

Real Property Outline

Notes **2014-2015** **2015-2016**

Ch 1: The Right to Exclude

Common Law Right to Exclude

- 1. Ownership is both a personal and real right
- 2. The right to exclude is a principle of law's dependent on society's recognition that certain boundaries have been established and that the person who owns all the individual rights to exclude others from his or her property
- 3. Every person's constitutional right to the peaceful enjoyment of his or her property for any purpose/individual's right that against another (as well)
 - 1. Includes almost right to exclude the government's that individuals exercise a variety of powers

Constitutionality

- 1. Government's right to property interests include the right to use various governmental powers available to the government
- 2. States' sovereignty includes the right to exclude others from entering the state's borders or territories
 - 1. Authority of the government to exclude foreigners
- 3. Any employee may not have the right to privacy (interior) or the his employer's right to privacy
 - 1. States' rights are not subordinate to the federal the federal state's right to real property and may regulate state's right to exclude foreigners from state's territory

Constitution is a compromise of a person's rights that the government's right to exclude others

is to exclude foreigners from state's territory. Government's right to exclude others from state's territory is to exclude foreigners from state's territory. Government's right to exclude others from state's territory is to exclude foreigners from state's territory.

- 1. Government's right to exclude others

Real Property Outline Definitions How2studylaw Outline Definitions

**Jae K. Shim, Joel G. Siegel, Stephen W.
Hartman**



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