
PROPERTY

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SECOND EDITION

Roger Bernhardt

Joyce Palomar

Patrick Randolph Jr.

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Property

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Second Edition

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Preface

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 providing materials which are clear and correct and current. Cases and statutes have been chosen and edited for maximum clarity and the judicial decisions are thoughtful and well-reasoned, written by intelligent judges wrestling with real contemporary problems. 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.

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 Rights over Other Rights!

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