

PROPERTY
CASES AND MATERIALS
NINTH EDITION

JOHN E. CRIBBET
ROGER W. FINDLEY
ERNEST E. SMITH
JOHN S. DZIENKOWSKI

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75TH ANNIVERSARY

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by

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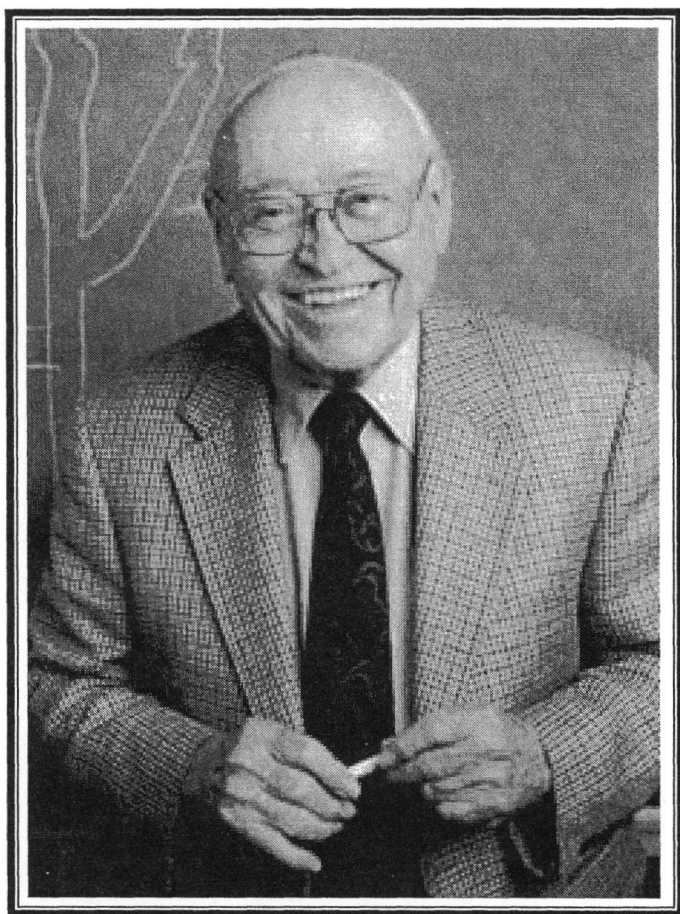
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We dedicate this book to our late colleague, co-author, and good friend, Corwin W. Johnson. Corwin was one of the original co-authors of this book, which was first published in 1960. It is a testimony to his vision and foresight that today, almost half a century later, it is now in its 9th edition.

PREFACE

This is the 9th Edition of Cribbet, Findley, Smith, and Dzienkowski, *Cases and Materials on the Law of Property*. The first edition was published in 1960 as Cribbet, Fritz, and Johnson, and a new edition has been published every six years since that time. This edition has been prepared largely by Professors Smith and Dzienkowski; however, they have generally retained the organization and materials of the 8th Edition. The 8th Edition represented a substantial modernization of this book as we entered the new century and the 9th Edition continues this trend.

Despite the trend in law schools to offer first year property courses in four credit courses, the law of property serves as a major theoretical and doctrinal foundation for many advanced courses and seminars in the law school curriculum and for many areas of practice. We understand that no professor could teach this casebook in its entirety in a four hour course; and thus we have added introductory text to permit students to gain a fuller context of the subject at hand before delving into the judicial opinions. This book is designed so that professors can teach selected materials to fit their individualized property courses.

This edition has reorganized the chapters in Part One (Property as an Institution) to fit within four chapters and has added cases involving issues that have arisen in the electronic age of the internet and cyberspace. We have moved the concept of adverse possession of real property into the Unauthorized Possession chapter and we have included the Marengo Cave case to introduce adverse possession of real property. We have also combined the chapters on land use controls and regulatory takings into one chapter on land use planning. Since the publication of the 8th Edition, courts have decided several important and interesting cases, including *Kelo v. City of New London* and *Popov v. Hayashi*. We have included new material where necessary, but professors will find the 9th Edition to represent a gentle update of the 8th Edition rather than a major revision.

This book is the first edition published since the death of Corwin W. Johnson, one of the founding authors of this book. Corwin worked on the first eight editions and this book continues to bear his imprint. Corwin Johnson loved property law and teaching the subject through the Socratic method. We miss him and recognize his contribution to the education of over a half century of property law students through his teaching and scholarship.

We express our gratitude to those who have assisted us in this endeavor, especially those professors who have used prior editions and have made wise suggestions for improving this casebook. We thank our assistant Dee Akard Welborn for her excellent help in preparing the manuscript in a camera ready format. We also thank Colin Cameron and Kellie Starr for their excellent research assistance. As always, we welcome comments and suggestions for the next edition. Please feel free to send comments to Ernest Smith (esmith@law.utexas.edu) or John Dzienkowski (jsd@law.utexas.edu).

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