

BASIC PROPERTY LAW

Fifth Edition

Olin L. Browder
Roger A. Cunningham
Grant S. Nelson
William B. Stoebuck
Dale A. Whitman

American Casebook Series



BASIC PROPERTY LAW

Fifth Edition

By

Olin L. Browder

*James V. Campbell Professor of Law, Emeritus
University of Michigan*

Roger A. Cunningham

*James V. Campbell Professor of Law
University of Michigan*

Grant S. Nelson

*Enoch H. Crowder Professor of Law
University of Missouri-Columbia*

William B. Stoebuck

Professor of Law, University of Washington

Dale A. Whitman

*R.B. Price Professor of Law
University of Missouri-Columbia*

AMERICAN CASEBOOK SERIES®



WEST PUBLISHING CO.
ST. PAUL, MINN., 1989

The key symbol on the front cover is a registered trademark of West Publishing Co. Registered in U.S. Patent and Trademark Office.

COPYRIGHT © 1984 By WEST PUBLISHING CO.

COPYRIGHT © 1989 By WEST PUBLISHING CO.

50 West Kellogg Boulevard

P.O. Box 64526

St. Paul, MN 55164-0526

All rights reserved

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Cases on basic property law / by Olin L. Browder, Jr. . . . [et al.]—

5th ed.

p. cm. — (American casebook series)

Includes index.

ISBN 0-314-54012-1

1. Property—United States—Cases. 2. City planning and redevelopment law—United States—Cases. I. Browder, Olin L.

II. Series.

KF560.C295 1989

346.7304—dc20

[347.3064]

89-32678

CIP

ISBN 0-314-54012-1

(B., C., N., S.&W.) Prop. Law 5th Ed. ACB



American Casebook Series
Hornbook Series and Basic Legal Texts
Nutshell Series

of

WEST PUBLISHING COMPANY

P.O. Box 64526

St. Paul, Minnesota 55164-0526

Accounting

FARIS' ACCOUNTING AND LAW IN A NUTSHELL, 377 pages, 1984. Softcover. (Text)

FIFLIS, KRIPKE AND FOSTER'S TEACHING MATERIALS ON ACCOUNTING FOR BUSINESS LAWYERS, Third Edition, 838 pages, 1984. (Casebook)

SIEGEL AND SIEGEL'S ACCOUNTING AND FINANCIAL DISCLOSURE: A GUIDE TO BASIC CONCEPTS, 259 pages, 1983. Softcover. (Text)

Administrative Law

BONFIELD AND ASIMOW'S CASES AND MATERIALS ON STATE AND FEDERAL ADMINISTRATIVE LAW, Approximately 800 pages, March, 1989 Pub. (Casebook)

DAVIS' CASES, TEXT AND PROBLEMS ON ADMINISTRATIVE LAW, Sixth Edition, 683 pages, 1977. (Casebook)

GELLHORN AND BOYER'S ADMINISTRATIVE LAW AND PROCESS IN A NUTSHELL, Second Edition, 445 pages, 1981. Softcover. (Text)

MASHAW AND MERRILL'S CASES AND MATERIALS ON ADMINISTRATIVE LAW—THE AMERICAN PUBLIC LAW SYSTEM, Second Edition, 976 pages, 1985. (Casebook) (1989 Supplement)

ROBINSON, GELLHORN AND BRUFF'S THE ADMINISTRATIVE PROCESS, Third Edition, 978 pages, 1986. (Casebook)

Admiralty

HEALY AND SHARPE'S CASES AND MATERIALS ON ADMIRALTY, Second Edition, 876 pages, 1986. (Casebook)

MARAIST'S ADMIRALTY IN A NUTSHELL, Second Edition, 379 pages, 1988. Softcover. (Text)

SCHOENBAUM'S HORNBOOK ON ADMIRALTY AND MARITIME LAW, Student Edition, 692 pages, 1987. (Text)

Agency—Partnership

FESSLER'S ALTERNATIVES TO INCORPORATION FOR PERSONS IN QUEST OF PROFIT, Second Edition, 326 pages, 1986. Softcover. Teacher's Manual available. (Casebook)

HENN'S CASES AND MATERIALS ON AGENCY, PARTNERSHIP AND OTHER UNINCORPORATED BUSINESS ENTERPRISES, Second Edition, 733 pages, 1985. Teacher's Manual available. (Casebook)

REUSCHLEIN AND GREGORY'S HORNBOOK ON THE LAW OF AGENCY, PARTNERSHIP AND OTHER UNINCORPORATED BUSINESS ORGANIZATIONS, 625 pages, 1979, with 1981 pocket part. (Text)

SELECTED CORPORATION AND PARTNERSHIP STATUTES, RULES AND FORMS. Softcover. 621 pages, 1987.

STEFFEN AND KERR'S CASES ON AGENCY-PARTNERSHIP, Fourth Edition, 859 pages, 1980. (Casebook)

STEFFEN'S AGENCY-PARTNERSHIP IN A NUTSHELL, 364 pages, 1977. Softcover. (Text)

Agricultural Law

MEYER, PEDERSEN, THORSON AND DAVIDSON'S AGRICULTURAL LAW: CASES AND MATERIALS, 931 pages, 1985. Teacher's Manual available. (Casebook)

Civil Procedure—Cont'd

FEDERAL RULES OF CIVIL-APPELLATE PROCEDURE—EDUCATIONAL EDITION. Softcover. 574 pages, 1988.

FRIEDENTHAL, KANE AND MILLER'S HORNBOOK ON CIVIL PROCEDURE, 876 pages, 1985. (Text)

KANE'S CIVIL PROCEDURE IN A NUTSHELL, Second Edition, 306 pages, 1986. Softcover. (Text)

KOFFLER AND REPPY'S HORNBOOK ON COMMON LAW PLEADING, 663 pages, 1969. (Text)

MARCUS, REDISH AND SHERMAN'S CIVIL PROCEDURE: A MODERN APPROACH, Approximately 1100 pages, February, 1989 Pub. Teacher's Manual available. (Casebook)

MARCUS AND SHERMAN'S COMPLEX LITIGATION—CASES AND MATERIALS ON ADVANCED CIVIL PROCEDURE, Teacher's Manual available. (Casebook)

PARK'S COMPUTER-AIDED EXERCISES ON CIVIL PROCEDURE, Second Edition, 167 pages, 1983. Softcover. (Coursebook)

SIEGEL'S HORNBOOK ON NEW YORK PRACTICE, 1011 pages, 1978, with 1987 pocket part. (Text)

Commercial Law

BAILEY AND HAGEDORN'S SECURED TRANSACTIONS IN A NUTSHELL, Third Edition, 390 pages, 1988. Softcover. (Text)

EPSTEIN, MARTIN, HENNING AND NICKLES' BASIC UNIFORM COMMERCIAL CODE TEACHING MATERIALS, Third Edition, 704 pages, 1988. Teacher's Manual available. (Casebook)

HENSON'S HORNBOOK ON SECURED TRANSACTIONS UNDER THE U.C.C., Second Edition, 504 pages, 1979, with 1979 pocket part. (Text)

MURRAY'S COMMERCIAL LAW, PROBLEMS AND MATERIALS, 366 pages, 1975. Teacher's Manual available. Softcover. (Coursebook)

NICKLES' BLACK LETTER ON COMMERCIAL PAPER, 450 pages, 1988. Softcover. (Review)

NICKLES, MATHESON AND DOLAN'S MATERIALS FOR UNDERSTANDING CREDIT AND PAYMENT SYSTEMS, 923 pages, 1987. Teacher's Manual available. (Casebook)

NORDSTROM, MURRAY AND CLOVIS' PROBLEMS AND MATERIALS ON SALES, 515 pages, 1982. (Casebook)

NORDSTROM, MURRAY AND CLOVIS' PROBLEMS AND MATERIALS ON SECURED TRANSACTIONS, 594 pages, 1987. (Casebook)

SELECTED COMMERCIAL STATUTES. Softcover. 1544 pages, 1988.

SPEIDEL'S BLACK LETTER ON SALES AND SALES FINANCING, 363 pages, 1984. Softcover. (Review)

SPEIDEL, SUMMERS AND WHITE'S COMMERCIAL LAW: TEACHING MATERIALS, Fourth Edition, 1448 pages, 1987. Teacher's Manual available. (Casebook)

SPEIDEL, SUMMERS AND WHITE'S COMMERCIAL PAPER: TEACHING MATERIALS, Fourth Edition, 578 pages, 1987. Reprint from Speidel et al., Commercial Law, Fourth Edition. Teacher's Manual available. (Casebook)

SPEIDEL, SUMMERS AND WHITE'S SALES: TEACHING MATERIALS, Fourth Edition, 804 pages, 1987. Reprint from Speidel et al., Commercial Law, Fourth Edition. Teacher's Manual available. (Casebook)

SPEIDEL, SUMMERS AND WHITE'S SECURED TRANSACTIONS: TEACHING MATERIALS, Fourth Edition, 485 pages, 1987. Reprint from Speidel et al., Commercial Law, Fourth Edition. Teacher's Manual available. (Casebook)

STOCKTON'S SALES IN A NUTSHELL, Second Edition, 370 pages, 1981. Softcover. (Text)

STONE'S UNIFORM COMMERCIAL CODE IN A NUTSHELL, Second Edition, 516 pages, 1984. Softcover. (Text)

UNIFORM COMMERCIAL CODE, OFFICIAL TEXT WITH COMMENTS. Softcover. 1155 pages, 1987.

WEBER AND SPEIDEL'S COMMERCIAL PAPER IN A NUTSHELL, Third Edition, 404 pages, 1982. Softcover. (Text)

WHITE AND SUMMERS' HORNBOOK ON THE UNIFORM COMMERCIAL CODE, Third Edition, Student Edition, 1386 pages, 1988. (Text)

Community Property

MENNELL AND BOYKOFF'S COMMUNITY PROPERTY IN A NUTSHELL, Second Edition, 432

Constitutional Law—Civil Rights—Cont'd
pages, 1978. Softcover. (Text)

WILLIAMS' CONSTITUTIONAL ANALYSIS IN A NUTSHELL, 388 pages, 1979. Softcover. (Text)

Consumer Law—see also Commercial Law
EPSTEIN AND NICKLES' CONSUMER LAW IN A NUTSHELL, Second Edition, 418 pages, 1981. Softcover. (Text)

SELECTED COMMERCIAL STATUTES. Softcover. 1544 pages, 1988.

SPANOGLE AND ROHNER'S CASES AND MATERIALS ON CONSUMER LAW, 693 pages, 1979. Teacher's Manual available. (Casebook) (1982 Supplement)

Contracts

CALAMARI, AND PERILLO'S BLACK LETTER ON CONTRACTS, 397 pages, 1983. Softcover. (Review)

CALAMARI AND PERILLO'S HORNBOOK ON CONTRACTS, Third Edition, 1049 pages, 1987. (Text)

CALAMARI, PERILLO AND HADJIYANNAKIS' CASES AND PROBLEMS ON CONTRACTS, Second Edition, approximately 1100 pages, May 1989 Pub. (Casebook)

CORBIN'S TEXT ON CONTRACTS, One Volume Student Edition, 1224 pages, 1952. (Text)

FESSLER AND LOISEAUX'S CASES AND MATERIALS ON CONTRACTS—MORALITY, ECONOMICS AND THE MARKET PLACE, 837 pages, 1982. Teacher's Manual available. (Casebook)

FRIEDMAN'S CONTRACT REMEDIES IN A NUTSHELL, 323 pages, 1981. Softcover. (Text)

FULLER AND EISENBERG'S CASES ON BASIC CONTRACT LAW, Fourth Edition, 1203 pages, 1981 (Casebook)

HAMILTON, RAU AND WEINTRAUB'S CASES AND MATERIALS ON CONTRACTS, 830 pages, 1984. (Casebook)

JACKSON AND BOLLINGER'S CASES ON CONTRACT LAW IN MODERN SOCIETY, Second Edition, 1329 pages, 1980. Teacher's Manual available. (Casebook)

KEYES' GOVERNMENT CONTRACTS IN A NUTSHELL, 423 pages, 1979. Softcover. (Text)

SCHABER AND ROHWER'S CONTRACTS IN A NUTSHELL, Second Edition, 425 pages,

1984. Softcover. (Text)

SUMMERS AND HILLMAN'S CONTRACT AND RELATED OBLIGATION: THEORY, DOCTRINE AND PRACTICE, 1074 pages, 1987. Teacher's Manual available. (Casebook)

Copyright—see Patent and Copyright Law

Corporate Finance

HAMILTON'S CASES AND MATERIALS ON CORPORATE FINANCE, 895 pages, 1984. (Casebook) (1986 Supplement)

Corporations

HAMILTON'S BLACK LETTER ON CORPORATIONS, Second Edition, 513 pages, 1986. Softcover. (Review)

HAMILTON'S CASES ON CORPORATIONS—INCLUDING PARTNERSHIPS AND LIMITED PARTNERSHIPS, Third Edition, 1213 pages, 1986. Teacher's Manual available. (Casebook) (1986 Statutory Supplement)

HAMILTON'S THE LAW OF CORPORATIONS IN A NUTSHELL, Second Edition, 515 pages, 1987. Softcover. (Text)

HENN'S TEACHING MATERIALS ON THE LAW OF CORPORATIONS, Second Edition, 1204 pages, 1986. Teacher's Manual available. (Casebook)

See Selected Corporation and Partnership Statutes

HENN AND ALEXANDER'S HORNBOOK ON LAWS OF CORPORATIONS, Third Edition, Student Edition, 1371 pages, 1983, with 1986 pocket part. (Text)

JENNINGS AND BUXBAUM'S CASES AND MATERIALS ON CORPORATIONS, 1180 pages, 1979. (Casebook)

SELECTED CORPORATION AND PARTNERSHIP STATUTES, RULES AND FORMS. Softcover. 621 pages, 1987.

SOLOMON, SCHWARTZ AND BAUMAN'S MATERIALS AND PROBLEMS ON CORPORATIONS: LAW AND POLICY, Second Edition, 1391 pages, 1988. Teacher's Manual available. (Casebook)

See also Selected Corporation and Partnership Statutes

Corrections

KRANTZ' CASES AND MATERIALS ON THE LAW OF CORRECTIONS AND PRISONERS' RIGHTS,

Criminal Law and Criminal Procedure— Cont'd

LOEWY'S CRIMINAL LAW IN A NUTSHELL, Second Edition, 321 pages, 1987. Softcover. (Text)

LOW'S BLACK LETTER ON CRIMINAL LAW, 433 pages, 1984. Softcover. (Review)

SALTZBURG'S CASES AND COMMENTARY ON AMERICAN CRIMINAL PROCEDURE, Third Edition, 1302 pages, 1988. Teacher's Manual available. (Casebook) (1988 Supplement)

UVILLER'S THE PROCESSES OF CRIMINAL JUSTICE: INVESTIGATION AND ADJUDICATION, Second Edition, 1384 pages, 1979. (Casebook) (1979 Statutory Supplement) (1986 Update)

VORENBERG'S CASES ON CRIMINAL LAW AND PROCEDURE, Second Edition, 1088 pages, 1981. Teacher's Manual available. (Casebook) (1987 Supplement)

Decedents' Estates—see Trusts and Estates

Domestic Relations

CLARK'S CASES AND PROBLEMS ON DOMESTIC RELATIONS, Third Edition, 1153 pages, 1980. Teacher's Manual available. (Casebook)

CLARK'S HORNBOOK ON DOMESTIC RELATIONS, Second Edition, Student Edition, 1050 pages, 1988. (Text)

KRAUSE'S BLACK LETTER ON FAMILY LAW, 314 pages, 1988. Softcover. (Review)

KRAUSE'S CASES, COMMENTS AND QUESTIONS ON FAMILY LAW, Second Edition, 1221 pages, 1983. (Casebook) (1986 Supplement)

KRAUSE'S FAMILY LAW IN A NUTSHELL, Second Edition, 444 pages, 1986. Softcover. (Text)

KRAUSKOPF'S CASES ON PROPERTY DIVISION AT MARRIAGE DISSOLUTION, 250 pages, 1984. Softcover. (Casebook)

Economics, Law and—see also Antitrust, Regulated Industries

GOETZ' CASES AND MATERIALS ON LAW AND ECONOMICS, 547 pages, 1984. (Casebook)

Education Law

ALEXANDER AND ALEXANDER'S THE LAW OF

SCHOOLS, STUDENTS AND TEACHERS IN A NUTSHELL, 409 pages, 1984. Softcover. (Text)

MORRIS' THE CONSTITUTION AND AMERICAN EDUCATION, Second Edition, 992 pages, 1980. Teacher's Manual available. (Casebook)

Employment Discrimination—see also Women and the Law

JONES, MURPHY AND BELTON'S CASES AND MATERIALS ON DISCRIMINATION IN EMPLOYMENT, (The Labor Law Group). Fifth Edition, 1116 pages, 1987. (Casebook)

PLAYER'S CASES AND MATERIALS ON EMPLOYMENT DISCRIMINATION LAW, Second Edition, 782 pages, 1984. Teacher's Manual available. (Casebook)

PLAYER'S FEDERAL LAW OF EMPLOYMENT DISCRIMINATION IN A NUTSHELL, Second Edition, 402 pages, 1981. Softcover. (Text)

PLAYER'S HORNBOOK ON EMPLOYMENT DISCRIMINATION LAW, Student Edition, 708 pages, 1988. (Text)

Energy and Natural Resources Law—see also Oil and Gas

LAITOS' CASES AND MATERIALS ON NATURAL RESOURCES LAW, 938 pages, 1985. Teacher's Manual available. (Casebook)

RODGERS' CASES AND MATERIALS ON ENERGY AND NATURAL RESOURCES LAW, Second Edition, 877 pages, 1983. (Casebook)

SELECTED ENVIRONMENTAL LAW STATUTES—EDUCATIONAL EDITION. Softcover. 772 pages, 1988.

Environmental Law—see also Energy and Natural Resources Law; Sea, Law of

BONINE AND MCGARITY'S THE LAW OF ENVIRONMENTAL PROTECTION: CASES—LEGISLATION—POLICIES, 1076 pages, 1984. Teacher's Manual available. (Casebook)

FINDLEY AND FARBER'S CASES AND MATERIALS ON ENVIRONMENTAL LAW, Second Edition, 813 pages, 1985. (Casebook) (1988 Supplement)

FINDLEY AND FARBER'S ENVIRONMENTAL LAW IN A NUTSHELL, Second Edition, 367 pages, 1988. Softcover. (Text)

RODGERS' HORNBOOK ON ENVIRONMENTAL LAW, 956 pages, 1977, with 1984 pocket part. (Text)

Insurance Law—Cont'd

281 pages, 1981. Softcover. (Text)

KEETON'S CASES ON BASIC INSURANCE LAW, Second Edition, 1086 pages, 1977. Teacher's Manual available. (Casebook)

KEETON AND WIDISS' INSURANCE LAW, Student Edition, 1359 pages, 1988. (Text)

WIDISS AND KEETON'S COURSE SUPPLEMENT TO KEETON AND WIDISS' INSURANCE LAW, 502 pages, 1988. Softcover. (Casebook)

YORK AND WHELAN'S CASES, MATERIALS AND PROBLEMS ON GENERAL PRACTICE INSURANCE LAW, Second Edition, 787 pages, 1988. Teacher's Manual available. (Casebook)

International Law—see also Sea, Law of
BUERGENTHAL'S INTERNATIONAL HUMAN RIGHTS IN A NUTSHELL, 283 pages, 1988. Softcover. (Text)

BUERGENTHAL AND MAIER'S PUBLIC INTERNATIONAL LAW IN A NUTSHELL, 262 pages, 1985. Softcover. (Text)

FOLSOM, GORDON AND SPANOGLE'S INTERNATIONAL BUSINESS TRANSACTIONS—A PROBLEM-ORIENTED COURSEBOOK, 1160 pages, 1986. Teacher's Manual available. (Casebook) (Documents Supplement)

FOLSOM, GORDON AND SPANOGLE'S INTERNATIONAL BUSINESS TRANSACTIONS IN A NUTSHELL, Third Edition, 509 pages, 1988. Softcover. (Text)

HENKIN, PUGH, SCHACHTER AND SMIT'S CASES AND MATERIALS ON INTERNATIONAL LAW, Second Edition, 1517 pages, 1987. (Casebook) (Documents Supplement)

JACKSON AND DAVEY'S CASES, MATERIALS AND TEXT ON LEGAL PROBLEMS OF INTERNATIONAL ECONOMIC RELATIONS, Second Edition, 1269 pages, 1986. (Casebook) (Documents Supplement)

KIRGIS' INTERNATIONAL ORGANIZATIONS IN THEIR LEGAL SETTING, 1016 pages, 1977. Teacher's Manual available. (Casebook) (1981 Supplement)

WESTON, FALK AND D'AMATO'S INTERNATIONAL LAW AND WORLD ORDER—A PROBLEM-ORIENTED COURSEBOOK, 1195 pages, 1980. Teacher's Manual available. (Casebook) (Documents Supplement)

Interviewing and Counseling

BINDER AND PRICE'S LEGAL INTERVIEWING AND COUNSELING, 232 pages, 1977. Teacher's Manual available. Softcover. (Coursebook)

SHAFFER AND ELKINS' LEGAL INTERVIEWING AND COUNSELING IN A NUTSHELL, Second Edition, 487 pages, 1987. Softcover. (Text)

Introduction to Law—see Legal Method and Legal System

Introduction to Law Study

DOBBYN'S SO YOU WANT TO GO TO LAW SCHOOL, Revised First Edition, 206 pages, 1976. Softcover. (Text)

HEGLAND'S INTRODUCTION TO THE STUDY AND PRACTICE OF LAW IN A NUTSHELL, 418 pages, 1983. Softcover (Text)

KINYON'S INTRODUCTION TO LAW STUDY AND LAW EXAMINATIONS IN A NUTSHELL, 389 pages, 1971. Softcover. (Text)

Jurisprudence

CHRISTIE'S JURISPRUDENCE—TEXT AND READINGS ON THE PHILOSOPHY OF LAW, 1056 pages, 1973. (Casebook)

Juvenile Justice

FOX'S CASES AND MATERIALS ON MODERN JUVENILE JUSTICE, Second Edition, 960 pages, 1981. (Casebook)

FOX'S JUVENILE COURTS IN A NUTSHELL, Third Edition, 291 pages, 1984. Softcover. (Text)

Labor Law—see also Employment Discrimination, Social Legislation

GORMAN'S BASIC TEXT ON LABOR LAW—UNIONIZATION AND COLLECTIVE BARGAINING, 914 pages, 1976. (Text)

GRODIN, WOLLETT AND ALLEYNE'S COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT, (The Labor Law Group). Third Edition, 430 pages, 1979. (Casebook)

LESLIE'S LABOR LAW IN A NUTSHELL, Second Edition, 397 pages, 1986. Softcover. (Text)

NOLAN'S LABOR ARBITRATION LAW AND PRACTICE IN A NUTSHELL, 358 pages, 1979. Softcover. (Text)

Legal Profession—Cont'd

pages, 1987.

SMITH'S PREVENTING LEGAL MALPRACTICE, 142 pages, 1981. Softcover. (Text)

WOLFRAM'S HORNBOOK ON MODERN LEGAL ETHICS, Student Edition, 1120 pages, 1986. (Text)

Legal Research

COHEN'S LEGAL RESEARCH IN A NUTSHELL, Fourth Edition, 452 pages, 1985. Softcover. (Text)

COHEN AND BERRING'S HOW TO FIND THE LAW, Eighth Edition, 790 pages, 1983. (Coursebook)

Legal Research Exercises, 2nd Ed., for use with Cohen and Berring, 1986. Teacher's Manual available.

COHEN AND BERRING'S FINDING THE LAW, 600 pages, 1984. Softcover reprint from Cohen and Berring's How to Find the Law, Eighth Edition. (Coursebook)

ROMBAUER'S LEGAL PROBLEM SOLVING—ANALYSIS, RESEARCH AND WRITING, Fourth Edition, 424 pages, 1983. Teacher's Manual with problems available. (Coursebook)

STATSKY'S LEGAL RESEARCH AND WRITING, Third Edition, 252 pages, 1986. Softcover. (Coursebook)

TEPLY'S PROGRAMMED MATERIALS ON LEGAL RESEARCH AND CITATION, Second Edition, 358 pages, 1986. Softcover. (Coursebook)

Student Library Exercises, 2nd ed., 1986. Answer Key available.

Legal Writing

CHILD'S DRAFTING LEGAL DOCUMENTS: MATERIALS AND PROBLEMS, 286 pages, 1988. Softcover. Teacher's Manual available. (Coursebook)

DICKERSON'S MATERIALS ON LEGAL DRAFTING, 425 pages, 1981. Teacher's Manual available. (Coursebook)

FELSENFELD AND SIEGEL'S WRITING CONTRACTS IN PLAIN ENGLISH, 290 pages, 1981. Softcover. (Text)

GOPEN'S WRITING FROM A LEGAL PERSPECTIVE, 225 pages, 1981. (Text)

MELLINKOFF'S LEGAL WRITING—SENSE AND NONSENSE, 242 pages, 1982. Softcover.

Teacher's Manual available. (Text)

PRATT'S LEGAL WRITING: A SYSTEMATIC APPROACH, Approximately 300 pages, March, 1989 Pub. (Coursebook)

RAY AND RAMSFIELD'S LEGAL WRITING: GETTING IT RIGHT AND GETTING IT WRITTEN, 250 pages, 1987. Softcover. (Text)

SQUIRES AND ROMBAUER'S LEGAL WRITING IN A NUTSHELL, 294 pages, 1982. Softcover. (Text)

STATSKY AND WERNET'S CASE ANALYSIS AND FUNDAMENTALS OF LEGAL WRITING, Third Edition, 424 pages, 1989. (Text)

WEIHOFEN'S LEGAL WRITING STYLE, Second Edition, 332 pages, 1980. (Text)

Legislation

DAVIES' LEGISLATIVE LAW AND PROCESS IN A NUTSHELL, Second Edition, 346 pages, 1986. Softcover. (Text)

ESKRIDGE AND FRICKEY'S CASES AND MATERIALS ON LEGISLATION: STATUTES AND THE CREATION OF PUBLIC POLICY, 937 pages, 1988. Teacher's Manual available. (Casebook)

NUTTING AND DICKERSON'S CASES AND MATERIALS ON LEGISLATION, Fifth Edition, 744 pages, 1978. (Casebook)

STATSKY'S LEGISLATIVE ANALYSIS AND DRAFTING, Second Edition, 217 pages, 1984. Teacher's Manual available. (Text)

Local Government

FRUG'S CASES AND MATERIALS ON LOCAL GOVERNMENT LAW, 1005 pages, 1988. (Casebook)

MCCARTHY'S LOCAL GOVERNMENT LAW IN A NUTSHELL, Second Edition, 404 pages, 1983. Softcover. (Text)

REYNOLDS' HORNBOOK ON LOCAL GOVERNMENT LAW, 860 pages, 1982, with 1987 pocket part. (Text)

VALENTE'S CASES AND MATERIALS ON LOCAL GOVERNMENT LAW, Third Edition, 1010 pages, 1987. Teacher's Manual available (Casebook)

Malpractice—see Medicine, Law and; Legal Profession

Mass Communication Law

GILLMOR AND BARRON'S CASES AND COMMENT

Property—see also Real Estate Transactions, Land Use, Trusts and Estates

BERNHARDT'S BLACK LETTER ON PROPERTY, 318 pages, 1983. Softcover. (Review)

BERNHARDT'S REAL PROPERTY IN A NUTSHELL, Second Edition, 448 pages, 1981. Softcover. (Text)

BOYER'S SURVEY OF THE LAW OF PROPERTY, Third Edition, 766 pages, 1981. (Text)

BROWDER, CUNNINGHAM AND SMITH'S CASES ON BASIC PROPERTY LAW, Fourth Edition, 1431 pages, 1984. (Casebook)

BRUCE, ELY AND BOSTICK'S CASES AND MATERIALS ON MODERN PROPERTY LAW, Second Edition, approximately 1000 pages, February 1989 Pub. Teacher's Manual available. (Casebook)

BURKE'S PERSONAL PROPERTY IN A NUTSHELL, 322 pages, 1983. Softcover. (Text)

CUNNINGHAM, STOEBUCK AND WHITMAN'S HORNBOOK ON THE LAW OF PROPERTY, Student Edition, 916 pages, 1984, with 1987 pocket part. (Text)

DONAHUE, KAUPER AND MARTIN'S CASES ON PROPERTY, Second Edition, 1362 pages, 1983. Teacher's Manual available. (Casebook)

HILL'S LANDLORD AND TENANT LAW IN A NUTSHELL, Second Edition, 311 pages, 1986. Softcover. (Text)

KURTZ AND HOVENKAMP'S CASES AND MATERIALS ON AMERICAN PROPERTY LAW, 1296 pages, 1987. Teacher's Manual available. (Casebook) (1988 Supplement)

MOYNIHAN'S INTRODUCTION TO REAL PROPERTY, Second Edition, 239 pages, 1988. (Text)

UNIFORM LAND TRANSACTIONS ACT, UNIFORM SIMPLIFICATION OF LAND TRANSFERS ACT, UNIFORM CONDOMINIUM ACT, 1977 OFFICIAL TEXT WITH COMMENTS. Softcover. 462 pages, 1978.

Psychiatry, Law and

REISNER'S LAW AND THE MENTAL HEALTH SYSTEM, CIVIL AND CRIMINAL ASPECTS, 696 pages, 1985. (Casebook) (1987 Supplement)

Real Estate Transactions

BRUCE'S REAL ESTATE FINANCE IN A NUT-

SHELL, Second Edition, 262 pages, 1985. Softcover. (Text)

MAXWELL, RIESENFELD, HETLAND AND WARREN'S CASES ON CALIFORNIA SECURITY TRANSACTIONS IN LAND, Third Edition, 728 pages, 1984. (Casebook)

NELSON AND WHITMAN'S BLACK LETTER ON LAND TRANSACTIONS AND FINANCE, Second Edition, 466 pages, 1988. Softcover. (Review)

NELSON AND WHITMAN'S CASES ON REAL ESTATE TRANSFER, FINANCE AND DEVELOPMENT, Third Edition, 1184 pages, 1987. (Casebook)

NELSON AND WHITMAN'S HORNBOOK ON REAL ESTATE FINANCE LAW, Second Edition, 941 pages, 1985 with 1989 pocket part. (Text)

OSBORNE'S CASES AND MATERIALS ON SECURED TRANSACTIONS, 559 pages, 1967. (Casebook)

Regulated Industries—see also Mass Communication Law, Banking Law

GELLHORN AND PIERCE'S REGULATED INDUSTRIES IN A NUTSHELL, Second Edition, 389 pages, 1987. Softcover. (Text)

MORGAN, HARRISON AND VERKUIL'S CASES AND MATERIALS ON ECONOMIC REGULATION OF BUSINESS, Second Edition, 666 pages, 1985. (Casebook)

Remedies

DOBBS' HORNBOOK ON REMEDIES, 1067 pages, 1973. (Text)

DOBBS' PROBLEMS IN REMEDIES. 137 pages, 1974. Teacher's Manual available. Softcover. (Coursebook)

DOBBYN'S INJUNCTIONS IN A NUTSHELL, 264 pages, 1974. Softcover. (Text)

FRIEDMAN'S CONTRACT REMEDIES IN A NUTSHELL, 323 pages, 1981. Softcover. (Text)

LEAVELL, LOVE AND NELSON'S CASES AND MATERIALS ON EQUITABLE REMEDIES, RESTITUTION AND DAMAGES, Fourth Edition, 1111 pages, 1986. Teacher's Manual available. (Casebook)

MCCORMICK'S HORNBOOK ON DAMAGES, 811 pages, 1935. (Text)

O'CONNELL'S REMEDIES IN A NUTSHELL, Second Edition, 320 pages, 1985. Softcover. (Text)

Taxation—International

KAPLAN'S FEDERAL TAXATION OF INTERNATIONAL TRANSACTIONS: PRINCIPLES, PLANNING AND POLICY, 635 pages, 1988. (Casebook)

Taxation—Partnership

BERGER AND WIEDENBECK'S CASES AND MATERIALS ON PARTNERSHIP TAXATION, Approximately 800 pages, 1989. (Casebook)

Taxation—State & Local

GELFAND AND SALSICH'S STATE AND LOCAL TAXATION AND FINANCE IN A NUTSHELL, 309 pages, 1986. Softcover. (Text)

HELLERSTEIN AND HELLERSTEIN'S CASES AND MATERIALS ON STATE AND LOCAL TAXATION, Fifth Edition, 1071 pages, 1988. (Casebook)

Torts—see also Products Liability

CHRISTIE'S CASES AND MATERIALS ON THE LAW OF TORTS, 1264 pages, 1983. (Casebook)

DOBBS' TORTS AND COMPENSATION—PERSONAL ACCOUNTABILITY AND SOCIAL RESPONSIBILITY FOR INJURY, 955 pages, 1985. Teacher's Manual available. (Casebook)

KEETON, KEETON, SARGENTICH AND STEINER'S CASES AND MATERIALS ON TORT AND ACCIDENT LAW, 1360 pages, 1983. (Casebook)

KIONKA'S BLACK LETTER ON TORTS, 339 pages, 1988. Softcover. (Review)

KIONKA'S TORTS IN A NUTSHELL: INJURIES TO PERSONS AND PROPERTY, 434 pages, 1977. Softcover. (Text)

MALONE'S TORTS IN A NUTSHELL: INJURIES TO FAMILY, SOCIAL AND TRADE RELATIONS, 358 pages, 1979. Softcover. (Text)

PROSSER AND KEETON'S HORNBOOK ON TORTS, Fifth Edition, Student Edition, 1286 pages, 1984 with 1988 pocket part. (Text)

ROBERTSON, POWERS AND ANDERSON'S CASES AND MATERIALS ON TORTS, Approximately 1000 pages, April, 1989 Pub. Teacher's Manual available. (Casebook)

Trade Regulation—see also Antitrust, Regulated Industries

MCMANIS' UNFAIR TRADE PRACTICES IN A NUTSHELL, Second Edition, 464 pages,

1988. Softcover. (Text)

OPPENHEIM, WESTON, MAGGS AND SCHECHTER'S CASES AND MATERIALS ON UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION, Fourth Edition, 1038 pages, 1983 (Casebook) (1986 Supplement)

SCHECHTER'S BLACK LETTER ON UNFAIR TRADE PRACTICES, 272 pages, 1986. Softcover. (Review)

Trial and Appellate Advocacy—see also Civil Procedure

APPELLATE ADVOCACY, HANDBOOK OF, Second Edition, 182 pages, 1986. Softcover (Text)

BERGMAN'S TRIAL ADVOCACY IN A NUTSHELL 402 pages, 1979. Softcover. (Text)

BINDER AND BERGMAN'S FACT INVESTIGATION FROM HYPOTHESIS TO PROOF, 354 pages 1984. Teacher's Manual available (Coursebook)

CARLSON AND IMWINKELRIED'S DYNAMICS OF TRIAL PRACTICE: PROBLEMS AND MATERIALS Approximately 800 pages, March 1988 Pub. Teacher's Manual available (Coursebook)

GOLDBERG'S THE FIRST TRIAL (WHERE DO SIT? WHAT DO I SAY?) IN A NUTSHELL, 390 pages, 1982. Softcover. (Text)

HAYDOCK, HERR, AND STEMPEL'S FUNDAMENTALS OF PRE-TRIAL LITIGATION, 768 pages 1985. Softcover. Teacher's Manual available. (Coursebook)

HEGLAND'S TRIAL AND PRACTICE SKILLS IN A NUTSHELL, 346 pages, 1978. Softcover (Text)

HORNSTEIN'S APPELLATE ADVOCACY IN A NUTSHELL, 325 pages, 1984. Softcover (Text)

JEANS' HANDBOOK ON TRIAL ADVOCACY, Student Edition, 473 pages, 1975. Softcover (Text)

MARTINEAU'S CASES AND MATERIALS ON APPELLATE PRACTICE AND PROCEDURE, 56 pages, 1987. (Casebook)

MCLEHANEY'S EFFECTIVE LITIGATION, 45 pages, 1974. (Casebook)

NOLAN'S CASES AND MATERIALS ON TRIAL PRACTICE, 518 pages, 1981. (Casebook)

SONSTENG, HAYDOCK AND BOYD'S THE TRI

WEST'S LAW SCHOOL ADVISORY BOARD

JOHN A. BAUMAN

Professor of Law, University of California, Los Angeles

CURTIS J. BERGER

Professor of Law, Columbia University

JESSE H. CHOPER

Dean and Professor of Law,
University of California, Berkeley

DAVID P. CURRIE

Professor of Law, University of Chicago

DAVID G. EPSTEIN

Dean and Professor of Law, Emory University

YALE KAMISAR

Professor of Law, University of Michigan

MARY KAY KANE

Professor of Law, University of California,
Hastings College of the Law

WAYNE R. LaFAVE

Professor of Law, University of Illinois

RICHARD C. MAXWELL

Professor of Law, Duke University

ARTHUR R. MILLER

Professor of Law, Harvard University

JAMES J. WHITE

Professor of Law, University of Michigan

CHARLES ALAN WRIGHT

Professor of Law, University of Texas

*

Preface

BASIC PROPERTY LAW is like the old axe: it has had a number of new handles and several new heads—but it is the same old axe. This Fifth Edition is the latest edition of a title that goes back to 1966. Now, with three new editors added to two of the editors from the Fourth Edition, the process of evolution continues. We have tried to make this the most up-to-date of any of the national casebooks and yet have been mindful that we build upon a casebook whose leadership has been proven over many years.

We have examined every page of the Fourth Edition, with an eye to improving and updating it. Substantial revisions have been made in those areas of property law that are changing most rapidly. Major updating is present in the subjects of landlord-tenant, title assurance, concurrent ownership, finders, bailments, gifts, and, most of all, government control of land use. Important new Supreme Court decisions have been added on the “taking issue.” We have kept approximately the same number of principal cases as in the Fourth Edition, but have, if anything, actually reduced the length of the book. And we believe we have done this without weakening coverage of the framework of property law.

The basic organization and topical coverage are the same as formerly. Students are grounded in the analytical tools of property law—the nature of property, possession, ownership, estates in land—before they take up specific subjects such as landlord and tenant and easements. However, the material is arranged so that teachers who prefer a less orthodox arrangement may vary the order, as some of us do ourselves. The amount of material is ample for a six-semester-hour course, but it will serve nicely for a shorter course by selective deletion of sections or chapters.

Everything we have done, organization of the casebook, selection of principal cases, and inclusion of note material, is geared to the needs of the students who will use this book. We have kept in mind that they are first-year students, who must walk before they can run. This is a book that is written to serve their needs, not to impress our teaching colleagues around the country.

We are particularly proud of the rich selection of note material. Through many years this book has built up what we believe is the best collection of supplemental material of any American casebook. Aided by West Publishing Company’s resources, we have been at special pains to review that material, to winnow it, to update it, to make it more useful. Not only is the note material useful for its obvious purposes for class discussion and supplemental study, but the note material, in

Table of Cases

The principal cases are in bold type. Cases cited or discussed in the text are roman type. References are to pages. Cases cited in principal cases and within other quoted materials are not included.

- Abbott v. Bob's U-Drive**, 599, 604
 Abbott House v. Village of Tarrytown, 1145
 ABC Builders, Inc. v. Phillips, 991
 Academy Spires, Inc. v. Brown, 439, 443
 Adams v. Fleck, 726
 Adams v. Johnson, 71
 Adams County Ass'n for Retarded Citizens, Inc. v. City of Westminster, 1146
 Agency of Administration, State Buildings Division, In re, 1307
 Agins v. City of Tiburon, 1082, 1081, 1082, 1104, 1105
 Ailes v. Decatur County Area Planning Com'n, 1122
 Akau v. Olohana Corp., 117
 Albano v. Mayor and Tp. Committee of Washington Tp., 1167
 Albiani v. Loudd, 801
 Albright v. Fish, 674
 Albright v. Town of Manlius, 1211
 Aldridge v. Aldridge, 788, 831
 Alexander v. Andrews, 822
 Alexander v. United States Dept. of Housing and Urban Development, 478
 Alexander's Dept. Stores of N. J., Inc. v. Arnold Constable Corp., 662
Allen v. Hyatt Regency-Nashville Hotel, 105
 Alphonzo E. Bell Corporation v. Bell View Oil Syndicate, 138
 Alukonis v. Kashulines, 78
 Ambler Realty Co v. Village of Euclid, Ohio, 1019
 AMG Associates v. Springfield Tp., 1358
 AMG Realty Co. v. Warren Tp., 1293
 Anderson v. Denny, 177
Anderson v. Gouldberg, 39, 40, 41, 105
 Anderson v. Messenger, 796
 Anderson v. Ries, 359
 Anderson v. Yaworski, 978
Anderson Drive-in Theatre v. Kirkpatrick, 407
 Angle v. Slayton, 840
 Anson v. Kane, 926
 Anthony v. Brea Glenbrook Club, 652, 679
Appeal of (see name of party)
Application of (see name of party)
 Arant v. Board of Adjustment of City of Montgomery, 1178
 Arastra Ltd. Partnership v. City of Palo Alto, 1169, 1170
Arbenz v. Exley, Watkins & Co., 370, 373, 374
 Arkansas State Highway Commission v. McNeill, 686
Arlington Heights, Village of v. Metropolitan Housing Development Corp., 1232, 1256
 Armory v. Delamire, 42
 Arnel Development Co. v. City of Costa Mesa, 1203, 1202
 Arnold v. Hanson, 780
 Aronson v. Town of Sharon, 1168
 Arverne Bay Const. Co. v. Thatcher, 1176
 Asian Americans for Equality v. Koch, 1294, 1295, 1296, 1382
 Associated Home Builders of Greater Eastbay, Inc. v. City of Livermore, 1297, 1347
 Atlantic Coast Line R. Co., United States v., 101
 Atlantic Discount Corp. v. Mangel's of North Carolina, Inc., 414
 Aztec Ltd., Inc. v. Creekside Inv. Co., 580
 Bahler v. Doenges, 318
 Baker, State v., 1142
Baker v. Weedon, 262
 Baker's Estate, In re, 969
 Balch v. Arnold, 841
 Banach v. Lawera, 566
 Banks v. Korman Associates, 102
 Bankston v. Pulaski County School Dist., 991
Barash v. Pennsylvania Terminal Real Estate Corp., 415, 420
 Barber v. Barber, 713
 Barrows v. Jackson, 919
 Bartell v. Hollinshead, 79
 Bartlett v. Zoning Com'n of Town of Old Lyme, 1358
 Barton Contracting Co., Inc. v. City of Afton, 1187, 1191
 Bartram v. Zoning Commission of City of Bridgeport, 1200
 Barwick v. Barwick, 41, 42
 Basiardanes v. City of Galveston, 1160, 1161
 Basore v. Johnson, 844, 845
 Battaglini v. Town of Red River, 1122
 Batten v. United States, 146
 Bauer v. Crummy, 744
 Beall v. Montgomery County Council, 1199
 Beard v. Henn, 83
 Beck v. Loveland, 69

- Caruthers v. Board of Adjustment of City of Bunker Hill Village, 1167
 Cassidy v. Triebel, 1141
 Catalina Groves v. Oliver, 618
 Catholic Family & Children's Services, State ex rel. v. City of Bellingham, 1144
 Caulfield v. Improved Risk Mutuals, Inc., 801
Causby, United States v., 139, 144, 145, 146
 Caywood v. January, 71
 CEEED v. California Coastal Zone Conservation Commission, 1342
 Celentano, Inc. v. Board of Zoning Appeals of New Haven, 1179
Central Nat. Bank of Cleveland v. Fitzwilliam, 314, 318
 Chadrow v. Kellman, 747
 Chaffin v. Solomon, 823
 Chalmers v. Chalmers, 274, 275
Chambers v. North River Line, 409, 414, 415
 Chandler v. Cameron, 824
 Chandler v. Kroiss, 1213
 Chaplin v. Sanders, 69, 70
 Chapman v. Montgomery County Council, 1193
 Charles E. Burt, Inc. v. Seven Grand Corp., 420, 442, 510
 Chase Federal Sav. and Loan Ass'n v. Schreiber, 760
 Chelmsford, Town of v. DiBiase, 1301
Cheney v. Village 2 at New Hope, Inc., 1203, 1210, 1211, 1212
 Chesapeake Ranch Club, Inc. v. C.R.C. United Members, Inc., 663
 Chicago, B. & Q. R. Co. v. City of Chicago, 1000
 Chillemi v. Chillemi, 798
 Chrinko v. South Brunswick Tp. Planning Bd., 1212
 Christensen v. Hoover, 101, 102
 Chrysler Corp. v. Fedders Corp., 822
 Cincinnati Finance Co. v. Atkinson's Adm'r, 727
 Citadel Corp. v. Puerto Rico Highway Authority, 1105
 Cities Service Oil Co v. Dunlap, 773
City of (see name of city)
 City of Bellingham, State ex rel. Catholic Family & Children's Services v., 1144
 City of Missoula, State ex rel. Thelen v., 1146
 Clancy v. Recker, 822
Claridge v. New Hampshire Wetlands Bd., 1350, 1357
 Clark v. Maloney, 42
 Clark v. Town Council of Town of West Hartford, 1198
 Clarke v. Di Dio, 1176
 Clary v. Borough of Eatontown, 1167
 Clear Lake City Water Authority v. Clear Lake Utilities Co., 652, 662
 Cleburne, Texas, City of v. Cleburne Living Center, 1146
 Cleek v. Povia, 566
Clevenger v. Moore, 803
 Clevidence v. Mercantile Home Bank & Trust Co., 747
 Cline v. Johnson County Bd. of Ed., 213
 Coast Mut. Building-Loan Ass'n v. Security Title Insurance & Guarantee Co., 881
 Cochran v. Long, 685
 Cochran v. Moore, 711
 Coderre v. Zoning Bd. of Review of City of Pawtucket, 1179
 Coffin v. Left Hand Ditch Co., 161
 Coggins v. Mimms, 817
Cohn, In re, 707
 Coles v. Belford, 797
 Collins v. Pic-Town Water Works, Inc., 657
 Commonwealth Dept. of Parks v. Stephens, 79
 Commissioner of Natural Resources v. S. Volpe & Co., 1357
 Committee to Save the Bishop's House, Inc. v. Medical Center Hospital of Vermont, Inc., 1307
 Condrey v. Condrey, 314
 Conille v. Secretary of Housing and Urban Development, 478
 Connell v. Bauer, 748
 Connors v. New York State Ass'n of Retarded Children, 1145
Construction Industry Ass'n of Sonoma County v. City of Petaluma, 1297, 1330, 1341
 Continental Ins. Co. v. Brown, 979
 Continental Southland Sav & Loan Ass'n v. Jones, 958
Contractors and Builders Ass'n of Pinellas County v. City of Dunedin, 1322
 Cook County v. Renaissance Arcade and Bookstore, 1160
 Cooks v. Fowler, 443
 Cork-Oswalt, Inc. v. Hickory Hotel Co., 618
 Corporation of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints v. City of Porterville, 1147
 Corrigan v. City of Scottsdale, 1105, 1106, 1107
 County Com'rs of Queen Anne's County v. Miles, 1167
County of (see name of county)
 Cowen v. Pressprich, 103
 Crane v. Crane, 534
 Cranston v. Winters, 840
 Crawford Co. v. Hathaway et al., 162
 Crestwood Plaza, Inc. v. Kroger Co., 369
 Cross v. Wells Fargo Alarm Services, 502
 Crowell v. McCaffrey, 488
 Culebras Enterprises Corp. v. Rivera Rios, 1105
 Culp v. City of Seattle, 1144
 Dame v. Mileski, 822
 Danielson v. Roberts, 38
 Dapkunas v. Cagle, 486
 Darnall v. Day, 442
 Dave Herstein Co. v. Columbia Pictures Corp., 510
David Properties, Inc. v. Selk, 347, 353, 354
 Davis v. Vidal, 359

- Franklin v. White Egret Condominium, Inc., 682
- Fred F. French Investing Co., Inc. v. City of New York, 1038, 1039, 1081, 1105
- French v. French, 759
- Friedberg v. Riverpoint Bldg. Committee, 680
- Friedlander v. Hiram Ricker & Sons, Inc., 673
- Friend v. Gem Intern., Inc., 341
- Friendswood Development Co. v. Smith-Southwest Industries, Inc., 187
- Frisbee v. Town of Marshall, 44
- Fristoe v. Drapeau, 575
- Fritz v. Warthen, 441, 447
- Fruitport Tp. v. Baxter, 1119
- Frumkes v. Boyer, 653
- FW/PBS, Inc. v. City of Dallas, 1160, 1236
- F.W. Woolworth Co. v. Plaza North, Inc., 624
- Gabel v. Drewrys Limited, USA, Inc., 820
- Gable v. Silver, 992
- Gaddis v. Consolidated Freightways, Inc., 415, 420
- Galín v. Board of Estimate of the City of New York, 1177
- Gallagher v. Bell, 639
- Ganter v. Kapiloff, 28, 32**
- Garcia v. Siffrin Residential Ass'n, 1146
- Gardner v. Downtown Porsche Audi, 111
- Garrison v. Blakeney, 758
- Garrison v. Grayson, 712
- Garton v. Title Ins. and Trust Co., 886
- Gerber v. Pecht, 615**
- Gerhardt v. Sullivan, 275
- Gibson v. Buice, 567
- Gifford v. Yarborough, 771
- Gignoux v. Village of Kings Point, 1166
- Gilbert v. Chicago Title and Trust Company, 550
- Gillen-Crow Pharmacies, Inc. v. Mandzak, 662
- Gillota v. Gillota, 742
- Gilman v. McCrary, 567
- Glyn v. Title Guarantee & Trust Co., 879
- Gin S. Chow v. City of Santa Barbara, 161
- Giorgi v. Pioneer Title Ins. Co., 822
- Girsh, Appeal of, 1132, 1297
- Gladwyne Colony, Inc. v. Lower Merion Tp., 1225
- Glasoe v. Trinkle, 437
- Glenn v. Poole, 576, 580**
- Glyco v. Schultz, 437, 443
- Goldberg v. Kelly, 20
- Goldblatt v. Rosenwasser, 926
- Goldblatt v. Town of Hempstead, N. Y., 1037
- Golden v. City of Overland Park, 1202
- Golden v. Planning Bd. of Town of Ramapo, 1346, 1347
- Gorbics v. Close, 767
- Gorieb v. Fox, 1020, 1161
- Gorton v. Schofield, 194
- Goss v. Lopez, 20
- Gottstein v. Hedges, 727
- Gower v. Postmaster General, 615
- Graham v. Estuary Properties, Inc., 1037, 1356, 1357, 1358
- Graham v. Safe Harbor Water Power Corporation, 595
- Graham Mortg. Corp., United States v., 943
- Gralewski's Estate, State v., 745
- Grand Island Hotel Corp. v. Second Island Development Co., 823
- Grand Lodge A. O. U. W. of North Dakota v. Fischer, 970
- Granite Properties Ltd. Partnership v. Manns, 550, 552
- Greco v. Greco, 279
- Green v. Copperstone Limited Partnership, 477
- Green v. Superior Court of City and County of San Francisco, 437, 438, 439, 441, 443, 447, 454, 455
- Greenspan v. Rehberg, 653
- Griffin v. Nationwide Moving and Storage Co., Inc., 111
- Griggs v. Allegheny County, Pa., 143, 144
- Griswold v. State of Conn., 1335
- Groden v. Jacobson, 970
- Grosz v. City of Miami Beach, Florida, 1147
- Guarantee Abstract & Title Ins. Co. v. St. Paul Fire & Marine Ins. Co., 876
- Guillette v. Daly Dry Wall, Inc., 845
- Gulf Reston, Inc. v. Rogers, 502
- Guntersville, City of v. Shull, 1144
- G-W-L, Inc. v. Robichaux, 991
- Haar v. Daly, 958
- Hadacheck v. Sebastian, 1002, 1009, 1037
- Hall v. American Oil Co., 658, 662
- Hall v. Harris, 796, 797
- Hall v. Lawrence, 524
- Halladay v. Cluff, 777
- Hall Paving Co. v. Hall County, 1202
- Hamel v. Schmidt, 488
- Hamilton v. Shaw, 310
- Hamilton Bank of Johnson City v. Williamson County Regional Planning Com'n, 1083, 1084, 1085, 1086, 1104, 1106, 1107
- Hannah v. Peel, 39
- Hannan v. Dusch, 402, 406**
- Hanson v. Zoller, 824
- Harbison v. City of Buffalo, 1120, 1122
- Harris v. Brooks, 160
- Harris v. Neely, 788
- Harris v. Woodard, 767
- Harrison v. Foley, 723
- Harrison, State ex rel. Manhein v., 1113
- Harry's Village, Inc. v. Egg Harbor Tp., 373
- Hartley v. Williams, 969
- Hartman Ranch Co. v. Associated Oil Co., 359
- Hash v. Sofinowski, 580
- Hatfield v. City of Fayetteville, 1122
- Hausfelder v. Security-First Nat. Bank of Los Angeles, 747
- Hawkinson v. Johnston, 401
- Haywood v. Brunswick Bldg. Soc., 631
- Hebb v. Severson, 947, 955**
- Hellberg v. Coffin Sheep Company, 551
- Helmsley v. Borough of Ft. Lee, 472
- Henderson v. W. C. Haas Realty Management, Inc., 490
- Hendricks v. Lake, 837

- Keating v. Cincinnati, 194
 Keck v. Scharf, 541
Kell v. Bella Vista Village Property Owners Ass'n, 651, 654, **675**, 679, 682, 683
 Kellog v. Joint Council of Women's Auxiliaries Welfare Ass'n, 1141
 Kelly v. Perry, 822
 Kelly v. Tri-Cities Broadcasting, Inc., 604, 618
Kendall v. Ernest Pestana, Inc., 359, 369
 Kempley v. Overton, 314
Keppel v. Bailey, 625, 628, 630, 652
 Kettle River R. Co. v. Eastern Ry. Co., 652
Keystone Bituminous Coal Ass'n v. DeBenedictis, 1040, 1081, 1108
 Kilbourne v. Forester, 353
 King v. Moorehead, 437, 438, 439, 441, 443, 444, 447, 456
 Kirk v. Tyrone Tp., 1202
 Kiser v. Clinchfield Coal Corp., 840
 Kit-Mar Builders, Inc., Appeal of, 1169
 Kitzinger v. Gulf Power Co., 595
 Klatzl's Estate, In re, 282
 Kline v. Burns, 437, 438, 439, 440, 443
Kline v. 1500 Massachusetts Ave. Apartment Corp., 493, 501, 502
 Klopstock, People v., 370, 619
 Klos v. Gockel, 991
 Knight v. Knight, 932
 Knox Hill Tenant Council v. Washington, 478
 Koennecke v. Waxwing Cedar Products, Ltd., 415
 Kohl v. United States, 995
 Kosena v. Eck, 370
Kotrich v. Du Page County, 1180
 Kozesnik v. Montgomery Tp., 1152, 1192
 Krahl v. Nine Mile Creek Watershed Dist., 1359
 Kramer v. Board of County Com'rs for Prince George's County, 1199, 1201
 Kramer v. Carter, 853
Krasner v. Transcontinental Equities, Inc., 355, 358
Krause v. City of Royal Oak, 1125, 1131
 Kroger Co. v. Chemical Securities Co., 369
 Kropf v. City of Sterling Heights, 1297
Krzewinski v. Eaton Homes, Inc., 552
 Kubby v. Hammond, 1119
Kuehne v. Town Council of Town of East Hartford, 1188, 1191, 1194, 1198, 1200
Kulawitz v. Pacific Woodenware & Paper Co., 503
 Kwitkowski v. Superior Trading Co., 503
 Lafayette Radio Electronics Corp., In re, 358
 Lakeside Youth Service v. Zoning Hearing Bd. of Upper Moreland Tp., 1144
 Lakewood, Ohio Congregation of Jehovah's Witnesses, Inc. v. City of Lakewood, Ohio, 1147
 Lamken v. Miller, 341
 Landmark Universal, Inc. v. Pitkin County Bd. of Adjustment, 1178
 Lane v. Travelers Ins. Co. of Hartford, Conn., 895
 Langmede v. Weaver, 759
 Laporte, Application of, 1141
 Larsen v. Zoning Commission of City of Norwalk, 1167
 La Salle National Bank of Chicago v. City of Chicago, 1161
 Latham v. Garner, 533
 Lavey v. Graessle, 852
 Lawton v. Steele, 1001, 1002
 Lawyers Title Ins. Corp. v. Edmar Const. Co., 941
 LDDC, Inc. v. Pressley, 304
 Lehigh Valley Railroad Co. v. McFarlan, 567
 Leider v. 80 William St. Co., 510
 Lemle v. Breeden, 437, 439, 440, 441
 Leonard v. Bailwitz, 551
 Lerman v. Levine, 300, 303
 Levitt v. Incorporated Village of Sands Point, 1167, 1201
 Levy v. Board of Standards and Appeals of City of New York, 1176
 Lewin v. American and Colonial Distributors, Ltd., 605
 Lewis v. Herrera, 759
 Lewiston Pre-Mix Concrete, Inc. v. Rohde, 354
 Lex Pro Corp. v. Snyder Enterprises, Inc., 674
Liberty Plan Co. v. Adwan, 391
 Liddle, State ex rel. Ellis v., 1143
 Lindenmuth v. Safe Harbor Water Power Corporation, 534
Lindsey v. Clark, 589
Lindsey v. Normet, 379
 Livingston Rock & Gravel Co. v. County of Los Angeles, 1122
 L & M Corp. v. Loader, 624
Loch Sheldrake Associates v. Evans, 524
 Lomax v. Pickering, 836
 London and South Western Railway Co. v. Gomm, 630
 London County Council v. Allen, 631
 London & S.W. Ry. v. Gomm, 642, 643
 Lopez v. Henry Phipps Plaza South, Inc., 477
 Loretto v. Teleprompter Manhattan CATV Corp., 1080
 Los Angeles, City of v. California Dept. of Health, 1146
 Los Angeles, City of v. City of Glendale, 162
 Los Angeles, City of v. Savage, 516
 Losey v. Simpson, 838
 Love v. Hudson, 713
 Lowe v. City of Missoula, 1202
 Lowry v. Lowry, 744
 Lowry v. Norris Lake Shores Development Corp., 657
 Lucas v. Hamm, 246
 Lugin v. Dobson, 194
 Lund v. MacArthur, 437, 438, 440, 441
 Lutz v. City of Longview, 1213
 Lux v. Haggin, 161
 MacDonald, Sommer & Frates v. Yolo County, 1084, 1085, 1086, 1104, 1106
 Maddox v. Astro Investments, 811
 Magee v. Walbro, Inc., 111
 Mahlmann v. Yelverton, 488
 Mahoney v. Martin, 727