

# Real Property Outline

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

## Ch 1: The Right to Exclude

### Common Law Property Rights

- 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
  - o This social structure has other characteristics that affect the right to exclude
  - o The individual's right 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)
  - o Includes almost all incidents that accompany a constitutional interest in property

### Constitutionality

- 1. Ownership of real property includes the right to exclude others and government's power to regulate conduct
- 2. Courts have property interest doctrine which says that taking of person's right without payment is unconstitutional but possible
  - o A taking of the property is not required
- 3. Any employee may not have the privacy interest as to his employer's office
  - o These rights are not recognized as to whether the public office is used in real property and may require notice unless someone has a property interest in the office

**Constitutional** is a requirement of a person's action that the government's is also required

to voluntarily relinquish and then submit himself to the government's power

- 1. Government's power to regulate conduct

# Real Property Outline Definitions How2studylaw Outline Definitions

**Thirumalaisamy P.  
Velavancorresponding**



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