

# Property: Law, Policy and Everyday Implications

## Course Syllabus

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## Course Information

### Course Description

This course will examine how the American legal system defines and handles transactions and disputes related to real estate and personal property. Simulations and written exercises that place you at various times in the role of lawyer, judge, mediator and litigant will help to explain in practical terms how law surrounding property issues was made, and how it evolves. Throughout the course, you will not only learn the meaning behind important terms (or “legalese”) involved in property issues, but also will critically examine the policy reasons that support why our property system works as it does. Are there rules and procedures that need to change? What kind of new rules might society create, and what consequences would those new rules have?

Topics to be addressed in this course will include: finance & sale of real property, how the title system works, zoning and government taking by eminent domain, the intersection of civil rights and the U.S. Constitution with property law, landlord-tenant issues, and disputes related to personal property.

### Course Learning Goals

After completing this course, you will be able to:

- Understand the concept of property in terms of relationships between people and things.
- Recognize the obligations and rights that arise from a mortgage, the role of the sales contract, and the rights and responsibilities between broker and real estate buyer
- Articulate the ways that a person’s title to real property can be challenged or made marketable and learn the rights and responsibilities of sellers and buyers when either party violates the terms of the sales contract
- Identify the purposes for the title recording system and how a given jurisdiction’s recording acts affects which of competing persons will obtain title to a disputed piece of real estate
- Understand ways in which title passes between people other than through sale, including adverse possession
- Learn the differences between the four principle types of estates in real property
- Develop understanding of the basic terminology and concepts involved in zoning and eminent domain law, and the constitutional and statutory restrictions on how

- local governments can limit a landowners' use of private property or take it away
- Master the terminology and basic concepts involved in the examination of regulation, where there is alleged discriminatory impact on a suspect class of individuals
  - Articulate what conditions constitute a substantial and unreasonable interference with the use of land, sufficient to support a cause of action for nuisance
  - Identify the various types of leases, illustrate how a tenant transfers interest by either assignment or sublease, and understand the effect of the type of transfer on the parties by written assignment
  - Analyze the duties imposed by case law and statutes on both landlords and tenants in residential leasing situations
  - Understand the rights of finders of lost personal property, bona fide purchasers of personal property, and the obligations imposed by law on bailments of personal property

## Course Resources

To buy your books, go to <http://www.mbsdirect.net>.

Hint: type DePaul for name of the school.

[Click here for help buying your books](#)

Burke & Snow, Property, Examples and Explanations series, Aspen Publishers, New York, NY, Second Edition 2004, ISBN 0-7355-3979-0.

Black's Law Dictionary, published by West Publishing Company, 3rd Pocket edition, 2006, ISBN: 0314158626.

## Course Competences

In this course, you will develop the following competences:

Competence	Competence Statement
H-1-X	Can explain how factors such as race, socioeconomic status, age, gender, sexual orientation, and/or religion affect the evolution of legal systems.
H-2-A	Can understand a social problem and can analyze the effectiveness of social institutions in addressing it.
F-X	Statement to be negotiated between instructor and student.

## Relationship of the content of this course to the general competence statements

In this course, we will be examining some of the legal principles that govern the use, sale, and transfer of real and personal property. Although we will examine many of the same concepts as a first year Property course in a law curriculum, we will not be using the analysis of case law as thoroughly as law students typically do. Instead, for the most part we will apply the principles laid out in our text book to discussions and assignments that use simulated disputes to illustrate how legal rules get applied in a practical context. These simulations will also give us occasion to think, in a general way, about how courts and legislatures formulate public policy. What kinds of things do judges and political leaders consider, or sometimes fail to consider, when they make law or decide individual disputes? What happens when applying an established rule of law would not make sense in a given factual situation? We will also examine how property law

intersects with other areas of the law, such as constitutional law, personal injury law (generally known as tort law), and contract law.

This course allows you to demonstrate the **H-1-X** competence by explaining how factors such as race, socioeconomic status, age, gender, sexual orientation, and/or religion affect the evolution of legal systems. When property disputes arise that involve one of these factors, courts often have to refer to constitutional law in order to make a decision. This is because many of the factors above have been used by municipalities and private citizens to discriminate against various groups in the past, and the U.S. Supreme Court has set very stringent rules to be followed in situations when it determines that those it has defined as a “protected class” are being discriminated against. The right to live in a given neighborhood, freely transfer property rights and use property as one wishes (within reasonable limits) are broadly considered to be crucial in shaping the life of a community. If you are registered for this competence, you will be exposed to readings and discussions that will give you insight into how our institutions make these rules generally, and how and when they are inclined to change them. Various readings, papers, and discussion exercises during the course will allow to practice and develop this competence.

You may also have registered for the **H-2-A** competence for this course, in which you must demonstrate that you can understand a social problem, and can analyze the effectiveness of social institutions in addressing it. In this course, a number of the assignments and exercises have been developed to help you understand how social institutions, such as courts, legislatures and the law itself, act to identify and solve social problems in the context of disputes over real and personal property. You will be placed in different roles within the system, and asked to utilize your creative problem solving skills to craft a just solution to a number of practical disputes. At the same time, you will need to consider just how effective the current system really is. You will be asked: “How can it be made better?”

### **General Assessment Criteria for each Competence**

*If you are taking this course for two competencies, you will need to complete all assigned readings, satisfactorily participate in Discussions, and complete all four written assignments in a timely manner, which will be weighted for grading purposes as follows:*

Assignment 1	10% of grade
Assignment 2	10% of grade
Assignment 3	20% of grade
Assignment 4	20% of grade
Discussion	40% of grade

If you are taking this course for two competences, you will need to complete **all** assigned readings, satisfactorily participate in Discussions, and complete, in a timely manner, the four written assignments.

*If you are taking this course for only **one competence**, you will need to complete all assigned readings, satisfactorily participate in Discussions, and complete in a timely manner, two of the four written assignments, as indicated below.*

### **Course Structure**

This course consists of four modules, containing 10 units. The estimated time to complete each unit is one week.

**To view the course schedule, click on the Schedule link on the left-hand navigation bar. This page contains the most recently updated listing of the topics and assignments due for each week of the course.**

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## Assessment

### Percentage distribution of Assessments

Each competence taken in the course will be assessed a letter grade. There are three basic aspects of your participation that contribute to the final assessment of grades.

1. The first item has to do with your participation in the discussion forums. As noted below, because integrating and synthesizing the ideas and theories in the course is an important aspect of the learning process, sharing and offering feedback to your fellow students is a significant element of how your participation will be evaluated. Just remember that your responses to fellow students must always remain respectful, since in an online environment, other students cannot see your facial expressions or other body language cues to inform them you are not serious in your statements. You should always strive to add your own original thoughts. Many times commenting on a discussion with a reference to your own life experience helps everyone grasp a topic better.

It is important to note that since many of the terms and concepts you will be studying are complex, questions are both encouraged and expected! If you have a question about a term or concept in this class, likely several of your fellow students will as well. A new discussion forum for Q&A will be posted for each unit to facilitate your questions.

2. The second item relates to the first two written assignments. In each of these two assignments, you will be assessed on your ability to integrate the theories you will study into your responses, your ability to consider multiple points of view and multiple arguments, and your ability to provide a focused, logically organized and clearly stated answer to the problem.
3. The third item relates to completion of the third and/or fourth assignments (your final project). Again, you will be assessed on your ability to integrate the theories you will study into your responses, your ability to consider multiple points of view and multiple arguments, and your ability to provide a focused, logically organized and clearly stated answer to the problem. Therefore, you are being assessed on your ability to apply concepts and theories from your reading assignments, react to your classmates' thoughts and questions, and arrive at practical solutions to real world disputes, through your contributions to the discussion forum, as well as through your written assignments.

40% - Quality of contributions to weekly discussion forums:

- Relevance to the topic addressed.
- Accuracy application of information, theory and terminology taken from the textbook.

- Concise explanations and appropriate identification of and focus on main points of topic addressed.
- Appropriate evidence (including real world experience) cited to substantiate positions.
- Timely submission of responses. (Threads will be regularly converted to read-only status after due date of assignment to encourage students to regularly participate and not fall behind).
- Quality of responses to other students' comments and questions.
- Respect for other participants' ideas and input.
- Appropriate use of questions relevant to discussion topics that challenge and engage others.

#### 20% - Quality of Assignments One and Two

- Addresses the assignment according to directions.
- Submits assignments on time.
- Demonstrates understanding of textbook theories, concepts and terms by appropriately integrating them into response to assignment questions.
- Appropriate use of personal experience in formulation of response.
- Response prepared in clear language, with attention to proper spelling, grammar and logical organization.

#### 40% - Quality of Final Projects.

- Addresses the assignment according to directions.
- Submits assignments on time.
- Demonstrates understanding of textbook theories, concepts and terms by appropriately integrating them into response to assignment questions.
- Appropriate use of personal experience in formulation of response.
- Response prepared in clear language, with attention to proper spelling, grammar and logical organization.
- Suggested resolution demonstrates careful consideration of effect on greater society and not just the parties involved in the dispute.

### Assessment of Learning

#### Percentage distribution of Assessments

<b>H-1-X</b>	Assignment 2 Assignment 4 Discussion	20% of grade 40% of grade 40% of grade
<b>H-2-A</b>	Assignment 2 Assignment 3 Discussion	20% of grade 40% of grade 40% of grade
<b>FX</b>	Assignment 1 Assignment 4 Discussion	20% of grade 40% of grade 40% of grade

#### Course Grading Criteria

This course was designed to be a graded course; the instructor may allow for a pass/fail option, but only if requested by the student in writing by the end of the second week of class.

Final grades are based on successful completion of assigned readings, discussion exercises and written assignment. Learning outcomes for each competences will be assessed based on the written evidence that you present online and on paper submissions to your instructor.

### **General Assessment Criteria for Writing Assignments**

Grading of an assignment will be based on the following:

**Content** refers to the treatment of the topic logically and analytically. This is the substance, the “what” of the paper; what you had to say about the topic, what you presented in defense of your position, and what your analysis revealed about thought processes and grasp of the material you grappled with.

**Organization** is the way your paper is arrayed and presented, including both the overall organization and the arrangement of sub-parts. These include: relevant title and subheadings; introductory material, where needed; summaries, where appropriate; connective and transitional links; and what used to be called “rhetoric”: the skillful arrangement of the pieces for maximum persuasive impact on the reader.

**Mechanics** refers to the use of Spelling and Grammar check, the use of Standard English, the basics of sentence structure and punctuation, and effective and sensitive word choice usage. Mastery of basic communication and writing skills is a must for undergraduate (and graduate) students. The paper you prepare should also use proper APA or MLA citation form for in-text references as well as for bibliography.

**Note:** Generally, Written Assignments should be 3-5 pages in length (except Final projects, see below) and should be submitted as a Microsoft Word document.

### **Assessment Criteria for your Final Paper or Project (Written Assignment 3 or 4)**

It is important that your final paper:

1. Specifically addresses the competence that you are fulfilling in this course.
2. Organizes your supportive evidence into relevant paragraphs that address your subject.
3. Takes into account a variety of points of view.
4. Demonstrates your appreciation of other points of view (demonstrates empathy and the ability to account for the vantage points of others).
5. Demonstrates that you are able to integrate the evidence derived from your chosen sources into your argument according in standard English using proper grammar, mechanics, and sentence structure.
6. Uses proper quotation form, including introduction of your quotation as well as your commentary following the quotation.
7. Has an introduction and concluding paragraph.
8. Contains proper APA citation form for in-text references as well as for bibliography.
9. The final project paper should be saved as a Microsoft Word attachment and be between 4 and 6 pages long, in standard 12 point font.

### **Online Discussion**

#### **Assessment Criteria for Online Discussion Participation**

In the online discussions, your responses will be graded on whether you are:

1. Offering up ideas or resources and inviting a critique of them
2. Asking challenging questions
3. Articulating, explaining and supporting positions on ideas
4. Exploring and supporting issues by adding explanations and examples
5. Reflecting on and re-evaluating personal opinions
6. Offering a critique, challenging, discussing and expanding ideas of others
7. Negotiating interpretations, definitions and meanings
8. Summarizing previous contributions and asking the next question
9. Proposing actions based on ideas that have been developed
10. Demonstrating adequate consideration of the merits of alternate policies or course of action

Items 1-9 in the above list were adapted from Gilly Simpson's book *E-Moderating: The key to teaching and learning online*. London: Kogan Page: p.143 (2000).

### Course Grading Scale

A = 95 to 100	A- = 91 to 94	B+ = 88 to 90
B = 85 to 87	B- = 81 to 84	C+ = 77 to 80
C = 73 to 76	C- = 69 to 72	D+ = 65 to 68
D = 61 to 64	F = 60 or below	INC

### Online Participation Guidelines for this course

A significant part of your online learning experience involves learning with and from your classmates and the instructor in the online discussions and group assignments.

Active participation means sharing information and resources and posting you ideas and critiquing and expanding on the ideas of others in a collegial fashion. This discussion is informal in the sense that it is meant to encourage interested discussion. You are expected to follow accepted standards of English spelling, grammar and usage, although you will not be assessed for these particular characteristics when you are participating in the Discussion Board discussions.

These discussions are for you to exchange your reflections with your classmates and instructor about what you are learning. The discussions will be organized into forums around the particular topic you are studying each week.

You may be asked by the instructor to take leadership in a certain group for a certain time of the course. You will receive further instructions from your instructor if this occurs.

You should contribute your responses to the particular assignment for that particular discussion heading which will be posted.

*For each Discussion, you are required to make at least one original contribution to each topic and respond to one classmate's contribution.*

### Discussions

**Discussions** are a forum for discussion and sharing information among students. Your instructor may create one or more discussions related to the topics you are studying each week.

At the beginning of the quarter, your instructor will set up three Discussions These will help you and your classmates get off to an immediate start on the course, by providing

conversational spaces for necessary, ongoing social and administrative activities. These discussions are:

- Introductions
- General Course Q&A
- The “Study Lounge” is for discussion that is not directly related to course content.

The General Course Q&A discussion is where the management and administrative tasks of the course are conducted, and where you can ask ‘process’ questions and receive answers. You will also find the schedule of specific dates for your course in this Discussion, and the emails sent out to the whole class.

The Study Lounge can be used freely for your own conversation (like setting up groups or teams, if these are used in the course).

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## **Policies**

### **Academic Integrity**

DePaul University is a learning community that fosters the pursuit of knowledge and the transmission of ideas within a context that emphasizes a sense of responsibility for oneself, for others and for society at large. Violations of academic integrity, in any of their forms, are, therefore, detrimental to the values of DePaul, to the students’ own development as responsible members of society, and to the pursuit of knowledge and the transmission of ideas. Violations include but are not limited to the following categories: cheating; plagiarism; fabrication; falsification or sabotage of research data; destruction or misuse of the university’s academic resources; alteration or falsification of academic records; and academic misconduct. Conduct that is punishable under the Academic Integrity Policy could result in additional disciplinary actions by other university officials and possible civil or criminal prosecution. Please refer to your Student Handbook or visit <http://studentaffairs.depaul.edu/homehandbook.html> for further details.




**Plagiarism:** Plagiarism is a major form of academic dishonesty involving the presentation of the work of another as one's own. Plagiarism includes but is not limited to the following:

- The direct copying of any source, such as written and verbal material, computer files, audio disks, video programs or musical scores, whether published or unpublished, in whole or part, without proper acknowledgement that it is someone else's.
- Copying of any source in whole or part with only minor changes in wording or syntax, even with acknowledgement.
- Submitting as one's own work a report, examination paper, computer file, lab report or other assignment that has been prepared by someone else. This includes research papers purchased from any other person or agency.
- The paraphrasing of another's work or ideas without proper acknowledgement.

Plagiarism, like other forms of academic dishonesty, is always a serious matter. If a instructor finds that a student has plagiarized, the appropriate penalty is at the instructor's discretion.

### **Disability Accommodations**

Reasonable accommodations will be provided for students with disabilities on an

individualized and flexible basis. The Office of Students with Disabilities (OSD) determines appropriate accommodations through consultation with the student. For certain learning disabilities and/or attention deficit disorders, the Productive Learning Strategies Program (PLuS) determines the appropriate accommodations. See the instructor for more information or call OSD at  773-325-7290 (phone) or  773-325-7296 (TTY); or call PLuS at  773-325-1677 .

## **Incomplete Grades**

The intent of the Incomplete grade is to allow students extra time to complete their final assignments. This need arises because, in the closing weeks of the course, they have an event of significant magnitude that adversely affects their ability to complete the course, e.g. serious illness, death in the family, overseas deployment, or natural disaster.

You must request an incomplete grade in writing two weeks before the end of the quarter. Incomplete grades will be considered only after you have satisfactorily completed at least 75 percent of the coursework, and you have such an unexpected, uncontrollable event that prevents you from completing your course. Do not assume that you will qualify for an incomplete. Students who are failing the course at the point where they request an incomplete will not receive one, nor will they be granted after the end of the quarter. Incomplete grades are given at the discretion of the instructor.

If you do receive permission from the instructor to take an incomplete in the course, you will be required to complete a contract with the instructor, specifying how you will finish the missing work within the next two quarters (excluding summer). Incompletes not finished by the end of the second quarter (excluding summer) will automatically become an F grade on your transcript.

Instructors may not change incomplete grades after the end of the grace period without the permission of a college-based Exceptions Committee.

NOTE: In the case of a student who has applied for graduation and who has been approved for an Incomplete in his or her final term, the incomplete must be resolved within the four week grace period before final degree certification.

## **Protection of Human Subjects**

For more information see: <http://research.depaul.edu/>.

Demonstrating the acquisition of competences in this course can involve “interactions”—interviewing and or observing other people—discussing those interviews or observations with other class members and writing them up in one or more final report(s). As such, these activities qualify as “research” with “human subjects” and are subject to University and Federal guidelines. Because it takes place in the context of this course, your research is exempt from approval by the School for New Learning’s Local Review Board only under the following conditions:

1. The information you collect is EXCLUSIVELY for the purpose of classroom discussion and will NOT be used after the term is over. If there is any possibility that you will EVER use it in further research or for publication, you must obtain approval from the Local Review Board before you begin.
2. You assess and ensure that no “harm”—physical, mental, or social—does or could result from either your interviews and/or observations or your discussion and/or reports.
3. The privacy and confidentiality of those that you interview or observe must be protected. Unless you receive specific permission, in writing, from the person(s)

you interview or observe, please change their names, and make sure that their identity cannot be readily ascertained from the information you provide.

- a. If you want to use real names and relationships, they must sign an “informed consent” document. For information on creating an “informed consent document” see, for example, <http://www.research.umn.edu/consent>.

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## **Course Expectations**

### **Time Management and Attendance**

SNL’s online courses are not self-paced and require a regular time commitment EACH week throughout the quarter.

You are required to log in to your course at least four times a week so that you can participate in the ongoing course discussions.

Online courses are no less time consuming than “face to face” courses. You will have to dedicate some time every day or at least every second day to your studies. A typical four credit hour “face to face” course at SNL involves three hours of classroom meeting per week, plus at least three to six hours of study and homework per week.

This course will require at least the same time commitment, but your learning activities will be spread out through the week. If you have any problems with your technology, or if you need to improve your reading or writing skills, it may take even longer.

The instructor should be notified if your life events do not allow you to participate in the course and the online discussions for more than one week. This is particularly important when there are group discussions or you are working as part of a team.

If you find yourself getting behind, please contact the instructor immediately.

### **Your Instructor’s Role**

Your instructor’s role in this course is that of a discussion facilitator and learning advisor. It is not their responsibility to make sure you log in regularly and submit your assignments. As instructor, s/he will read all postings to the general discussion forums on a daily basis but may not choose to respond to each posting. You will receive feedback to assignments.

The instructor may choose to designate “office hours” when s/he will be online and available and will immediately respond to questions. Depending on the instructor, this response may be by e-mail, instant messenger or telephone. Otherwise, you will generally receive a response to emailed or posted queries within 48 hours.

### **Your Role as a Student**

As an online student, you will be taking a proactive approach to your learning. As the course instructor’s role is that of a learning guide, your role is that of the leader in your own learning.

You will be managing your own time so that you can complete the readings, activities and assignments for the course, and you will also be expected to take a more active role in peer learning.

## **How To Do Well In This Class**

This section provides a few hints on how to do well in this class:

1. Participate in class discussions. The class discussions and homework exercises are worth a large percentage of your grade. Most modules ask you to post an opinion and the instructor may ask a follow-up question. Don't miss the follow-up posting.
2. Don't fall behind – In general once a posting to a discussion thread is past the due date, it is converted to read-only format, so you will not be able to post anything to it after that date. Don't think you can post discussion items several weeks after they are due and expect credit.
3. Read the assignments carefully. If the assignment says answer three questions, then answer three. If it says use APA research paper style then find out what that style is and use it.
4. Email questions. When you have any questions, email me.
5. Post all assignments by the specified Due Date.

### **Credits**

*This course was designed and produced by David Steiger, JD, and staff of SNL Online at DePaul University.*

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