

# Property

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# Property

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*Cases and Statutes*

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**Joyce Palomar**

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# Contents

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Table of Cases	xiii
Preface	xix
<b>Chapter I Possessing and Owning Assets</b>	<b>3</b>
A. Rights and Duties of Possessors	3
1. Possessors and Their Rivals	3
<i>Gissel v. State</i>	3
Notes	6
<i>Terry v. A.D. Lock</i>	21
Notes	24
<i>Cesarini v. United States</i>	27
Note	30
<i>McGlynn v. Parking Authority of City of Newark</i>	30
Notes	33
<i>Tapscott v. Cobbs</i>	37
Notes	40
B. Adverse Possession	42
<i>Alaska National Bank v. Linck</i>	42
Notes	46
<i>Brennan v. Manchester Crossings</i>	48
<i>Howard v. Kunto</i>	51
Notes	53
<i>Gilardi v. Hallam</i>	54
Notes	58
<i>Estate of Wells v. Estate of Smith</i>	62
Notes	65
<i>Lawrence v. Town of Concord</i>	67
Notes	69
<i>Warsaw v. Chicago Metallic Ceilings</i>	73
Notes	78
C. Alternative Theories	80
1. Good Faith Improvers	80
<i>Somerville v. Jacobs</i>	80
Notes	84
2. Agreed Boundaries	88
<i>Bryant v. Blevins</i>	88
Notes	97

<b>Chapter II</b>	<b>Common Law Estates</b>	99
A.	Basic Rules	99
1.	What Kind of Interest Was Created?	103
	<i>Priestkorn v. Maloof</i>	103
	Notes	105
	<i>United States v. Drescher</i>	108
	Notes	110
2.	Contingent Remainders	112
	Summers v. Garland	112
	Notes	113
3.	Perpetuities	114
	<i>Shaver v. Clanton</i>	114
	Notes	117
B.	Waste	126
	<i>Brokaw v. Fairchild</i>	126
	<i>Brokaw v. Fairchild</i>	130
	Notes	131
C.	Partition	134
	<i>Forrest v. Elam</i>	134
	Note	137
<b>Chapter III</b>	<b>Co-Ownership</b>	139
A.	Types of Arrangements	139
	<i>D'ercole v. D'ercole</i>	139
	Notes	141
	<i>James v. Taylor</i>	147
	Notes	149
	<i>Tenhet v. Boswell</i>	158
	Notes	162
	<i>Estate of Blair</i>	166
	Notes	168
	<i>Long v. Long</i>	171
	Notes	174
	<i>Cook v. Cook</i>	176
	Notes	180
	<i>Nahrstedt v. Lakeside Village Condominium Association</i>	183
	Notes	190
B.	Economic Consequences	198
	<i>Sawada v. Endo</i>	198
	Notes	202
	<i>Dutcher v. Owens</i>	208
	Notes	210
	<i>Giles v. Sheridan</i>	211
	Notes	213
	<i>In Re Fazio</i>	219
	Notes	222

<b>Chapter IV Landlord and Tenant</b>	225
A. Types of Tenancies	225
<i>Union Travel Associates v. International Associates</i>	225
Notes	228
<i>Riverview Realty v. Williamson</i>	236
Notes	237
<i>Arbenz v. Exley, Watkins &amp; Co.</i>	249
Notes	251
<i>Piggly Wiggly Southern, Inc. v. Heard</i>	256
Notes	258
B. Tenants Who Abandon	261
<i>Duda v. Thompson</i>	261
Note	264
<i>Austin Hill Country Realty v. Palisades Plaza</i>	265
Notes	269
<i>Aurora Business Park Associates v. Albert</i>	270
C. Transfers of Interests in Leases (and Selection of Tenants)	272
<i>Carma Developers v. Marathon Development</i>	272
Notes	277
<i>Braschi v. Stahl Associates</i>	280
Notes	283
<i>Northside Station Associates v. Maddry</i>	292
Notes	294
<i>Plaza Freeway Limited Partnership v. First Mountain Bank</i>	297
Notes	299
D. Tenants Who Refuse to Leave	301
<i>Deroshia v. Union Terminal Piers</i>	301
Notes	302
<i>Lindsey v. Normet</i>	304
Notes	310
<i>In re Butler</i>	320
Notes	323
<i>Hi Kai Investment v. Aloha Futons Beds &amp; Waterbeds</i>	327
Notes	329
<i>Sinclair Refining Co. v. Shakespeare</i>	330
Notes	332
<i>Dieffenbach v. McIntyre</i>	333
Note	335
E. “Defective” Premises	335
<i>Gehrke v. General Theatre Corp.</i>	335
Notes	337
<i>Kennedy v. Kidd</i>	338
Notes	341
<i>Brown v. Green</i>	346
Notes	352
<i>Wesson v. Leone Enterprises, Inc.</i>	354
Notes	359
<i>Green v. Superior Court</i>	365
Notes	373

<i>Sterling v. Santa Monica Rent Control Board</i>	376
Note	378
<i>Borders v. Roseberry</i>	380
Notes	384
<i>Ann M. v. Pacific Plaza Shopping Center</i>	396
Notes	399
<b>Chapter V Servitudes</b>	411
A. Creation	411
1. Easements	411
<i>Consolidated Rail Corporation v. Lewellen</i>	411
Notes	413
<i>United States v. Blackman</i>	416
Notes	420
<i>Corbett v. Ruben</i>	427
Notes	429
<i>Camp v. Milam</i>	430
Notes	433
<i>Peterson v. Beck</i>	435
Notes	436
<i>Block v. Sexton</i>	439
Notes	441
2. Covenants	448
<i>Runyon v. Paley</i>	448
Notes	455
<i>Regency Homes Association v. Egermayer</i>	458
Notes	461
<i>Citizens for Covenant Compliance v. Anderson</i>	465
Notes	467
B. Changes	469
1. Easements	469
<i>Brown v. Voss</i>	469
Notes	472
<i>Abbott v. Nampa School District</i>	474
Note	477
<i>Hayes v. Aquia Marina, Inc.</i>	478
Notes	479
<i>Figliuzzi v. Carcajou Shooting Club of Lake Koshkonong</i>	481
Notes	483
2. Covenants	487
<i>Windemere Homeowners Ass'n v. McCue</i>	487
Note	489
<i>McHuron v. Grand Teton Lodge Company</i>	490
Notes	493
<i>Hall v. Butte Home Health</i>	497
Notes	499
<i>Rofe v. Robinson</i>	502
Notes	503



C. Termination	505
<i>B.B.P. Corporation v. Carroll</i>	505
Notes	507
<i>El Di, Inc. v. Town of Bethany Beach</i>	509
Notes	512
<i>Reichardt v. Hoffman</i>	513
Notes	518
D. Related Interests	519
1. Above and Below the Surface	519
<i>Brown v. United States</i>	519
Notes	521
<i>Noone v. Price</i>	524
Notes	529
<i>Finley v. Teeter Stone, Inc.</i>	532
Note	537
2. Water	538
<i>Locklin v. City of Lafayette</i>	538
Note	547
<i>State Lands Commission v. Superior Court</i>	548
Note	551
<i>National Audubon Society v. Superior Court</i>	551
Notes	561
3. Nuisance and Related Issues	563
<i>Carpenter v. Double R Cattle Company</i>	563
<i>Carpenter v. Double R Cattle Company</i>	572
Notes	573
<i>Wilson v. Handley</i>	579
<i>Sprecher v. Adamson Companies</i>	585
<b>Chapter VI Land Use Regulations</b>	589
A. Basic Principles	589
<i>Village of Euclid, Ohio v. Ambler Realty Co.</i>	589
Notes	596
<i>Town of Jonesville v. Powell Valley Village Limited Partnership</i>	604
Notes	606
<i>Town of Orangetown v. Magee</i>	610
Notes	611
<i>Fritz v. City of Kingman</i>	622
Notes	624
<i>Kelo v. City of New London, Connecticut</i>	629
Notes	636
B. Common Regulatory Techniques	638
<i>In the Matter of Raritan Development Corp. v. Silva</i>	638
Notes	640
<i>St. Onge v. Donovan</i>	643
Notes	647
<i>Village of Hudson v. Albrecht</i>	654
Note	659

<i>Penn Central Transportation Company v. City of New York</i>	660
Notes	675
<i>AVR, Inc. v. City of St. Louis Park</i>	678
Notes	683
<i>Smith v. Zoning Board of Appeals of the Town of Greenwich</i>	689
Notes	694
<i>San Franciscans for Reasonable Growth v. City and County of San Francisco</i>	697
Notes	703
<i>Associated Home Builders v. City of Livermore</i>	706
Notes	714
C. Attacks by Opponents	716
<i>Britton v. Town of Chester</i>	716
Notes	720
<i>Bonnie Briar Syndicate v. Town of Mamaroneck</i>	724
Notes	727
<i>Lucas v. South Carolina Coastal Council</i>	734
Notes	738
<i>City of Ladue v. Gilleo</i>	753
Notes	758
<b>Chapter VII Real Estate Transactions</b>	773
A. Lawyers and Brokers	773
<i>In the Matter of Guy J. Lanza, An Attorney at Law</i>	773
Notes	776
<i>Chicago Bar Association v. Quinlan and Tyson, Inc.</i>	784
Notes	787
<i>Steve Schmidt &amp; Co. v. Berry</i>	793
Notes	798
<i>Haymes v. Rogers</i>	807
Notes	809
<i>Teter v. Old Colony Company</i>	819
Notes	822
B. Sales Contracts	825
<i>Phoenix Mutual Life Insurance Co. v. Shady Grove Plaza Limited Partnership</i>	825
Notes	830
<i>Fry v. George Elkins Co.</i>	843
Notes	845
<i>Conklin v. Davi</i>	847
Notes	849
<i>Bryant v. Willison Real Estate Co.</i>	852
Notes	855
<i>Giannini v. First National Bank of Des Plaines</i>	857
Notes	860
<i>Wallace Real Estate Investment, Inc. v. Groves</i>	861
Notes	865
C. Defects in the Property	870
<i>Caceci v. Di Canio Construction Corp.</i>	870

Notes	873
<i>Strawn v. Canuso</i>	877
Notes	882
<i>Calloway v. City of Reno</i>	891
Note	895
<i>Hydro-Manufacturing, Inc. v. Kayser-Roth Corp.</i>	896
Notes	901
<i>Alabama Plating Company v.</i> <i>United States Fidelity and Guaranty Company</i>	912
Notes	914
D. Deeds and Closings	918
1. Conveyancing Formalities	918
Notes	920
2. Legal Descriptions and Boundaries	922
<i>Pilgrim v. Kuipers</i>	922
Notes	924
3. Delivery	928
<i>Lenhart v. Desmond</i>	928
Notes	930
<i>Ferguson v. Caspar</i>	931
Notes	937
<i>Sears Mortgage Corporation v. Rose</i>	939
Notes	944
E. Priority of Rights to Land	952
<i>Haner v. Bruce</i>	952
Notes	954
<i>Hersh Properties v. McDonald's Corporation</i>	957
Notes	961
<i>Rolling "R" Construction v. Dodd</i>	964
Notes	965
<i>In re Weisman</i>	973
Notes	976
<i>Gabel v. Drewrys Limited</i>	980
Notes	982
F. Title Insurance	985
1. Title Warranties in Deeds	985
<i>St. Paul Title Insurance Corporation v. Owen</i>	985
Notes	988
2. Attorneys' Title Opinions	990
<i>Bass v. Farr</i>	990
Notes	991
3. Title Insurance Policies	994
<i>Walker Rogge, Inc. v. Chelsea Title &amp; Guaranty Company</i>	994
Notes	998
4. Are Title Companies Practicing Law?	1019
<i>Land Title Company of Alabama v. State</i>	1019
G. Mortgages	1024
<i>Mid-State Investment Corporation v. O'Steen</i>	1024
Notes	1026

<i>Johnson v. Cherry</i>	1029
Notes	1031
<i>Looney v. Farmers Home Administration</i>	1035
Notes	1037
<i>BFP v. Resolution Trust Corporation</i>	1043
Notes	1047
<i>First State Bank of Forsyth v. Chunkapura</i>	1049
Notes	1054
H. Income Tax	1055
<i>Basis of Assets</i>	1061
<i>Crane v. Commissioner of Internal Revenue</i>	1064
<i>Lukens v. Commissioner of Internal Revenue</i>	1068
Index	1071

# Table of Cases

---

- Abbott v. Nampa School District, Supreme Court of Idaho, 1991, 474
- Alabama Plating Company v. United States Fidelity and Guaranty Company, 690 So. 2d 331 (Supreme Court of Alabama 1996), 912
- Alaska National Bank v. Lindk, 559 P.2d 1049 (Supreme Court of Alaska, 1977, 42
- Ann M. v. Pacific Plaza Shopping Center, 6 Cal. 4th 666, 863 P.2d 207 (California Supreme Court 1993), 396
- Arbenz v. Exley, Watkins & Co., 57 W. Va. 580, 50 S.E. 813 (West Virginia Supreme Court of Appeals 1905), 249
- Associated Home Builders v. City of Livermore, 18 Cal. 3d 582, 557 P.2d 473 (Supreme Court of California 1976), 706
- Aurora Business Park Associates v. Albert, 548 N.W.2d 153 (Iowa Supreme Court 1996), 270
- Austin Hill Country Realty v. Palisades Plaza, 948 S.W.2d 293 (Texas Supreme Court 1997), 265
- AVR, Inc. v. City of St. Louis Park, 585 N.W.2d 411 (Minnesota Court of Appeals 1998), 678
- B.B.P. Corporation v. Carroll, 760 P.2d 519 (Supreme Court of Alaska 1988), 505
- Bass v. Farr, 315 S.C. 400, 434 S.E.2d 274 (Supreme Court of South Carolina 1993), 990
- BFP v. Resolution Trust Corporation, 512 U.S. 1247, 129 L. Ed. 2d 884 (U.S. Supreme Court 1994), 1043
- Block v. Sexton, 577 N.W.2d 521 (Minnesota Court of Appeals 1998), 439
- Bonnie Briar Syndicate v. Town of Mamaronck, 94 N.Y.2d 96, 721 N.E.2d 971 (New York Court of Appeals 1999), 724
- Borders v. Roseberry, 216 Kan. 486, 532 P.2d 1366 (Kansas Supreme Court 1975), 380
- Braschi v. Stahl Associates, 74 N.Y.2d 201, 543 N.E.2d 49 (New York Court of Appeals 1989), 280
- Brennan v. Manchester Crossings, 708 A.2d 815 (Superior Court of Pennsylvania, 1998), 48
- Britton v. Town of Chester, 134 N.H. 434, 595 A.2d 492 (Supreme Court of New Hampshire 1991), 716
- Brokaw v. Fairchild, 135 N.Y. Misc. 70 (Sup. Ct. New York County 1929), 126
- Brokaw v. Fairchild, 231 A.D. 704 (New York Supreme Court Appellate Division, 1st Dept., 1930), 130
- Brown v. Green, 8 Cal. 4th 812, 884 P.2d 55 (California Supreme Court 1994), 346
- Brown v. United States, 95 F.3d 1163, (U.S. Court of Appeals, Federal Circuit 1996), 519
- Brown v. Voss, Supreme Court of Washington, 1986, 469
- Bryant v. Blevins, 9 Cal. 4th 47, 884 P.2d 1034 (Supreme Court of California, 1994), 88
- Bryant v. Willison Real Estate Co., 177 W. Va. 120, 350 S.E.2d 748 (West Virginia Supreme Court of Appeals 1986), 852
- Caceci v. Di Canio Construction Corp., 72 N.Y.2d 52, 526 N.E.2d 266 (New York Court of Appeals 1988), 870
- Calloway v. City of Reno, 116 Nev. 250, 993 P.2d 1259 (Supreme Court of Nevada 2000), 891
- Camp v. Milam, 291 Ala. 12, 277 So. 2d 95 (Supreme Court of Alabama 1973), 430
- Carma Developers v. Marathon Development, 2 Cal. 4th 342, 826 P.2d 710 (California Supreme Court 1992), 272

- Carpenter v. Double R Cattle Company, 105 Idaho 320, 669 P.2d 643 (Idaho Court of Appeals 1983), 563
- Carpenter v. Double R Cattle Company, 108 Idaho 602, 701 P.2d 222 (Supreme Court of Idaho 1985), 572
- Cesarini v. United States, 296 F. Supp. 3 (District Court, Ohio, 1969), 27
- Chicago Bar Association v. Quinlan and Tyson, Inc., 34 Ill. 2d 116, 214 N.E.2d 771 (Supreme Court of Illinois 1966), 784
- Citizens for Covenant Compliance v. Anderson, 12 Cal. 4th 345, 906 P.2d 1314 (Supreme Court of California 1995), 465
- City of Ladue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36 (U.S. Supreme Court 1994), 753
- Conklin v. Davi, 76 N.J. 468, 388 A.2d 598 (Supreme Court of New Jersey 1978), 847
- Consolidated Rail Corporation v. Lewellen, 682 N.E.2d 779 (Supreme Court of Indiana 1997), 411
- Cook v. Cook, 142 Ariz. 573, 691 P.2d 664 (Supreme Court of Arizona 1984), 176
- Corbett v. Ruben, 223 Va. 468, 290 S.E.2d 847 (Supreme Court of Virginia 1982), 427
- Crane v. Commissioner of Internal Revenue, 328 U.S. 826, 90 L. Ed. 1605 (U.S. Supreme Court 1946), 1064
- D'ercole v. D'ercole, 407 F. Supp. 1377 (District Court, D. Massachusetts 1976), 139
- Deroshia v. Union Terminal Piers, 151 Mich. App. 715, 391 N.W.2d 458 (Michigan Court of Appeals 1986), 301
- Dieffenbach v. McIntyre, 208 Okla. 163, 254 P.2d 346 (Oklahoma Supreme Court 1952), 333
- Duda v. Thompson, 169 Misc. 2d 649 (New York Supreme Court 1996), 261
- Dutcher v. Owens, 647 S.W.2d 948 (Texas Supreme Court 1983), 208
- El Di, Inc. v. Town of Bethany Beach, 477 A.2d 1066 (Supreme Court of Delaware 1984), 509
- Estate of Blair, 199 Cal. App. 3d 161 (California Court of Appeal, 4th Dist. 1988), 166
- Estate of Wells v. Estate of Smith, 576 A.2d 707 (District of Columbia Court of Appeals, 1990), 62
- Ferguson v. Caspar, 359 A.2d 17 (U.S. Court of Appeals, District of Columbia 1976), 931
- Figliuzzi v. Carcajou Shooting Club of Lake Koshkonong, Supreme Court of Wisconsin, 1994, 481
- Finley v. Teeter Stone, Inc., 251 Md. 428, 248 A.2d 106 (Maryland Court of Appeals 1968), 532
- First State Bank of Forsyth v. Chunkapura, 226 Mont. 54, 734 P.2d 1203 (Supreme Court of Montana 1987), 1049
- Forrest v. Elam, 88 Cal. App. 3d 164 (California Court of Appeal 4th Dist. 1979), 134
- Fritz v. City of Kingman, 191 Ariz. 432, 957 P.2d 337 (Supreme Court of Arizona 1998), 622
- Fry v. George Elkins Co., 162 Cal. App. 2d 256, 327 P.2d 905 (California Court of Appeal, 2d District 1958), 843
- Gabel v. Drewrys Limited, 68 So. 2d 372 (Supreme Court of Florida 1953), 980
- Gehrke v. General Theatre Corp., 207 Neb. 301, 298 N.W.2d 773 (Nebraska Supreme Court 1980), 335
- Giannini v. First National Bank of Des Plaines, 136 Ill. App. 3d 971, 483 N.E.2d 924 (Illinois Court of Appeals, 1st District 1985), 857
- Gilardi v. Hallam, 30 Cal. 3d 317, 636 P.2d 588 (Supreme Court of California, 1981), 54
- Giles v. Sheridan, 179 Neb. 257, 137 N.W.2d 828 (Supreme Court of Nebraska 1965), 211
- Gissel v. State, 111 Idaho 725, 727 P.2d 1153, Supreme Court of Idaho, 1986, 3
- Green v. Superior Court, 10 Cal. 3d 616, 517 P.2d 1168 (California Supreme Court 1974), 365
- Hall v. Butte Home Health, 60 Cal. App. 4th 308 (California Court of Appeal, 3d District 1997), 497
- Haner v. Bruce, 146 Vt. 262, 499 A.2d 792 (Supreme Court of Vermont 1995), 952
- Hayes v. Aquia Marina, Inc., Supreme Court of Virginia, 1992, 478
- Haymes v. Rogers, 70 Ariz. 408, 222 P.2d 789 (Supreme Court of Arizona 1950), 807
- Hersh Properties v. McDonald's Corporation, 588 N.W.2d 728 (Supreme Court of Minnesota 1999), 957

- Hi Kai Investment v. Aloha Futons Beds & Waterbeds, 84 Haw. 75, 929 P.2d 88 (Hawai'i Supreme Court 1996), 327
- Howard v. Kunto, 3 Wn. App. 393, 477 P.2d. 210 (Washington Court of Appeals, 1970), 51
- Hydro-Manufacturing, Inc. v. Kayser-Roth Corp., 640 A.2d 950 (Supreme Court of Rhode Island 1994), 896
- In re Butler, 271 B.R. 867 (Bankruptcy Court, C.D. California 2002), 320
- In Re Fazzio, 180 B.R. 263 (Bankruptcy Court E.D. California 1995), 219
- In re Weisman, 5 F.3d 417 (U.S. Court of Appeals, 9th Circuit 1993), 973
- In the Matter of Guy J. Lanza, An Attorney at Law, 65 N.J. 347, 322 A.2d 445 (Supreme Court of New Jersey 1974), 773
- In the Matter of Raritan Development Corp. v. Silva, 91 N.Y.2d 98, 689 N.E.2d 1373 (New York Court of Appeals 1997), 638
- James v. Taylor, 62 Ark. App. 130, 969 S.W.2d 672 (Arkansas Court of Appeals, Div. III, 1998), 147
- Johnson v. Cherry, 726 S.W.2d 4 (Supreme Court of Texas 1987), 1029
- Kelo v. City of New London, Connecticut, Supreme Court of the United States, June 23, 2005, 629
- Kennedy v. Kidd, 557 P.2d 467 (Oklahoma Court of Appeals 1976), 338
- Land Title Company of Alabama v. State, 292 Ala. 691, 299 So. 2d 289 (Supreme Court of Alabama 1974), 1019
- Lawrence v. Town of Concord, 439 Mass 416, 788 N.E.2d 546 (Supreme Judicial Court of Massachusetts, 2003), 67
- Lenhart v. Desmond, 705 P.2d 338 (Supreme Court of Wyoming 1985), 928
- Lindsey v. Normet, 405 U.S. 56, 92 S. Ct. 862, 31 L. Ed. 2d 36 (Supreme Court of the United States 1972), 304
- Locklin v. City of Lafayette, 7 Cal. 4th 327, 867 P.2d 724 (Supreme Court of California 1994), 538
- Long v. Long, 1997 Me. 171, 697 A.2d 1317 (Supreme Court of Maine 1997), 171
- Looney v. Farmers Home Administration, 794 F.2d 310 (U.S. Court of Appeals, 7th Circuit 1986), 1035
- Lucas v. South Carolina Coastal Council, 505 U.S. 1003, 112 S. Ct. 2886, 120 L. Ed. 2d 798 (U.S. Supreme Court 1992), 734
- Lukens v. Commissioner of Internal Revenue, 945 F.2d 92 (U.S. Court of Appeals, 5th Circuit 1991), 1068
- McGlynn v. Parking Authority of City of Newark, 86 N.J. 551; 432 A.2d 99, (Supreme Court of New Jersey, 1981), 30
- McHuron v. Grand Teton Lodge Company, 899 P.2d 38 (Supreme Court of Wyoming 1995), 490
- Mid-State Investment Corporation v. O'Steen, 133 So. 2d 455 (Florida District Court of Appeal, 1st District 1961), 1024
- Nahrstedt v. Lakeside Village Condominium Association, 8 Cal. 4th 361, 878 P.2d 1275 (Supreme Court of California 1994), 183
- National Audubon Society v. Superior Court, 33 Cal. 3d 419, 658 P.2d 709 (Supreme Court of California 1983), 551
- Noone v. Price, 171 W. Va. 185, 298 S.E.2d 218 (West Virginia Supreme Court of Appeals 1982), 524
- Northside Station Associates v. Maddry, 105 N.C. App. 384, 413 S.E.2d 319 (North Carolina Court of Appeals 1992), 292
- Penn Central Transportation Company v. City of New York, 438 U.S. 104, 98 S. Ct. 2646, 57 L. Ed. 2d 631 (U.S. Supreme Court 1978), 660
- Peterson v. Beck, 537 N.W.2d 375 (Supreme Court of South Dakota 1995), 435
- Phoenix Mutual Life Insurance Co. v. Shady Grove Plaza Limited Partnership, 734 F. Supp. 1181 (U.S. District Court, D. Maryland 1990), 825
- Piggly Wiggly Southern, Inc. v. Heard, 261 Ga. 503, 405 S.E.2d 478 (Georgia Supreme Court 1991), 256
- Pilgrim v. Kuipers, 209 Mont. 177, 679 P.2d 787 (Supreme Court of Montana 1984), 922
- Plaza Freeway Limited Partnership v. First Mountain Bank, 81 Cal. App. 4th 616 (California Court of Appeal, 4th District 2000), 297
- Priestkorn v. Maloof, 128 N.M. 226, 991 P.2d 511 (New Mexico Court of Appeals 1999), 103
- Regency Homes Association v. Egermayer, 243 Neb. 286, 498 N.W.2d 783 (Supreme Court of Nebraska 1993), 458

- Reichardt v. Hoffman, 52 Cal. App. 4th 754 (California Court of Appeal 1997), 513
- Riverview Realty v. Williamson, 284 N.J. Super. 566; 665 A.2d 1150 (Superior Court of New Jersey, Appellate Division 1995), 236
- Rofe v. Robinson, 415 Mich. 345, 329 N.W.2d 704 (Supreme Court of Michigan 1982), 502
- Rolling “R” Construction v. Dodd, 477 So. 2d 330 (Supreme Court of Alabama 1985), 964
- Runyon v. Paley, 331 N.C. 293, 416 S.E.2d 177 (Supreme Court of North Carolina 1992), 448
- San Franciscans for Reasonable Growth v. City and County of San Francisco, 209 Cal. App. 3d 1502 (California Court of Appeal, 1st District 1989), 697
- Sawada v. Endo, 57 Haw. 608, 561 P.2d 1291 (Supreme Court of Hawaii 1977), 198
- Sears Mortgage Corporation v. Rose, 134 N.J. 326, 634 A.2d 74 (Supreme Court of New Jersey 1993), 939
- Shaver v. Clanton, 26 Cal. App. 4th 568 (California Court of Appeal, 4th Dist. 1994), 114
- Sinclair Refining Co. v. Shakespeare, 115 Colo. 520, 175 P.2d 389 (Colorado Supreme Court 1946), 330
- Smith v. Zoning Board of Appeals of the Town of Greenwich, 227 Conn. 71, 629 A.2d 1089 (Supreme Court of Connecticut 1993), 689
- Somerville v. Jacobs, 153 W. Va. 613, 170 S.E.2d 805 (Supreme Court of Appeals of West Virginia, 1969), 80
- Sprecher v. Adamson Companies, 30 Cal. 3d 358, 636 P.2d 1121 (Supreme Court of California 1981), 585
- St. Onge v. Donovan, 71 N.Y.2d 507, 522 N.E.2d 1019 (New York Court of Appeals 1988), 643
- St. Paul Title Insurance Corporation v. Owen, 452 So. 2d 482 (Supreme Court of Alabama 1984), 985
- State Lands Commission v. Superior Court, 11 Cal. 4th 50, 900 P.2d 648 (Supreme Court of California 1995), 548
- Sterling v. Santa Monica Rent Control Board, 168 Cal. App. 3d 176 (California Court of Appeal, 2nd District 1985), 376
- Steve Schmidt & Co. v. Berry, 183 Cal. App. 3d 1299 (California Court of Appeal, 5th District 1986), 793
- Strawn v. Canuso, 140 N.J. 43, 657 A.2d 420 (Supreme Court of New Jersey 1995), 877
- Summers v. Garland, 352 Ark. 29, 98 S.W.3d 23 (Supreme Court of Arkansas 2003), 112
- Tapscott v. Cobbs, 52 Va. 172 (Virginia Court of Appeals, 1854), 37
- Tenhet v. Boswell, 18 Cal. 3d 150, 554 P.2d 330 (Supreme Court of California 1976), 158
- Terry v. A.D. Lock, 343 Ark. 452; 275 S.W.3d 202 (Supreme Court of Arkansas, 2001), 21
- Teter v. Old Colony Company, 190 W. Va. 711, 441 S.E.2d 728 (West Virginia Supreme Court of Appeals 1994), 819
- Town of Jonesville v. Powell Valley Village Limited Partnership, 254 Va. 70, 487 S.E.2d 207 (Supreme Court of Virginia 1997), 604
- Town of Orangetown v. Magee, 88 N.Y.2d 41, 665 N.E.2d 1061 (New York Court of Appeals 1996), 610
- Union Travel Associates v. International Associates, 401 A.2d 105 (District of Columbia Court of Appeals 1979), 225
- United States v. Blackman, Supreme Court of Virginia, \_\_\_ S.E.2d \_\_\_, June 9, 2005, 416
- United States v. Drescher, 179 F.2d 863 (Second Circuit Court of Appeal 1950), 108
- Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365, 47 S. Ct. 114, 71 L. Ed. 303 (U.S. Supreme Court 1926), 589
- Village of Hudson v. Albrecht, 9 Ohio St.3d 69, 458 N.E.2d 852 (Supreme Court of Ohio 1984), 654
- Walker Rogge, Inc. v. Chelsea Title & Guaranty Company, 116 N.J. 517, 562 A.2d 208 (Supreme Court of New Jersey 1989), 994
- Wallace Real Estate Investment, Inc. v. Groves, 124 Wash. 2d 881, 881 P.2d 1010 (Supreme Court of Washington 1994), 861
- Warsaw v. Chicago Metallic Ceilings, 35 Cal. 3d 564; 676 P.2d 584 (Supreme Court of California, 1984), 73
- Wesson v. Leone Enterprises, Inc., 437 Mass. 708, 774 N.E.2d 611 (Massachusetts Supreme Judicial Court 2002), 354



TABLE OF CASES

xvii

Wilson v. Handley, 97 Cal. App. 4th 1301  
(California Court of Appeal, 3d District  
2002), 579

Windemere Homeowners Assn v. Mccue, 297  
Mont. 77, 990 P.2d 769 (Supreme Court  
of Montana 1999), 487



# Preface

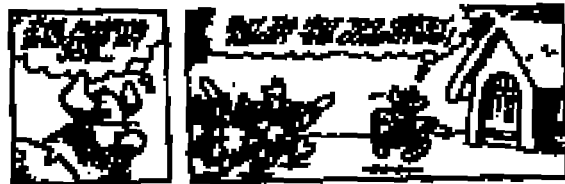
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Welcome to the most exciting course you will take in law school. Don't believe those who tell you that Property is dull and hard. It may be hard, but it certainly is not dull. It is the battleground of some of the most difficult and painful (yet also most interesting) problems that society encounters. Here is where tenants and landlords take their stands on evictions, slum housing conditions, and rent control (to name only a few of their grievances). Here is where shared owners of property—business venturers, married couples or domestic partners—struggle over who makes the decisions, who owes what, and who owns how much. Here is where owners square off against their neighbors (and the government) about what they can do on their property (with the environmentalists, preservationists and the chamber of commerce all joining in the fray). And here is where sellers and buyers of houses and buildings make their deals and fight their fights over who has to do what about the unforeseen perils that can crop up (the river rising, the soil polluted). Just think about your own feelings when someone has appropriated something that belongs to you and you will appreciate how important property is to people. The criminal law system may make for interesting TV watching, but it doesn't come close to matching the intense attitudes people have about property matters.

Property law can be very complex, which often hurts its reputation among students. This book eliminates as much unnecessary difficulty as possible by including only materials which are clear and correct and current. You will have no trouble understanding what the cases or statutes say: all of them have been chosen and edited for maximum clarity. You can also trust that what they say is right: what a case states to be the rule really is the rule. And the materials deal with the current issues society confronts, not with long vanished disputations from the past. This is not a collection of ancient cases forcing you to learn hundreds of years of history, or involving Byzantine facts which take forever to get straight, or plagued by weird reasoning that only your professor can comprehend. These are thoughtful decisions by intelligent judges wrestling with contemporary problems.

Knowing the rules is where lawyers start; it is their essential first step to giving advice to clients or representing them in court. Likewise, understanding these materials is only the first step for a student learning the law. Only class can convert academic knowledge into lawyerlike understanding. But you can't understand class if you postpone reading until class is over. You need to know these principles before you walk in to the classroom if you want to start thinking and behaving like a lawyer.

Roger Bernhardt  
Joyce Palomar  
Patrick Randolph Jr.



The primacy of property values.