minutes

Author: Patricia Reyhan, Professor of Law, Albany Law School

Life Estate

This lesson will examine the life estate, the shortest freehold estate in land recognized by Anglo-American law. This lesson covers: the definition of the life estate; how the life estate is created along with associated problems; and legal characteristics of the life estate, including the complex legal relationship of the owner of a life estate to the holders of future interests in the land following the life estate.

Lesson Completion Time: 40 minutes

Author: Robert Steinfeld, Professor of Law, State University of New York - Buffalo School of Law

Marketable Title Acts and Marketable Record Title Acts

This lesson teaches you about the operation of Marketable Title Acts which are also known as Marketable Record Title Acts. The focus is on statutes based on the Model Act. You should already be familiar with recording acts before attempting this lesson.

Lesson Completion Time: 30 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Mortgages: Theories and Redemption

This lesson lays the foundation for the advanced study of mortgages and financing that is based on the security of mortgage, mortgage variants, and mortgage substitutes.

Lesson Completion Time: 45 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Negative Easements - In Contrast with Affirmative Easements

This lesson examines the four traditional negative easements of air, light, support and access to water from an artificial stream, as well as three modern negative easements: easements of view, solar easements, and conservation easements.

Lesson Completion Time: 25 minutes

Author: Patricia Reyhan, Professor of Law, Albany Law School

Prescriptive Easements

This exercise introduces one of the most significant vehicles for acquisition of an easement without the agreement of the servient landowner. Prescriptive Easements (also known as Easements by Prescription) arise out of open, notorious, adverse and continuous use of another person's land for the statutorily determined period of time. Through this use, a person essentially "adversely possesses" an easement over another's land. This tutorial introduces the user to the significant hurdles that face a claimant of an easement by prescription.

Lesson Completion Time: 20 minutes

Author: Patricia Reyhan, Professor of Law, Albany Law School

Problems in Property Law Series I

This series of three lessons consists chiefly of hypothetical factual situations designed to reinforce the student's skills in applying the major principles and precepts of basic property law. The student is expected to determine the correct answers by reasoning from hypothetical facts through the applicable precepts and principles, rather than merely being able to identify the rules that apply. The program responds to student answers by suggesting, in windows on the screen, reasons which make the correct answers correct and the wrong answers incorrect. Use of these programs is even more effective in discussion groups of two or three, where the reasoning can be aired before answering.

Lesson Completion Time: 2.5 hours

Author: John Humbach, Professor of Law, Pace University School of Law

Problems in Property Law Series II

This series of three lessons consists chiefly of hypothetical factual situations designed to reinforce the student's skills in applying the major principles and precepts of basic property law. The student is expected to determine the correct answers by reasoning from hypothetical facts through the applicable precepts and principles, rather than merely being able to identify the rules that apply. The program responds to student answers by suggesting, in windows on the screen, reasons which make the correct answers correct

and the wrong answers incorrect. Use of these programs is even more effective in discussion groups of two or three, where the reasoning can be aired before answering.

Lesson Completion Time: 2.5 hours

Author: John Humbach, Professor of Law, Pace University School of Law

Problems in Property Law Series III

This series consists chiefly of hypothetical factual situations designed to reinforce the student's skills in applying the major principles and precepts of basic property law. The student is expected to determine the correct answers by reasoning from hypothetical facts through the applicable precepts and principles, rather than merely being able to identify the rules that apply. The program responds to student answers by suggesting, in windows on the screen, reasons which make the correct answers correct and the wrong answers incorrect. Use of these programs is even more effective in discussion groups of two or three, where the reasoning can be aired before answering.

Lesson Completion Time: 2.5 hours

Author: John Humbach, Professor of Law, Pace University School of Law

Real Estate Brokerage Relationships

This lesson will introduce you to real estate brokers and familiarize you with: 1) the traditional relationship between real estate brokers and the parties to real estate transactions; 2) the duties that arise from that relationship; and 3) the effects of the breach of that duty.

Lesson Completion Time: 30 to 45 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Real Estate Brokers 2: Commissions & Types of Listing Agreements

This lesson is designed to introduce students to the methods by which real estate brokers are compensated. Before beginning this lesson, you should complete Real Estate Brokers 1: Traditional Agency Relationships.

Lesson Completion Time: 30 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Recording Acts

This lesson focuses upon the purpose, interpretation, and application of recording statutes. The lesson should help students understand the following: what a recording act is and what functions a recording act serves; what kinds of interests are covered by recording acts, and what types of persons may claim the protection of a recording act; the three types of recording acts used in American jurisdictions and the differences between them; how to interpret the language of a typical recording act (and to distinguish between the three basic types); and how to apply a recording act to resolve conflicting claims to the same land.

Lesson Completion Time: 1.5 hours

Author: Wilson Freyermuth, Professor of Law, University of Missouri - Columbia School of Law

Regulatory Taking Issues in Environmental Law

This lesson introduces students to one of the constitutional issues that can arise as a result of environmental and natural resources regulation: regulatory takings under the Fifth Amendment to the U.S. Constitution. It begins by giving students an overview of regulatory taking claims, their distinction from physical takings of private property, and some of the rules that apply in evaluating whether a regulatory taking has occurred. It then provides examples of how regulatory taking issues can arise in environmental and natural resources regulation, using the Clean Water Act's Section 404 program and the Endangered Species Act's Section 9 prohibitions as examples.

This lesson assumes that students have been exposed to regulatory taking issues in class but does not require detailed knowledge of regulatory taking law. This lesson also assumes that students are generally familiar with the federal Clean Water Act and Endangered Species Act., although it also supplies the immediately necessary information about both statutes.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Relations Between Co-Tenants

This lesson is the fourth of several addressing the various issues relating to the concurrent ownership of property. It is designed to introduce Property students to the rights and obligations co-tenants have when dealing with property held by a concurrent estate. The lesson addresses each respective tenant's possessory rights, obligations for costs and expenses relating to the subject property, potential for ousting another co-tenant, and liabilities in the event of having ousted another co-tenant.

Lesson Completion Time: 1.5 hours

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Rule Against Perpetuities 1: Common Law Rule Against Perpetuities

This lesson is designed to introduce the novice to the essential concepts of the common law Rule Against Perpetuities. It is presumed the reader has a basic understanding of estates and future interests. This lesson is designed, also, to help the student develop an analytical approach to solve problems arising under the rule.

Lesson Completion Time: 1.75 hours

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Rule Against Perpetuities 2: Reforms - Cy Pres and Wait-and-See Doctrines

This lesson's overall plan is to introduce students to the basic principles involved with two common modifications to the common law Rule Against Perpetuities: Wait-and-See and Cy Pres. The exercise assumes the student is familiar with Possessory Estates, Future Interests, and the common law Rule Against Perpetuities; it is suggested students work through those exercises first.

Lesson Completion Time: 1.25 hours

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Rule Against Perpetuities 3: Reforms - Uniform Statutory Rule Against Perpetuities

This lesson is an introduction to the Uniform Statutory Rule Against Perpetuities. As such, it addresses the basic concepts a first year Property student is likely to encounter when analyzing this statute.

Lesson Completion Time: 45-60 minutes

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Tenancy by the Entirety

This lesson is the third of several addressing the various relationships resulting in the concurrent ownership of property. It is designed to introduce Property students to this tenancy form. The lesson progresses from addressing the traditional elements required to create a tenancy by the entirety, the resulting right of survivorship, and the events severing the tenancy. Also, it deals with the status of the tenancy by the entirety under modern statutes.

Lesson Completion Time: 1.5 hours

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Tenancy in Common

This lesson is the second of several addressing the various relationships resulting in the concurrent ownership of property. It is designed to introduce Property students to this tenancy form. The interactive tutorial progresses from addressing the traditional requirements to create a tenancy in common, the lack of right of survivorship, and the status of the tenancy in common under modern statutes.

Lesson Completion Time: 45 minutes

Author: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center

Termination of Easements

This lesson explores the myriad ways in which easements may be terminated. It begins by focusing on express termination, the most effective way to terminate an easement when the holder of the benefit of the easement agrees to terminate it. The bulk of the interactive tutorial deals with the more complicated problem of termination without the express consent of the benefitted party.

Lesson Completion Time: 30 minutes

Author: Patricia Reyhan, Professor of Law, Albany Law School

The Estate System

This lesson and Basic Future Interests are designed to provide a comprehensive interactive tutorial with a scope corresponding to the usual coverage of estates and elementary future interests in the typical first-year property course. They are designed to be useful either for review or as a "first learning exposure" to the subjects covered. The lessons consist of text screens that are regularly interleaved with questions to stimulate thought and reinforce students' learning as they go. Frequent questions are intended to help maintain interest as well as to help students become familiar with new vocabulary and concepts.

The Estate System presents the possessory estates from the fee simple absolute to tenancies at will. Emphasis is on the various estates' modern relevance, the typical language of conveyance that creates them, their differentiating characteristics, and the general theory of carving up the fee simple into particular estates and future interests. (Note: The defeasible fee simple estates are covered in Basic Future Interests).

- This lesson contains the following units:
- What is an "Estate in Land"?
- Carving a Term of Years out of a Fee Simple
- Classification of Estates (and a bit of history)
- Carving up the Term of Years
- Fee Simple Absolute: The "Greatest"
- Creating a Term of Years: The Statute of Frauds
- Creating a Fee Simple Absolute
- The Periodic Tenancies and Tenancy at Will
- Termination of a Fee Simple Absolute
- Creating Tenancies at Will
- Carving up the Fee Simple Absolute
- Creating Periodic Tenancies
- Fee Tail
- Terminating Periodic Tenancies
- Life Estates
- Some Questions on Terminating Leasehold Tenancies

- The Term of Years

Lesson Completion Time: 10 - 20 minutes per unit.

Author: John Humbach, Professor of Law, Pace University School of Law

The Estate System: A Review

This review exercise consists of 100 questions about the estate system. It should be attempted only after studying the material in class or in other CALI lessons.

Lesson Completion Time: 2 hours

Author: John Humbach, Professor of Law, Pace University School of Law

Water Law Basics: Prior Appropriation

This lesson provides a review of the doctrine of prior appropriation, the water law system that dominates in the western part of the United States. It is intended for students that have already studied prior appropriation as part of a Water Law, Natural Resources, or Advanced Property course.

Students may want to complete the CALI lesson entitled "Water Law Basics: Overview of Surface Water Law in the United States" before starting this lesson.

This lesson consists of 15 questions.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Water Law Basics: Rights in Ground Water

Who has the right to pump and use ground water -- the water in underground aquifers? The various states in the United States have used a variety of rules to establish rights in ground water. As a practical matter, some of these rules have created problems because states didn't recognize that ground waters and surface waters are often connected.

This lesson provides a review of the five major doctrines that states have employed to decide who has what rights in ground water. It is intended to serve as a review of these doctrines for students who have studied ground water rights as part of a Water Law, Property, or Advanced Property course. The lesson consists of 15 questions.

Lesson Completion Time: 30-45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Water Law: Federal Reserved Rights

Water law is dominated by state law. However, one important federal law exception to this general principle are federal reserved rights -- water rights retained by the federal government when it sets aside federal land for particular purposes, such as an Indian reservation or national park.

This lesson provides a review of federal reserved rights for students who have covered that doctrine in a Water Law, Natural Resources Law, or Advanced Property course. Students should already be familiar with federal reserved rights in general and the Winters doctrine in particular. The lesson emphasizes the Winters doctrine and federal reserved rights for tribal reservations, but it also covers the other kinds of federal reserved rights.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Water Law: The California System

While most of the states in the country choose between the water law doctrines of prior appropriation and riparian rights, California applies both. This approach to state water law is called, appropriately, the California system.

This lesson gives a brief overview of the California system of water rights. California was the first state to attempt to blend prior appropriation and riparian rights. However, its example can be considered instructive for the modern evolution of water law, because more and more states are trying to blend the best parts of both systems.

Lesson Completion Time: 45 minutes

Author: Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs, University of Utah S.J. Quinney College of Law

Podcasts:

Real Covenants and Servitudes of Land PodCast

Professors Brown and Grohman, authors of several CALI lessons on covenants, give students a framework to approach studying the material and offer real-life applications of the doctrines. They also discuss the interrelatedness of the law and explain why it's an artificial distinction (and one that complicates learning) to study property issues separate from civil procedure issues, for example.

Run Time: 13:05 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

Rule Against Perpetuities PodCast

Professors Brown and Grohman offer tips for mastering this complicated doctrine and explain the real-world reasons why students and attorneys need to understand the rule against perpetuities. This podcast discusses material covered in greater depth in Prof. Grohman's related lessons:

- Rule Against Perpetuities 1: Common Law Rule Against Perpetuities
- Rule Against Perpetuities 2: Reforms - Cy Pres and Wait-and-See Doctrines
- Rule Against Perpetuities 3: Reforms - Uniform Statutory Rule Against Perpetuities

Run Time: 9:44 minutes

Authors: Joseph Grohman, Professor of Law, Nova Southeastern University Shepard Broad Law Center and Ron Brown, Professor of Law , Nova Southeastern University Shepard Broad Law Center

eLangdell Press Texts:

Property – Volume 1

Author: Christian Turner, Assistant Professor of Law, University of Georgia School of Law

Length: 213,800 Words, 602 Pages in PDF

This is Volume 1 of a two volume set written for Property Law. From the Preface: Property, as a vaguely defined collection of contract, tort, and criminal cases, does not

take on the natural structure of a substantive area of the law through the systematic study of duty, breach, causation, defenses, and damages. Instead this textbook and most Property courses survey various topics in law with two goals in mind. First, we will study a number of traditional property topics, those where the issue of "ownership" and what that entails have long been thought to be a central issue. Second, but most importantly, our interdisciplinary study will introduce some of the major analytical techniques in law, from reasoning using precedent to law and economics to distributive justice. As we roam among topics, our goal is always, relentlessly to ask, "Why?" "Why should the law protect this party's interest?" These major techniques that we will pick up along the way will help us provide better and better answers to this question.

Property – Volume 2

Author: Christian Turner, Assistant Professor of Law, University of Georgia School of Law

Length: 316,800 Words

This is Volume 2 of a two volume set written for Property Law. From the Preface to Volume 1: Property, as a vaguely defined collection of contract, tort, and criminal cases, does not take on the natural structure of a substantive area of the law through the systematic study of duty, breach, causation, defenses, and damages. Instead this textbook and most Property courses survey various topics in law with two goals in mind. First, we will study a number of traditional property topics, those where the issue of "ownership" and what that entails have long been thought to be a central issue. Second, but most importantly, our interdisciplinary study will introduce some of the major analytical techniques in law, from reasoning using precedent to law and economics to distributive justice. As we roam among topics, our goal is always, relentlessly to ask, "Why?" "Why should the law protect this party's interest?" These major techniques that we will pick up along the way will help us provide better and better answers to this question.

Land Use

Author: Christian Turner, Assistant Professor of Law, University of Georgia School of Law

Length: 189,700 Words, 565 Pages in PDF

This text explores the laws governing the use of land. Sometimes narrowly focused, often intensely local, land use regulation may give the impression of a highly specialized field with small stakes.

The text is divided into three parts:

(1) First, we will survey the ordinary, local administrative scheme of land use regulation. The cases in this section are intended to establish what that system is and what its standards are.

(2) In the second part of the course, we will turn our attention to cases illustrating litigation attacks on the ordinary administrative scheme. The purpose here is not, as it was in the first part, to understand better the standards the administrators should apply, but to understand the constraints imposed on the contents of local laws, the procedures of enactment and permitting, and the composition of local lawmaking bodies.

(3) In the third part, we focus on the distributive concerns raised by land use regulation. The regulatory takings doctrine has gone from, literally, nothing, to wrestling to disentangle distributive concerns from substantive ones, to trying to craft either rules or standards to identify regulations that go “too far” and should be considered “takings” within the meaning of the Fifth Amendment. We will consider what the doctrine’s purposes are, how it should be governed, and how it should be invoked as a procedural matter.