

REQ 7160 PROPERTY

Fall 2025

Thursday 6:00 p.m.– 9:20 p.m., on Microsoft Teams

Instructor: Professor Guanchi Zhang

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Teaching Assistants:

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Office Hours

I will hold drop-in office hours (time TBD) on Microsoft Teams. These sessions are designed for collective learning, where students can benefit not only from my guidance but also from each other's questions and insights. I highly encourage attending office hours even if you don't have specific questions. I am also available to meet by appointment, either in person or on Teams. Please email me to set up an appointment.

Blythe's Office Hours: Time TBD, on Microsoft Teams

Matthew's Office Hours: Time TBD, on Microsoft Teams

Required Materials

The casebook for the class is [Singer, Berger, Davidson, Penalver, Property Law: Rules, Policies, and Practices, Eighth Edition](#). I may sometimes post additional materials on the course website. I will also post the slides that I use during class on the course website.

Evaluation

Class Participation (1% per week, or 10% total)

I use “warm call”—a combination of Canvas posting and class attendance—to evaluate class participation. **From the second class of the semester**, you will post thoughts on the reading on the course site for one class in each of **ten** weeks of the course (meaning you can choose **two** weeks “off”). Your posting can be a response to the questions I raise for that week, or any other thoughts on the reading. I will use these postings to gauge what interests you and organize class discussions. **Only those who make postings will be called.**

Your posting is due by **11:59 pm** on Wednesday. You will only earn the point if you are in class on the day for which you make your posting or have emailed me about your absence in advance. You should feel free to

engage with each other's postings. Credit for each week is capped at one point. If you would like to opt out of posting for a particular week, but still earn the point, you must email me to volunteer to be called by **11:59 pm** on Wednesday.

No Canvas posting will be available for the first week of the class and the week of the mid-term exam.

Assignments (15%)

15% of your grade will be based on timely and accurate submissions of assignments, to be completed asynchronously, posted on Canvas. There are in total **seven** assignments over the course of the semester. All assignments are due by **11:59 pm** on Wednesday. Timely, good-faith submission ensures full credit. Failure to submit an assignment in a timely fashion will lead to a grade reduction. You will lose **one** point out of the total potential points for each day that an assignment is late.

Practice Questions (2% per set, or 10% in total)

There are in total **five** sets of practice questions over the course of the semester. Those are merely practices—timely, good-faith submission ensures full credit. Detailed explanations will be provided on Canvas, and we will have dedicated class time to go over those questions.

Intellectual Property Search Project (2%)

To deepen our understanding from the classroom and hone a skill vital for many attorneys—researching in relevant intellectual property databases—you are tasked with finding any patent, copyright, or trademark of your choice. Your task is to submit a copy of it and compose a brief reflection on the role of “property” in this context. Timely, good-faith submission of this reflection ensures full credit.

Deed and Title Search Project or Housing Court Project (3%)

You have the opportunity to choose between two projects for earning these points. For Option 1, engage in a two-stage task: select one or two properties (such as your childhood home, a past residence, your current home, or a favorite restaurant) and create a concise title history for your chosen property. Additionally, find a deed that piques your interest—either from local land records or through personal connections—and pair it with a worksheet for submission. Option 2 involves watching media related to Housing Court, followed by completing a worksheet with your insights and observations. In both options, prompt and good-faith submission guarantees full credit.

Mid Term (15%)

This closed book mid-term is to check your understanding of the course halfway through the semester. It will be a one-hour exam, with a mix of multiple choices questions and one short essay.

Final Exam (60%)

This closed book exam offers an opportunity for you to showcase the skills you have developed in this course and that you will use as an attorney. It will have a mix of multiple choices questions, short answer questions, essays or document-based questions, or policy questions or news reflections. Past exams are provided on Canvas.

The final course grade may be adjusted up for outstanding class preparation and participation that demonstrates a level of engagement above and beyond that which is expected at the professional graduate school level. The final course grade may also be adjusted down for lack of professionalism, violations of VLGS policies and

procedures, multiple unexcused class absences, and otherwise in the discretion of the professor, if a deduction is merited due to disruptive, disrespectful, or offensive conduct in class. Classroom norms are explained below.

Classroom Norms

Attendance. Class attendance is required. The attendance policy is explained in more detail in the Vermont Law and Graduate School Student Handbook §II(A). Failure to attend class will have a detrimental effect on your understanding of the material and your grade. It could also result in a grade of F-Wd. Read the attendance policy posted in the Handbook before the beginning of the term. The Academic Regulations permit individual professors to set a higher requirement (but not a lower requirement) and for this class you will receive a grade of F-Wd if you are absent from more than two regularly scheduled classes. You are required to monitor your own compliance with this policy.

This course includes asynchronous elements with recorded sessions that you may view at your own pace. While attendance is not tracked for these components, completing the assigned readings and watching all recordings is crucial for course success.

Participation. As noted under the Evaluation section, you are expected to be prepared for class and to participate regularly. If you post on Canvas on the class day, you will be expected to answer questions about the assigned readings or any related topics.

Use of device. As a principle, students are required to keep their cameras on during the entire class session. This policy promotes engagement, facilitates interaction, and helps create a more connected learning environment. Messaging, emailing, web browsing, and other uses are prohibited. Your responsible use of devices is a skill you should practice. Keep your microphone muted when not speaking to minimize background noise. Please do not use the chat function on Teams to communicate during class unless I ask you to. Instead, please use the “raise hand” function if you would like to say something or ask a question.

Use of Generative AI. The use of generative AI to complete or assist with any portion of a course assignment is prohibited. To ensure the work submitted reflects your own analysis, I reserve the right to ask follow-up questions regarding any submission, and your credit may be adjusted based on your ability to explain its reasoning. As the evaluation policy has made clear, points are only granted upon “good faith” completion of assignment. Remember, the personal effort you invest in these assignments will prepare you with the analytical skills required on the closed-book exams and the bar exam in the future.

Be prepared to be uncomfortable at times. The subject matter in our course can be difficult, morally contested, politically treacherous, and full of ambiguity, uncertainty, and ambivalence. Please try not to be afraid to be wrong, unsure, or to misstep. At various points, each of us will be wrong, misstep, or articulate an idea in a way that is not quite as eloquent as we might like. That is an inevitable part of engaging with difficult material. Be kind, charitable, generous, and respectful of yourself and others.

Be engaged, but patient. Each student will have many opportunities to be called on during the semester. Please do your part to help keep the distribution equal. Unless I ask for volunteers, please let your fellow students answer questions asked without interruption. I may not call on students when hands are raised for reasons of class flow, progression, and pacing. It is not an indication that I do not see a raised hand or that I am uninterested in your thoughts or questions. If I misspeak or something is truly unclear, it is entirely fine to ask for clarification.

Positions, not people. In class, I may ask students to articulate a particular argument or viewpoint. Very often, that perspective is not what the student believes. Indeed, I will almost never ask for your personal viewpoint in

class, and I ask that you try not to reveal it as you answer questions. In the classroom environment, my goal is to split off arguments and ideas from the person articulating them so that we may have a full and robust discussion—exploring, criticizing, and rejecting views without criticizing or rejecting each other.

Recording. Class sessions will be recorded for later review. By participating in the class, you consent to being recorded. Recordings will be posted on Canvas.

Copyright and accommodation. All materials (written and recorded) in this course, including those on the course website, are copyrighted. This also includes any recording of the class by the professor, any student, or any other person. These materials are only for the use of the individual student enrolled in this course and may not be reproduced or distributed without the express written consent of the professor.

If you would like to request accommodation, please review our Disability Policy at Vermont Law and Graduate School at: <https://www.vermontlaw.edu/accommodations>. If you have questions, please contact Associate Dean of Diversity, Equity, and Inclusion, Siu Tip Lim.

Syllabus & Assignments

A tentative syllabus follows. We may proceed more quickly or slowly through the course materials. I may amend or change this syllabus and the assignment schedule at any time as needed throughout the semester.

You are required to complete readings in time to be prepared for class discussion. Although I will not call on students who do not post on Canvas on the class day, I will sometimes ask for volunteers. Completing all assigned cases and notes is one of the best ways to prepare yourself and succeed in class.

Date	Topic	Question	Readings & Assignments	
8/28	Module 1: Introduction <ul style="list-style-type: none"> The right to exclude v. rights of access Business property and public trust doctrine Public accommodation 	Is my house my castle? If so, when? Can a business open to the public exclude some individuals? Could H&M refuse to let Ilhan Omar in its store because “real Muslims don’t wear tank-tops”?	<i>State v. Shack</i> (3-9) • Note 1-9 (14-22) <i>Jacque v. Steenberg</i> (36-39) • Notes 1-2 (39) §1.4 The Relational Nature of Property Rights (39-40) <i>Uston v. Resorts International Hotel, Inc.</i> (23-26) • Notes 1-3 (26-30) <i>Lloyd Corporation, Ltd. v. Tanner</i> (69-73) • Notes 1-3 (73-75) <i>Matthews v. Bay Head Improvement Association</i> (76-82) • Notes 1-3 (82-85) §2.1 The Antidiscrimination Principle (40-47) <i>McClure Management, LLC v. Taylor</i> (48-57) • Notes 1-3 (57-60)	
9/4	Module 2: The Origins and Justifications of Property <ul style="list-style-type: none"> Law of capture Law of finders (relativity of title) Adverse possession 	Can I take a stray Poodle home as my own? First in time, first in right? How long do I have to sleep in VLGS before I own it?	<i>Pierson v. Post</i> (150-154) • Notes 1-6 (154-155) <i>Popov v. Hayashi</i> (156-159) • Notes 1-6 (156-159) <i>Elliff v. Texon Drilling Co.</i> (161-164) • Notes (164-165) <i>Christy v. Scott</i> (165-167) • Notes 1-2 (167) <i>Armory v. Delamirie</i> (168-169)	Weekly reading response? Practice #1 available

			<ul style="list-style-type: none"> • Notes 1-5 (169-171) <i>Brown v. Gobble</i> (309-315) <ul style="list-style-type: none"> • Notes 1-12 (315-321) <i>Nome 2000 v. Fagerstrom</i> (325-331) <ul style="list-style-type: none"> • Notes 1-3 (331-332) 	
9/11	Module 3: Intangible Property <ul style="list-style-type: none"> • Labor theory • Intellectual property 	Do I own the meme I created? Are exclusive rights the best reward for innovation?	Discuss Practice #1 <i>International News Service v. Associated Press</i> (126-134) <ul style="list-style-type: none"> • Notes 1-6 (134-137) § 4.2 Theories of Intellectual Property (250-254) Copyright <ul style="list-style-type: none"> • Notes 1, 5 (271-272, 275) Fair Use <ul style="list-style-type: none"> • Notes 1-5 (285-288) <i>Qualitex Co. v. Jacobson Products Co.</i> (256-259) <ul style="list-style-type: none"> • Notes 1-5 (259-263) <i>Association for Molecular Pathology v. Myriad Genetics, Inc.</i> (291-295) <ul style="list-style-type: none"> • Notes 1-5 (299-301) Zarya of the Dawn (excerpt, on Canvas)	Weekly reading response? Practice #1 due 9/10 IP Project available
Asynchronous	Module 4: Real Estate Transaction <ul style="list-style-type: none"> • Introduction • Breach of the purchase and sale agreement 	What happens if the house I just signed a contract to buy is burned down?	§1 Real estate transactions: structure and roles (921-931) <i>Johnson v. Davis</i> (946-950) <ul style="list-style-type: none"> • Notes 1-5 (950-954) 	
9/18 6pm-8pm	Module 4: Real Estate Transaction <ul style="list-style-type: none"> • Deeds and real estate financing • Mortgage regulation, foreclosures 	Should the mortgage terms be regulated? What is foreclosure? Why are homeowners afraid of it?	§3 Deeds (960-966) §4.1-4.2 (966- 969) <i>Commonwealth v. Fremont Investment & Loan</i> (969-976) <ul style="list-style-type: none"> • Notes 1-5 (976-978) <i>Baskurt v. Beal</i> (988-991) <ul style="list-style-type: none"> • Notes 1-6 (991-996) 	Weekly reading response? IP Project due 9/17

			A. Installment Land Contracts (996-997) <i>Sebastian v. Floyd</i> (997-998) • Notes 1-4 (998-1002)	Practice #2 available
9/25	Module 5: Real Estate Transaction <ul style="list-style-type: none"> Recording system Fair Housing Act, disparate treatment, disparate impact 	Why are there vaults full of deeds in every jurisdiction across the country? Can you refuse to rent to 19-year-old college students?	Discuss Practice #2 § 5.1 Recording acts (1005-1011) <i>Sabo v. Horvath</i> (1012-1014) • Notes 1-7 (1011-1017) §1.1-1.2 (1027-1034) 24 C.F.R. §100.500 (1080) • Note 3 (1083-1085) <i>MHANY Management, Inc. v. County of Nassau</i> (1086-1094)	Weekly reading response? Practice #2 due 9/24
10/2	Module 6: Shared Ownership by Title <ul style="list-style-type: none"> Joint ownership: Forms; sharing rights & responsibilities Partition/heir property; entity property 	You think you have problems with your roommate? What is the benefit of splitting property?	§2.1 Forms of Concurrent Tenancies (684-688) §2.2 Sharing Rights and Responsibilities Between Co-Owners (690-692) <i>Carr v. Deking</i> (694-695) <i>Tenhet v. Boswell</i> (696-700) <i>Sawada v. Endo</i> (701-705) <i>Ark Land Co. v. Harper</i> (707-712) • Notes 1-3 (712-713)	Weekly reading response? Practice #3 available
	Module 7: Shared Ownership by Time <ul style="list-style-type: none"> Fee simple interests 	Would you convey your heart to me in fee simple absolute?	§1 Division of ownership over time (755-757) §3 The contemporary estate system (764-769)	
10/9 6pm-8pm	Module 7: Shared Ownership by Time <ul style="list-style-type: none"> Life estates and future interests 	Can I get grandma to devise her house to mom for life and then to me if I have graduated from law school?	Discuss Practice Question #3 Mid-Term Review §3.2 Life estates (769-772) <i>Edwards v. Bradley</i> (775-777) • Notes 1-5 (777-779)	Weekly reading response? Practice #3 due 10/8

Asynchronous	Module 7: Shared Ownership by Time <ul style="list-style-type: none"> Restrictions on estates and future interests 	Why does every law student learn about fertile octogenarians?	Watch the videos posted on Canvas §4.3 Rule Against Perpetuities (802-814) <i>Symphony Space, Inc. v. Pergola Properties, Inc.</i> (815-821) Notes 1-5 (821-824)	
10/16	Midterm			
Asynchronous	Module 8: Nuisance <ul style="list-style-type: none"> Nuisance and its remedies Light, air, and water 	Is a candy-cane paint house a nuisance? Can you add a second floor to the house and block the neighbor's view?	The reciprocal nature of conflicting land uses (364-365) <i>Dobbs v. Wiggins</i> (366-372) <ul style="list-style-type: none"> Notes 1-10 (372-380) § 2.2 Nuisance Remedies (381-383) <i>Bommer v. Atlantic Cement Co.</i> (383-386) <ul style="list-style-type: none"> Notes 1-3 (386-387) <i>Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc.</i> (395-398) <i>Prah v. Maretti</i> (398-404) <ul style="list-style-type: none"> Notes 1-3 (404-406) <i>Armstrong v. Francis Corp.</i> (416-420) Notes 1-22 (420-421)	
10/23	Module 9: Landlord/tenant law <ul style="list-style-type: none"> Introduction Conflicts about rent and quiet enjoyment Habitable premises 	Am I a tenant if I live in a college dorm? Just how bad is my landlord? Does imposing minimum standards on landlords make premises more habitable?	§1.1 Categories of tenancies (831-833) §1.3 Regulation of Landlord-Tenant Relationships (834-836) <i>Vasquez v. Glassboro Service Associations, Inc.</i> (837-842) <ul style="list-style-type: none"> Notes 1-4 (842-846) §3.1- §3.2 (868-873) <i>Sommer v. Kridel</i> (874-878) <ul style="list-style-type: none"> Notes 1-6 (878-881) <i>Minjak Co v. Randolph</i> (884-887) <ul style="list-style-type: none"> Notes 1-7 (887-890) 	Weekly reading response? Housing project available

			<p>§4.2 Warranty of Habitability (891-892)</p> <p><i>Javins v. First National Realty Corp.</i> (892-898)</p> <ul style="list-style-type: none"> • Notes 1-6 (989-909) <p>§4.5 Minimum Standards Revisited (916-918)</p>	
10/30	<p>Module 10: Easements</p> <ul style="list-style-type: none"> • Introduction • Creation & interpretation • Implied Easement 	<p>How can I get rights in my neighbor's land?</p> <p>How long do I have to cross my neighbor's lawn before I have a right to cross it forever?</p> <p>When does a necessity become a right?</p>	<p>Servitudes (535-537)</p> <p>Easements (537-539)</p> <p><i>Green v. Lupo</i> (542-544)</p> <ul style="list-style-type: none"> • Notes 1-4 (544-546) <p><i>Cox v. Glenbrook Co.</i> (546-551)</p> <ul style="list-style-type: none"> • Notes 1-8 (551-556) <p><i>Frech v. Piontkowski</i> (336-340)</p> <ul style="list-style-type: none"> • Notes 1-6 (340-342) <p><i>Lobato v. Taylor</i> (557-564)</p> <ul style="list-style-type: none"> • Notes 1-4 (564-567) <p><i>Granite Properties Limited Partnership v. Manns</i> (567-573)</p> <ul style="list-style-type: none"> • Notes 1-2 (573-574) <p><i>Finn v. Williams</i> (574-576)</p> <ul style="list-style-type: none"> • Notes 1-2 (576-578) <p>Modifying & terminating easements (579)</p>	<p>Weekly reading response?</p> <p>Housing project due 10/29</p> <p>Practice #4 available</p>
11/6 6pm-8pm	<p>Module 11: Covenants</p> <ul style="list-style-type: none"> • Introduction • Property governance of condo and homeowner associations 	<p>When am I bound by an old promise of some stranger?</p> <p>How many cats can I have in my condo?</p>	<p>Discuss Practice #4</p> <p>§ 3.1 Definition and Background (579-582)</p> <p><i>Neponsit Property Owners' Association v. Emigrant Industrial Savings Bank</i> (583-586)</p> <ul style="list-style-type: none"> • Notes 1-8 (586-592) <p>§ 4.1 Implied Reciprocal Negative Servitudes in Residential Subdivisions (600-601)</p>	<p>Weekly reading response?</p> <p>Practice #4 due 11/5</p>

			<i>Evans v. Pollock</i> (601-604) • Notes 1-4 (604-607) § 4.2 Common Interest Developments and Property Owners Associations (608-612) <i>Nabrs v. Lakeside Village</i> (625-631) <i>Apple Valley Gardens Assoc. v. MacHutta</i> (636-641) • Notes 1-3 (646-647)	
Asynchronous	Module 11: Covenants • Limitations on covenants	What if there is a racially restrictive covenant in the deed?	<i>Shelley v. Kraemer</i> (648-655) • Notes 1-6 (655-658) <i>Northwest Real Estate Co. v. Serio</i> (661-663) • Notes 1-7 (663-666)	
11/13	Module 12: Zoning • Introduction • Prior nonconforming uses; variances; special exceptions; rezoning • Constitutional & statutory limits	Do we have a love-hate relationship with single-family zoning? What happens if zoning is used to exclude certain kinds of people? What could zoning ever achieve?	<i>Village of Euclid v. Ambler Realty Co.</i> (448-454) • Note 1-5 (454-459) § 1.3-1.5 (459-462) <i>Town of Belleville v. Parrillo's, Inc.</i> (463-466) • Note 1-3 (466-467) <i>Krummenacher v. Minnetonka</i> (473-477) • Note 1-3 (477-479) § 3.2-3.3 (479-484) <i>Southern Burlington County NAACP v. Township of Mount Laurel</i> (488-494) • Note 1-5 (494-498) <i>Village of Belle Terre v. Boraas</i> (498-501) Note 1-4 (506-508)	Weekly reading response? Practice #5 available
11/20	Module 13: Takings 1 • Eminent Domain • Regulatory takings: general	Could the government take my house for a Four Seasons hotel? How can I tell if something has been “taken”?	Discuss Practice #5 <i>Kelo v. City of New London</i> (1125-1140) • Note 1-8 (1140-1145) Regulatory Takings (1158-1162) <i>Penn Central Transportation Co. v. New York City</i> (1163-1171) Note 1-4 (1171-1177)	Weekly reading response? Practice #5 due 11/19

Asynchronous	Module 14: Takings 2 <ul style="list-style-type: none"> Exactions 	When does the government have to pay you for limiting your right to exclude?	<i>Dolan v. City of Tigard</i> (1229-1240) <ul style="list-style-type: none"> Note 1-5 (1240-1244) 	
12/4 6pm-8pm	Module 14: Takings 2 <ul style="list-style-type: none"> Regulatory takings: the “<i>per se</i>” test Wrap-Up	Does a regulation allowing labor organizer access to farms count as regulatory taking?	<i>Lucas v. South Carolina Coastal Council</i> (majority opinion, 1178-1187) <i>Cedar Point Nursery v. Hassid</i> (1202-1209) <ul style="list-style-type: none"> Note 1 (1209-1212) Final Review!	Weekly reading response?