

Law 5400 [2] -- Property

Fall 2026

SYLLABUS

Monday, Wednesday and Thursday

11:00 am - 12:20 pm, Room 208

Professor Shi-Ling Hsu

Email: shsu@law.fsu.edu

Office: Room A227C Advocacy Ctr.

Office hours: Mondays 3:15 to 5:15

This course is a course in Property Law. The course will provide an overview of a variety of concepts in Property Law, and the laws, legal institutions and doctrines that have arisen to allocate property in modern society. We will be focusing on *real property*, or land, rather than personal property.

Course materials

The required text for this course will be Alexander, Strahilevitz & Schleicher, *Dukeminier and Krier's Property, 11th Ed.* (Aspen, 2026). There is also a package of required supplemental readings, which can be accessed on the course Canvas page.

Attendance

You are required to attend all classes. It will be your responsibility to make sure that you sign the attendance sign-in sheet. Per American Bar Association requirements, you are required to attend at least 80% of all class meetings to receive credit, which means that you can miss a maximum of seven classes. If you miss more than seven classes, *for whatever reason*, you will need to make up absences by timely watching a class recording and answering a question associated with that recorded class. Whenever you make up a class, you must watch the recorded class and email me your response no later than the Saturday night, 11:59 pm, following the class meeting. For example, if you are making up the missed class meeting on Monday, August 31, you would need to email me by 11:59 pm on Saturday, September 5. Failure to do so will result in an administrative drop, and you will not receive credit for the course. If you have a medical condition which may jeopardize your ability to comply, you should notify me, the Dean of Students, or the Associate Dean.

University Attendance Policy [this is boilerplate required by FSU]: Excused absences include documented illness, deaths in the family and other documented crises, call to active military duty or jury duty, religious holy days, and official University activities. These absences will be accommodated in a way that does not arbitrarily penalize students who have a valid written excuse. Consideration will also be given to students whose dependent children experience serious illnesses.

iClicker

I will be using iClicker to conduct informal polls during class, so please add this course to your iClicker student account. Your responses to the polls **will not** be graded, but are merely exercises for digesting the course materials. iClicker is a platform that allows me to ask questions during class and see your responses. Go to <https://student.iclicker.com> and if you have already used iClicker, please sign in and add the course "Property," course 5400-0002. If you do not yet have an account, you can create one by clicking on the "Sign Up!" link at the bottom. On the Create Account page, type in "Florida State College of Law." Do not click on "Florida State University Tallahassee," because you will not find my course. After you create your account, you should see a page titled "Courses." Click on the "+" on the upper right-hand corner, and type in Florida State University College of Law again, and on the next page, type in "Property."

Grading

Your grade for this class will be based on your **final examination**, which is currently scheduled to take place on **Wednesday, December 2, at 1:00 pm**. You will be responsible for all of the course material covered in the course. **Subject to accommodations arranged with the Student Advancement Office, all students will be expected to take the final exam in person.** The exam will include one or more essay questions, and some multiple choice questions. There will be a word limit for the essay portion of the exam.

The final exam will be closed-book, except that you will be permitted one 8.5 x 11 inch sheet of paper, written on both sides, that will contain all the notes that you may use on the exam. No other materials will be allowed in the examination room – no casebooks, no notes, no statutes, and no devices other than your laptop. If you use your laptop for the final exam, you will not be able to access files or apps on your laptop. This will require you to undertake some upfront work but will help you to think about what is truly important about what you learned. I will provide all of the statutes and regulations that you will need to answer the questions on the exam.

I sometimes grant some extra credit to students that I feel have either made exceptionally helpful contributions to class discussion or demonstrated mastery of the materials during class discussion. Conversely, I may lower your final grade if I am able to document a general lack of class preparedness.

Academic Honor Policy

Students are subject to the honor policy of the FSU College of Law, and of FSU. The FSU Academic Honor Policy outlines the University's expectations for the integrity of students' academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process. Students are responsible for reading the Academic Honor Policy, which can be found at this link: <http://fda.fsu.edu/content/download/21140/136629/file/AHPFinal2014.pdf>.

Academic Success

Your academic success is a top priority for Florida State University. University resources to help you succeed include tutoring centers, computer labs, counseling and health services, and services

for designated groups, such as veterans and students with disabilities. The following information is not exhaustive, so please check with your advisor or the Department of Student Support and Transitions to learn more.

Americans With Disabilities Act

FSU is committed to providing reasonable accommodation for all persons with disabilities in a manner that is consistent with the academic standards of the course while empowering the student to meet the integral requirements of the course. Students with disabilities needing academic accommodation should: (1) register with and provide documentation to the Office of Accessibility Services; and (2) request a letter from the Office of Accessibility Services to be sent to Student Advancement indicating the need for accommodation and what type. Following initial registration with the Office of Accessibility Services and submission of eligibility letters to Student Advancement, each student will meet with Student Advancement to review approved accommodations. Please note that instructors are not allowed to provide classroom accommodations to a student until appropriate verification from the Office of Accessibility Services has been provided. This syllabus and other class materials are available in an alternative format upon request. For the latest version of this statement and more information about services available to FSU students with disabilities, contact the: Office of Accessibility Services, 874 Traditions Way, 108 Student Services Building, Florida State University, Tallahassee, FL 32306-4167; (850) 644-9566 (voice), (850) 644-8504 (TDD), oas@fsu.edu, <https://dsst.fsu.edu/oas>.

Confidential campus resources

Various centers and programs are available to assist students with navigating stressors that might impact academic success. These include the following:

- Victim Advocate Program University Center A, Room 4100, (850) 644-7161, Available 24/7/365, Office Hours: M-F 8-5 <https://dsst.fsu.edu/vap>
- Counseling & Psychological Services Askew Student Life Center, 2nd Floor, 942 Learning Way (850) 644-8255 <https://counseling.fsu.edu/>
- University Health Services Health and Wellness Center (850) 644-6230 <https://uhs.fsu.edu>

Artificial Intelligence Use

The line between useful, ethical uses of artificial intelligence, and unethical uses can be blurry. The use of artificial intelligence to complete any problem assignments in this class is prohibited. If you are having trouble understanding a concept in class, it is best not to ask a large-language model an open-ended question, like "can you explain" You could ask it specific questions, like, "does the Rule Against Perpetuities apply in cases of land purchase options?" I encourage you to try me first with questions.

Course outline

Subject to change, the following is an outline of the topics I will cover in this course, along with readings. Page numbers refer to pages in the text, while (supp) refers to supplemental materials available on Canvas. The textbook often has notes, questions, and problems (and combinations

thereof) interspersed with the cases. I denote all such material as "NQP," even if it doesn't have all three. When so denoted, they are required reading, along with the cases.

I. Why do we have property?

- A. The Rule of Capture: *Pierson v. Post*, NQP, 17-24.
- B. The Role of Property *Hardin, Tragedy of the Commons* (supp); NQP, 27-30 (only notes 3-5), NQP, 37-41.
- C. Adverse Possession Intro, 64-69; *Sellers v. Claudson*, NQP, 69-77 (read the note on color of title); *Manillo v. Gorski*, NQP, 78-83; *Howard v. Kunto*, NQP, 83-90 (read note on adverse possession against government); FL Adverse Possession statute (supp).
- D. Beaches *Daytona Beach v. Tona-Rama*, (supp).

II. Estates & Future Interests

- A. Intestacy Florida Probate Code – Intestate Succession (supp).
- B. Fee Simple *skim* 237-242; *read* Fee Simple, NQP, 242-245.
- C. Life Estates Intro, *Knopf v. Gray*, NQP, 249-252; *Baker v. Weedon*, NQP, 252-260 (stop before the note on Seisin).
- D. Defeasible Estates 261-264; *Paul Smith's College v. Roman Catholic Archdiocese*, NQP, 264-267; *Mountain Brow Lodge*, NQP, 268-275.
- E. Future Interests Intro, NQP, 277-284; *Folsom v. Rowell*, NQP, 284-288; Executory Interests, NQP, 288-295 (stopping at "Remainder or Executory Interest...").
- F. Trusts Intro, *Broadway National Bank v. Adams*, NQP, 296-302.
- G. Rule Against Perpetuities Intro, NQP, 305-310; *Jee v. Audley*, NQP, 310-314; NQP, 324-326; FL Statutes §§ 689.225 & 689.18 (supp).

III. Co-ownership

- A. Intro Intro, NQP, 327-331; *Riddle v. Harmon*, NQP, 332-336; *Harms v. Sprague*, NQP, 336-341 (stop at Multi-party Bank Accounts).
- B. Relations Among Concurrent Owners Intro, *Delfino v. Vealencis*, NQP, 341-352; *Spiller v. Mackereth*, NQP, 351-355; *Swartzbaugh v. Sampson* (supp); NQP, 355-358.
- C. Marital Property Intro, NQP, *Sawada v. Endo*, NQP, 358-366.

IV. Leasehold estates, Landlord-Tenant Law

A. Intro	381-387.
B. Tenant Duties, Landlord Remedies	<i>Berg v. Wiley</i> , NQP, 422-431; <i>Sommer v. Kridel</i> , NQP, 431-440; 465-466.
C. Landlord Duties, Tenant Remedies	Intro, <i>Village Commons LLC v. Marion Co.</i> , NQP, 441-450; <i>Hilder v. St. Peter</i> , NQP, 450-465.
D. Florida Statute	Florida Statutes, Landlord and Tenant, excerpts (supp).

V. Land Use Regulation

A. Nuisance	Intro, <i>Morgan v. High Penn</i> , NQP, 621-633; <i>Boomer v. Atlantic Cement</i> , NQP, 639-644; Restatement of Torts (2d), on Nuisance (supp); <i>Spur v. Del Webb</i> , NQP, 644-654.
B. Easements	Intro, 655-659; Creation, <i>Willard v. First Church of Christ</i> , NQP, 659-664; Licenses, <i>Mund v. English</i> , NQP, 664-666; Easement by Necessity, <i>Othen v. Rosier</i> , NQP, 674-682; Easements by Prescription, 682-686; <i>Granite Properties v Mann</i> (supp); NQP, 627-628 (notes 1-4); Assignment, <i>Miller v Lutheran Conference</i> , NQP, 686-693; Termination, 702; Negative and Conservation Easements, 711-715.
C. Covenants	Intro, 715-718; <i>Tulk v. Moxhay</i> , NQP, 718-722; <i>Neponsit Property Owners v. Emigrant Industrial Savings Bank</i> , NQP, 722-731; <i>Whitinsville Plaza v. Kotseas</i> (supp); <i>Shelley v. Kraemer</i> 736-740; Termination, <i>River Heights v. Batten</i> , NQP, 742-748.
D. Common Interest Communities	Intro, <i>Nahrstedt v. Lakeside Village Condominium Assn.</i> , NQP, 759-773.
E. Zoning	785-791; <i>Euclid v. Ambler Realty Co.</i> , NQP, 791-805; Structure of Authority, 805-808; Nonconforming Uses, <i>PA Northwestern Distributors v. Zoning Hearing Board</i> , NQP, 809-820.
F. Eminent Domain and Inverse Condemnation	Intro, NQP, 909-913; <i>Kelo v. New London</i> , NQP, 913-927; Inverse Condemnation, <i>Hadacheck v. Sebastian</i> , NQP, 930-940 (read the paragraph before the Pennsylvania Coal case); NQP, 945-947; <i>Penn Central. v. New York City</i> , NQP, 947-961; <i>Lucas v. South Carolina Coastal Council</i> , NQP, 974-988; <i>Tahoe-Sierra Pres. Council v. TRPA</i> , 988-999; <i>Koontz v. St. Johns River WMD</i> , NQP, 999-1015.