

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 is not subject to control (as such)
 - 1. Includes almost all common law's recognition that a person's right to exclude others is a core property right

Constitutionality

- 1. Ownership of real property includes the right to exclude others and government's power to regulate the right to exclude
- 2. Courts have property interest doctrine doctrine says that denying all persons the right to exclude is unconstitutional and violates
 - 1. A person's right to the peaceful enjoyment of his or her property
- 3. Any regulation that denies the owner the private interest in his or her property to exclude others
 - 1. Does right to exclude is a part of the right to the peaceful enjoyment of his or her property and any regulation that denies the owner the right to exclude is unconstitutional

Constitutionality is a principle of law that the government's right to regulate the right to exclude is a part of the right to the peaceful enjoyment of his or her property

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- 1. The government's right to regulate the right to exclude is a part of the right to the peaceful enjoyment of his or her property

Real Property Outline Definitions How2studylaw Outline Definitions

Rachel Sandford



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