
CONTENTS

<i>Preface to the Ninth Edition</i>	xxix
<i>A Guide to the Book</i>	xxxix
<i>How to Brief a Case and Prepare for Class</i>	xlvi
<i>Acknowledgments</i>	liii

PART ONE

PROPERTY IN A FREE AND DEMOCRATIC SOCIETY 1

CHAPTER 1

Trespass: The Right to Exclude and Rights of Access 3

§1 Trespass 3

§1.1 Public Policy Limits on the Right to Exclude 4

State v. Shack (1971) 4

Commonwealth v. Magadini (2016) 10

§1.2 Limits on the Right to Exclude from Property Open to the Public 25

Uston v. Resorts International Hotel, Inc. (1982) 25

§1.3 Trespass Remedies 33

Glavin v. Eckman (2008) 34

Jacque v. Steenberg Homes, Inc. (1997) 39

§1.4 The Relational Nature of Property Rights 42

§2 Discrimination and Access to “Places of Public Accommodation” 43

§2.1 The Antidiscrimination Principle 43

A. Federal Antidiscrimination Law 44

Civil Rights Act of 1964, Title II 44

Civil Rights Act of 1866 45

B. State and Local Laws 50

New York Executive Law, Art. 15 50

McClure Management, LLC v. Taylor (2020) 52

§2.2 Discrimination Against Persons with Disabilities 64

Americans with Disabilities Act of 1990, Title III 65

§3 Free Speech Rights of Access to Public and Private Property 73

Lloyd Corporation, Ltd. v. Tanner (1972) 73

§4 Beach Access and the Public Trust	80
<i>Matthews v. Bay Head Improvement Association</i> (1984)	80
§5 The Right to Be Somewhere and the Problem of Homelessness	91
<i>City of Grants Pass v. Johnson</i> (2024)	91
 CHAPTER 2	
Competing Justifications for Property Rights	103
§1 Sovereignty	103
§1.1 Sovereignty and Indigenous Land	104
A. Acquisition from Native Nations	104
<i>Johnson v. M'Intosh</i> (1823)	105
B. Competing Justifications for Property Rights	115
C. Past Wrongs, Present Remedies: Modern Indian Land Claims	118
§1.2 Sovereignty and Human Property	122
<i>The Antelope</i> (1825)	123
§1.3 Sovereign Distribution of Property	129
A. Homestead Acts and Land Grants	129
B. Squatters	130
C. Property After Enslavement	131
D. Government Distribution Today	134
§2 Labor and Investment	136
§2.1 Labor and Intangible Property	136
<i>International News Service v. Associated Press</i> (1918)	136
§2.2 Commonly Owned Property: Tragedy or Comedy?	149
§2.3 Ownership of Labor	152
§3 Families	153
§3.1 Child Support	154
<i>Bayliss v. Bayliss</i> (1989)	154
<i>Ex parte Christopher</i> (2013)	156
§3.2 Gifts and Inheritance	160
§4 Possession	162
§4.1 Capture	162
A. Wild Animals	162
<i>Pierson v. Post</i> (1805)	162
B. Home Run Baseballs	168
<i>Popov v. Hayashi</i> (2002)	168
C. Natural Resources	173
<i>Elliff v. Texon Drilling Co.</i> (1948)	174
§4.2 Possession and Real Property	178
<i>Christy v. Scott</i> (1852)	179
§4.3 Possession and Personal Property	181
A. Finders	181
<i>Armory v. Delamirie</i> (1722)	182
<i>Charrier v. Bell</i> (1986)	185

B. Presumption of Title	190
<i>Willcox v. Stroup</i> (2006)	190
C. Possession of Stolen Property	194
§5 Justifications for Property Without Law	196
Goffman, <i>Asylums: Essays on the Social Situation of Mental Patients and Other Inmates</i>	196
 CHAPTER 3	
What Can Be Owned?	201
§1 Property Rights in Human Beings	201
§1.1 Slavery	202
§1.2 Children	202
<i>In the Matter of Baby M</i> (1988)	202
§1.3 Frozen Embryos	212
§1.4 Body Parts	218
A. Are Body Parts Property?	218
<i>Moore v. Regents of the University of California</i> (1990)	218
B. Markets in Body Parts	227
<i>Flynn v. Holder</i> (2012)	228
§2 Property and Personal Identity: Publicity Rights	235
<i>Martin Luther King, Jr. Center for Social Change v. American Heritage Products</i> (1982)	236
<i>Rosa and Raymond Parks Institute for Self-Development v. Target Corp.</i> (2016)	243
§3 Property and Community Identity: Cultural Property	252
§3.1 Native American Cultural Property	253
<i>Wana the Bear v. Community Construction, Inc.</i> (1982)	253
§3.2 The International Dimensions of Cultural Property	259
<i>Republic of Turkey v. Christie's Inc.</i> (2019)	259
§4 Property and Ideas: Intellectual Property	268
§4.1 The Concept of Intellectual Property	268
§4.2 Theories of Intellectual Property	269
§4.3 Unfair Competition and Misappropriation	274
§4.4 Trademark Law	274
<i>Qualitex Co. v. Jacobson Products Co.</i> (1995)	275
§4.5 Copyright Law	283
A. Original Works of Authorship	283
B. The Copyright Act	283
<i>Copyright Act of 1976</i>	283
C. "Original" Works	285
<i>Craft Smith LLC v. EC Design LLC</i> (2020)	285
D. Fair Use	297
<i>Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith</i> (2023)	297
E. Moral Rights	308

§4.6 Patent Law	310
A. Patentability	311
<i>Association for Molecular Pathology v. Myriad Genetics, Inc. (2013)</i>	311
<i>Juicy Whip, Inc. v. Orange Bang, Inc. (1999)</i>	316
B. Patent Remedies	323
<i>eBay Inc. v. MercExchange, L.L.C. (2006)</i>	323
 PART TWO	
RELATIONS AMONG NEIGHBORS	329
 CHAPTER 4	
Adverse Possession	331
§1 Title versus Possession	331
§1.1 Border Disputes	331
<i>Brown v. Gobble (1996)</i>	331
§1.2 Color of Title	344
<i>Paine v. Sexton (2015)</i>	345
§1.3 Squatters	348
<i>Nome 2000 v. Fagerstrom (1990)</i>	348
§2 Justifications for Adverse Possession: “Roots Which We Should Not Disturb” or “Land Piracy”?	356
§3 Prescriptive Easements	359
<i>Frech v. Piontkowski (2010)</i>	360
§4 Other Informal Ways to Transfer Title to Real Property	367
§4.1 The Improving Trespasser	367
A. Removal of Encroaching Structures: Relative Hardship	368
<i>Hoffman v. Bob Law, Inc. (2016)</i>	368
B. Enrichment versus Forced Sale	372
<i>Ward v. Ward (2016)</i>	373
§4.2 Boundary Settlement	379
A. Oral Agreement	379
B. Acquiescence	379
C. Estoppel	380
D. Laches	380
§5 Adverse Possession of Personal Property	380
<i>O’Keeffe v. Snyder (1980)</i>	381
 CHAPTER 5	
Nuisance: Resolving Conflicts Between Free Use and Quiet Enjoyment	389
§1 Land Use Conflicts Among Neighbors	389
The Reciprocal Nature of Conflicting Land Uses	390
§2 Nuisance	391
§2.1 Defining Unreasonable Interference	391

<i>Dobbs v. Wiggins</i> (2010)	392
§2.2 Nuisance Remedies	408
<i>Boomer v. Atlantic Cement Co.</i> (1970)	410
§2.3 Nuisance or Trespass?	414
<i>Johnson v. Paynesville Farmers Union Cooperative Oil Co.</i> (2012)	414
§3 Light and Air	423
<i>Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc.</i> (1959)	423
<i>Prah v. Maretti</i> (1982)	425
§4 Surface Water	445
<i>Armstrong v. Francis Corp.</i> (1956)	445
§5 Support Rights	457
§5.1 Lateral Support	458
<i>Noone v. Price</i> (1982)	458
<i>Massachusetts State Building Code</i>	465
<i>International Building Code</i> §3307	465
§5.2 Subjacent Support	467
<i>Friendswood Development Co. v. Smith-Southwest Industries, Inc.</i> (1978)	467
CHAPTER 6	
Land Use and Natural Resources Regulation	479
§1 Land Use Regulation: Origins, Authority, and Process	479
§1.1 The Roots and Structure of Zoning	479
§1.2 Zoning Authority and Validity	480
<i>Village of Euclid v. Ambler Realty Co.</i> (1926)	480
§1.3 Other Land Use Regulatory Regimes	492
§1.4 Modernizing Zoning	492
§1.5 Common Patterns in Land Use Litigation	493
§2 Constraints on Zoning Authority to Protect Preexisting Property Rights	495
§2.1 Prior Nonconforming Uses	496
<i>Town of Belleville v. Parrillo's, Inc.</i> (1980)	496
§2.2 Vested Rights	501
<i>Stone v. City of Wilton</i> (1983)	501
§3 Administrative Zoning Flexibility and Rezoning	506
§3.1 Variances	506
<i>Krummenacher v. Minnetonka</i> (2010)	506
§3.2 Special Exceptions	513
§3.3 Rezoning and Challenges to Particularized Zoning Changes	515
§4 Land Use Regulations Burdening Fundamental Rights	518
§4.1 Equal Protection and Animus	519
<i>Village of Willowbrook v. Olech</i> (2000)	519

§4.2 The Problem of Exclusionary Zoning and State Constitutional Rights	522
<i>Southern Burlington County NAACP v. Township of Mount Laurel</i> (1975)	522
§4.3 Zoning and Intimate Association	533
<i>Village of Belle Terre v. Boraas</i> (1974)	533
<i>Moore v. City of East Cleveland</i> (1977)	537
§4.4 Aesthetic Zoning and Expression	544
<i>Anderson v. City of Issaquah</i> (1993)	544
§4.5 Freedom of Religion and Religious Land Uses	555
<i>Westchester Day School v. Village of Mamaroneck</i> (2007)	555
§5 Environment, Natural Resources, and Land Use Law	566
§5.1 Owner Liability for Hazardous Wastes	567
§5.2 Environmental Impact Assessment	569
§5.3 Climate Change and Land Use Planning: Mitigation and Adaptation	570
§5.4 Protection of Other Natural Resources	572
 CHAPTER 7	
Servitudes: Rules Governing Contractual Restrictions on Land Use	575
§1 Servitudes	575
§2 Easements	577
§2.1 Definition and Background	577
§2.2 Creation by Express Agreement	579
A. Writing (Statute of Frauds)	579
<i>California Statute of Frauds</i>	580
<i>New York Statute of Frauds</i>	580
B. Negative Easements	580
C. Running with the Land	580
§2.3 Interpretation of Ambiguous Easements	582
A. Appurtenant or In Gross	582
<i>Green v. Lupo</i> (1982)	582
B. Scope and Apportionment	587
<i>Cox v. Glenbrook Co.</i> (1962)	587
§2.4 Creation of Easements by Implication	597
A. Easements by Estoppel	598
<i>Lobato v. Taylor</i> (2002)	598
B. Easements Implied from Prior Use	609
<i>Granite Properties Limited Partnership v. Manns</i> (1987)	609
C. Easements by Necessity	616
<i>Finn v. Williams</i> (1941)	616
§2.5 Modifying and Terminating Easements	621

§3 Covenants	622
§3.1 Definition and Background	622
§3.2 Creation of Covenants	626
A. The Traditional Test	626
<i>Neponsit Property Owners' Association v. Emigrant Industrial Savings Bank</i> (1938)	626
B. The <i>Restatement (Third)</i> and Its Influence	637
C. Remedies	641
§4 Covenants in Residential Subdivisions, Condominiums, and Other Multiple Owner Developments	644
§4.1 Implied Reciprocal Negative Servitudes in Residential Subdivisions	644
<i>Evans v. Pollock</i> (1990)	645
§4.2 Common Interest Developments and Property Owners Associations	652
A. Residential Subdivisions and Condominiums	652
B. Cooperatives	653
C. Community Land Trusts and Limited Equity Co-ops	654
D. Competing Perspectives	655
§4.3 Relationship Between Unit Owners and Developers	657
<i>Appel v. Presley Cos.</i> (1991)	657
§5 Substantive Limitations on Creation and Enforcement of Covenants	664
§5.1 Review for Reasonableness and Public Policy Violations	664
A. Covenants	664
<i>Davidson Brothers, Inc. v. D. Katz & Sons, Inc.</i> (1994)	665
<i>Nahrstedt v. Lakeside Village Condominium Association, Inc.</i> (1994)	671
B. Rules and Bylaws	682
<i>Apple Valley Gardens Association, Inc. v. MacHutta</i> (2009)	682
<i>Trustees of the Cambridge Point Condominium Trust v. Cambridge Point, LLC</i> (2018)	688
§5.2 Constitutional Limitations	695
<i>Shelley v. Kraemer</i> (1948)	696
§5.3 The <i>Fair Housing Act</i>	707
§5.4 Restraints on Alienation	708
<i>Northwest Real Estate Co. v. Serio</i> (1929)	709
§5.5 Anticompetitive Covenants	714
§6 Modifying and Terminating Covenants	716
§6.1 Changed Conditions	716
<i>El Di, Inc. v. Town of Bethany Beach</i> (1984)	716
§6.2 Relative Hardship	722
§6.3 Other Equitable Defenses	723
§6.4 Statutes	724
<i>Blakeley v. Gorin</i> (1974)	724

PART THREE

OWNERSHIP IN COMMON

729

CHAPTER 8

Concurrent, Family, and Entity Property

731

§1 Varieties of Common Ownership

731

§2 Concurrent Tenancies

732

§2.1 Forms of Concurrent Tenancies

732

A. Tenancy in Common

732

B. Joint Tenancy

733

C. Tenancy by the Entirety

736

§2.2 Sharing Rights and Responsibilities Between Co-Owners

738

§2.3 Unilateral Transfers of Rights in Common Property

742

A. Tenancy in Common

743

Sullinger v. Reed (2021)

743

B. Joint Tenancy

745

Tenhet v. Boswell (1976)

746

C. Tenancy by the Entirety

750

Sawada v. Endo (1977)

751

§2.4 Partition

757

Ark Land Co. v. Harper (2004)

757

§3 Family Property

764

§3.1 Historical Background

764

A. Coverture, Dower, and Curtesy

764

B. *Married Women's Property Acts*

765

C. Same-Sex Marriage

765

§3.2 Community Property and Separate Property

767

A. Separate Property

767

B. Community Property

768

C. Premarital Agreements

769

D. Homestead Laws

770

§3.3 Divorce: Equitable Distribution of Property

771

North Carolina General Statutes

772

Revised Code of Washington

773

§3.4 Child Support

778

§3.5 Unmarried Partners

778

Wilbur v. DeLapp (1993)

779

Tompkins v. Jackson (2009)

782

§4 Entity Property

793

Berle & Means, *The Modern Corporation and Private Property* (1932)

793

Butler, *The Contractual Theory of the Corporation* (1989)

796

CHAPTER 9

Present Estates and Future Interests	803
§1 Division of Ownership over Time	803
§1.1 Present Estates and Future Interests	803
§1.2 Transferring Property After Death: Intestacy, Wills, and Will Substitutes	805
§2 Historical Background	806
§2.1 Medieval Roots	806
§2.2 Modern Technology	812
§3 The Contemporary Estates System	814
§3.1 Fee Simple Interests	815
A. Fee Simple Absolute	815
B. Defeasible Fees	816
§3.2 Life Estates	819
A. Reversions and Remainders	819
B. Contingent and Vested Remainders	819
C. Destructibility of Contingent Remainders	821
§3.3 Interpretation of Ambiguous Conveyances	822
<i>Wood v. Board of County Commissioners of Fremont County</i> (1988)	823
<i>Edwards v. Bradley</i> (1984)	825
§3.4 Waste	830
<i>McIntyre v. Scarbrough</i> (1996)	830
§3.5 Trusts	836
A. Private Trusts	837
<i>Phillips v. Estate of Holzmann</i> (1998)	837
B. Charitable Trusts and the Cy Pres Doctrine	841
<i>Evans v. Abney</i> (1970)	842
§4 Restrictions on Estates and Future Interests	852
§4.1 Rule Against Creation of New Estates (The <i>Numerus Clausus</i> Doctrine)	852
§4.2 Rule Against Unreasonable Restraints on Alienation	853
§4.3 Rule Against Perpetuities	853
A. The Traditional Rule	853
B. Modern Approaches and the Rise of the Perpetuity	863
C. Other Statutory Limits on Future Interests	867
D. Commercial Future Interests: Options to Purchase and Preemptive Rights	868
<i>Symphony Space, Inc. v. Pergola Properties, Inc.</i> (1996)	869
§4.4 Rule Against Unreasonable Restraints on Marriage	878
<i>Estate of Guidotti</i> (2001)	878

CHAPTER 10

Leaseholds	885
§1 Leasehold Estates	885
§1.1 Categories of Tenancies	885
§1.2 Commercial and Residential Tenancies	887
§1.3 Regulation of Landlord-Tenant Relationships	887
§1.4 Distinguishing Tenancies from Other Property Relationships	889
<i>Vásquez v. Glassboro Service Association, Inc. (1980)</i>	890
§2 Conflicts About Occupancy	901
§2.1 Initial Occupancy: Landlord's Duty to Deliver Possession	902
§2.2 During the Leasehold	903
A. Landlord's Right to Inspect and Repair	903
<i>Uniform Residential Landlord and Tenant Act</i>	903
B. Tenant's Right to Receive Visitors and to Marry	904
C. Tenant's Duties Not to Commit Waste or Cause a Nuisance, and the Problem of Domestic Violence	904
D. Tenant Use Restrictions and Obligations	905
§2.3 Transfers of the Landlord's Leasehold Interest	906
§2.4 Assigning and Subleasing	907
<i>Kendall v. Ernest Pestana, Inc. (1985)</i>	910
<i>Slavin v. Rent Control Board of Brookline (1990)</i>	915
§2.5 Tenant's Right to Early Termination of the Lease	920
§2.6 Possession at the End of the Tenancy	921
§3 Tenant's Rights to Quiet Enjoyment and Habitable Premises	922
§3.1 The Covenant of Quiet Enjoyment and Constructive Eviction	922
<i>Minjak Co. v. Randolph (1988)</i>	922
§3.2 Warranty of Habitability	930
<i>Javins v. First National Realty Corp. (1970)</i>	931
§3.3 Landlord Tort Liability to Tenants	950
§4 Conflicts About Rent	955
§4.1 Landlord's Remedies When Tenant Fails to Pay Rent	956
§4.2 Landlord's Duty to Mitigate Damages	959
<i>Sommer v. Kridel (1977)</i>	961
§4.3 Security Deposits	969
§4.4 Rent Regulation	970
§4.5 Excusing Non-Performance in Extraordinary Circumstances	971
§5 Minimum Standards Revisited	971
§5.1 The Problem of Form Leases	972
§5.2 Debating Minimum Standards	973

PART FOUR

THE LEGAL FRAMEWORK OF THE MARKET
FOR REAL ESTATE

977

CHAPTER 11

Real Estate Transactions

979

§1 Real Estate Transactions: Structure and Roles

979

§1.1 Attorneys' Transactional Roles

979

§1.2 Phases of the Transaction

980

A. Pre-Contracting and the Role of Brokers

981

B. Contracting: The Purchase and Sale Agreement

986

C. The Executory Period

986

D. Closing

988

E. Post-Closing

989

§2 Purchase and Sale Agreements: Form, Formalities, and Remedies

990

§2.1 The Terms of the Agreement

990

Offer to Purchase Real Estate

991

Standard Form Purchase & Sale Agreement

992

§2.2 Statute of Frauds versus Part Performance and Estoppel

996

Burns v. McCormick (1922)

996

Hurtubise v. McPherson (2011)

998

§2.3 What Constitutes a Breach of the Contract

1006

A. Misrepresentation and Fraudulent Nondisclosure

1006

Johnson v. Davis (1985)

1006

B. Seller's Failure to Provide Marketable Title

1017

C. Seller's Breach of Warranty of Habitability for New

Residential Real Estate

1018

D. Buyer's Failure to Make Good Faith Efforts to Obtain Financing

1018

§2.4 Remedies for Breach of the Purchase and Sale Agreement

1019

A. Buyer's Remedies

1019

B. Seller's Remedies

1020

§3 Deeds

1021

§3.1 Essential Terms

1021

Sample Deed

1022

§3.2 Delivery

1023

§3.3 Title Covenants

1024

A. Warranties of Title

1024

B. Remedies for Breach of Warranty of Title

1026

§4 Real Estate Finance

1027

§4.1 The Basic Structure of Real Estate Finance

1027

§4.2 Regulating Mortgage Markets

1028

Commonwealth v. Fremont Investment & Loan (2008)

1031

§4.3 Borrower Defaults, Foreclosure, and Consumer Protection	1040
<i>U.S. Bank National Association v. Ibanez</i> (2011)	1042
§4.4 Foreclosure Sales	1050
<i>Baskurt v. Beal</i> (2004)	1050
§4.5 Alternative Financing Arrangements	1059
A. Installment Land Contracts	1059
<i>Sebastian v. Floyd</i> (1979)	1060
B. Equitable Mortgages	1065
<i>Koenig v. Van Reken</i> (1979)	1065
§5 The Recording System	1069
§5.1 Recording Acts	1069
A. Recording Act Fundamentals	1069
B. How to Conduct a Title Search	1071
C. Types of Recording Acts	1073
D. Types of Notice	1074
E. Who Qualifies for Protection Under the Recording Acts?	1075
§5.2 Chain of Title Problems	1076
<i>Sabo v. Horvath</i> (1976)	1076
§5.3 Fraud and Forgery	1083
<i>Brock v. Yale Mortgage Corporation</i> (2010)	1083
<i>McCoy v. Love</i> (1980)	1086
§5.4 Marketable Title Acts and Other Ways to Clear Title	1089
§5.5 Title Companies and the Recording System	1090
§5.6 Title Registration	1091
 CHAPTER 12	
Fair Housing Law	1093
§1 Introduction to Fair Housing	1093
§1.1 Sources of Fair Housing Law	1093
§1.2 The <i>Fair Housing Act</i>	1094
<i>Fair Housing Act</i>	1094
§1.3 Statutory Interpretation, Communications, and the Boundaries of the <i>Fair Housing Act</i>	1101
<i>Fair Housing Council of San Fernando Valley v.</i> <i>Roommate.com, LLC</i> (2012)	1101
§2 Intentional Discrimination or Disparate Treatment	1111
§2.1 Intentional Discrimination on the Basis of Race	1111
<i>Asbury v. Brougham</i> (1989)	1111
§2.2 Discrimination on the Basis of Sex: Sexual Harassment	1122
<i>Quigley v. Winter</i> (2010)	1122
§2.3 Discrimination Based on Familial Status	1131
<i>Human Rights Commission v. LaBrie, Inc.</i> (1995)	1131

§2.4 Discrimination Based on Sexual Orientation and Gender Identity	1138
<i>Wetzel v. Glen St. Andrew Living Community, LLC</i> (2018)	1138
§2.5 Source of Income and Other Economic Discrimination	1147
<i>DiLiddo v. Oxford Street Realty, Inc.</i> (2007)	1147
§3 Disparate Impact or Discriminatory Effects Claims	1152
§3.1 HUD's Discriminatory Effects Rule	1152
§4 Segregation, Integration, and the Fair Housing Act	1158
<i>MHANY Management, Inc. v. County of Nassau</i> (2016)	1158
§5 Housing Discrimination Against People with Disabilities	1173
§5.1 Reasonable Accommodations	1173
<i>Janush v. Charities Housing Development Corp.</i> (2000)	1173
§5.2 Integration and the Example of Group Homes for Persons with Disabilities	1179
<i>Familystyle of St. Paul, Inc. v. City of St. Paul</i> (1991)	1179
§6 Fair Lending	1184
<i>M & T Mortgage Corp. v. Foy</i> (2008)	1184

PART FIVE

CONSTITUTIONAL PROTECTION FOR PROPERTY 1195

CHAPTER 13

Takings Law 1197

§1 Eminent Domain 1198

§1.1 The Eminent Domain Power and the Condemnation Process 1198

§1.2 Public Use 1199

Kelo v. City of New London (2005) 1199

§1.3 Just Compensation 1221

"Damagings" Clauses in State Constitutional Law 1226

§1.4 Expropriating Without "Taking" 1226

Tee-Hit-Ton Indians v. United States (1955) 1227

§2 Regulatory Takings 1235

§2.1 An Introduction to Regulatory Takings 1235

A Note on Regulatory Takings Procedures 1238

§2.2 The Ad Hoc Test: Fairness and Justice 1239

Penn Central Transportation Co. v. New York City (1978) 1239

§2.3 "Per Se" Takings Claims 1256

A. Deprivation of All Economically Viable Use 1256

Lucas v. South Carolina Coastal Council (1992) 1256

B. Physical Invasions 1277

PruneYard Shopping Center v. Robins (1980) 1277

Cedar Point Nursery v. Hassid (2021) 1280

§2.4 Other Special Cases	1295
A. Deprivation of Core Property Rights	1295
B. Vested Rights and Retroactivity	1299
§2.5 Takings Statutes	1304
§3 Exactions and Unconstitutional Conditions	1306
<i>Dolan v. City of Tigard (1994)</i>	1306
§4 Justifying Takings Law	1323
 <i>Table of Cases</i>	 1327
<i>Table of Statutes</i>	1353
<i>Index</i>	1367