

Making Everything Easier!™

Property Law

FOR

DUMMIES®

Learn to:

- Identify property rights
- Understand how covenants, easements, and public regulations can reshape property rights
- Make sense of how property is shared and divided up over time
- Recognize how property may be acquired or transferred

Alan Romero

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Wyoming College of Law*



Property Law FOR **DUMMIES®**

By Alan Romero



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Alan Romero is a professor of law at the University of Wyoming College of Law. He has been teaching Property Law and related courses at various law schools since 1998. He earned a BA *summa cum laude* in English and Political Science from Brigham Young University. He then graduated with honors from Harvard Law School in 1993, where he was President of the *Harvard Journal on Legislation*. Along the way, he unexpectedly discovered the wonders of property law. He's been thinking, researching, practicing, teaching, and writing about property law ever since.

Dedication

To Amy, for all the reasons that can't be written down in words.

Author's Acknowledgments

Pretty much everything in this book I learned from others. Thanks to all the teachers, scholars, judges, and lawyers from whom I have kept learning about property law. And thanks to the many students who have helped me learn how to learn property law.

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Introduction

Property is everywhere around you. Wherever you go in the United States, the part of Earth you're on is the property of some person, entity, or government. If you look around you, almost everything you see is property — and it's not just the land. Almost everything visible and tangible is property, except for the people themselves. Even some things you can't see are property. Property law touches all of it.

Property law is about your relationship to all those things around you. It determines what you can do with those things and what you can stop other people from doing with those things. It governs how you acquire a right to possess and use a thing and exclude others from it. It directs how you can give that right to others.

You may be very familiar with property but not so familiar with property law. I wrote this book to help you understand those legal rules that are shaping the world around you in so many ways.

About This Book

Property Law For Dummies gives you the short and simple version of the property rules that are generally the subject of first-year law school courses in property law. I don't cite many cases or include footnotes, so this book doesn't look much like other law books. My goal is to organize, simplify, and clarify the basic rules of property law to make the subject easier to understand.

If you're a law student, you know that your job in law school isn't just to learn legal rules. You're also learning how and why those legal rules are created and changed

and how to apply them and make persuasive arguments about them. You're learning how to figure out what the rules are by reading cases, statutes, and regulations. But you may find that in the process of reading cases, making arguments, considering possible rules and approaches, and exploring the reasons for rules, you sometimes have a hard time simply identifying what the rule is. That's where this book can help.

You don't have to read through the whole book in order to understand each part. You can turn to any issue you're studying and find what you need to know. Some issues relate to other issues, of course, so often you find references to other chapters that you can turn to for more detail.

Conventions Used in This Book

I use the following conventions throughout the text to make things consistent and easy to understand:

- ✓ New terms appear in *italic* and are closely followed by an easy-to-understand definition.
- ✓ I use **bold** to highlight keywords in bulleted lists and the action parts of numbered steps.

What You're Not to Read

Most of this book is just the basics. But sometimes I've included additional details, historical background, related rules, and the like. I think all the info is interesting and worth reading, but you can understand the subject without reading the extra stuff. I've set the skippable, nonessential info apart in two ways:

- ✓ **Sidebar:** Sidebars are shaded boxes that give more background or details about the subject.
- ✓ **The Technical Stuff icon:** This icon indicates information that's interesting but that you can live without.

Foolish Assumptions

You may be interested in property law for all sorts of reasons. Even so, I've written this book assuming the following things about you:

- ✓ You're studying property law for the first time. Or you've forgotten it. You may be preparing to answer property law questions on the bar exam. Whether you're learning property law for the first time or reviewing what you've studied before, this book can be a helpful reference and survey of property law issues.
- ✓ You're mostly interested in *real property* — land and buildings and other things attached to the land. Like most property law courses, this book covers some law related to personal property (and many of the rules for personal and real property are the same), but you won't find a lot of info on cars and autographed baseballs or intellectual property like patents and copyrights.
- ✓ You're familiar with the law generally. You're a law student or at least know the basics about the court system, lawsuits, remedies, the common law system, and so on. If this is a foolish assumption about you, you may benefit from a legal dictionary to help explain unfamiliar terms that I've assumed you know.