

FUNDAMENTALS OF PROPERTY LAW

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Fourth Edition

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Dedication

The memory of my father,
D. Barlow Burke, Philadelphia lawyer
—B.B.

For Alex, Jessica, and Daniel Kranz,
a wonderful branch of the family tree
—A.M.B.

With gratitude to R.H. Helmholz, who taught me Property and much more
—T.P.G.

For my uncles,
Bourne Bean and Howard Burchell
—R.H.H.

Preface

Our intention as editors of this casebook is to provide students with a firm grasp of the fundamentals of the law of real and personal property and to help them enjoy the experience. We do not think the two are mutually exclusive. With these objectives in mind, we have followed four guidelines in preparing the casebook.

(1) Our case selection has emphasized rules that are widely accepted in practice. We have included opinions that adopt a minority view only when they also state the majority position clearly, so that students will not be misled about the current state of the law.

(2) Shorter cases have been preferred over longer ones, and short expositions of the rules have been preferred over treatise-like opinions. We think students should also become familiar with the treatises and law review literature on the subjects raised in the cases. Casebooks are a necessary, but not sufficient, guide to the law.

(3) Many of the cases and notes that follow deal with questions of statutory interpretation. The law of real property is less affected by statutory change than many areas of the first year curriculum, but learning to understand the role statutes play in our legal system is of vital importance for all students of the law.

(4) The nature of the law of property is illuminated by many disciplines. We have emphasized no particular discipline in selecting cases, writing notes, or defining problems, but we think that much of the material in the casebook lends itself to a broad approach to the law.

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B.B.
A.M.B.
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R.H.H.
2015

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