PROPERTY I
Course #8541C
Professor Randolph
Fall 2010

First Day Assignment for Monday, August 23, 2010

Read course syllabus (available for pickup in the Cardozo Suite), pages 1-16 in the casebook *Property Cases and Statutes, Second Edition*, and the accompanying Opening Day Problem assignment (below and on next page).

Required Textbooks


Recommended Textbook


Property I - Opening Day Assignment

It was a bitterly cold winter day. In this rural area, snow lay on the ground at a level of five feet, and below it the ground was frozen solid. Conditions were tough, and were not likely to change much for the next two months. As he sipped his morning coffee, Farmer Jake looked out his window and saw some men on the local county highway working around a large flatbed truck on which there were two segments of a modular home. (A modular home is built in a factory and then later erected at a homesite). Jake immediately choked on his coffee. He knew he had trouble.

Three months earlier, Link, who owned a small amount of land to the west of Jake’s farm, had visited Jake to ask permission to transport a modular home across Jake’s farm when the home arrived from the factory. Link explained that the home had been ordered for delivery during warmer months, when the home could be delivered down a narrow, winding road that connected Link’s property to the highway. But there had been a delay due to a parts shortage, and now the home would be delivered in the dead of winter. In the meantime, Link and his family would be living in an uncomfortable shack, heating from a wood stove, and were basically in miserable conditions.
Link came to realize that, due to the delay, at the time the modular home elements did arrive, it would be impossible to deliver them over the narrow, winding road. Large trucks could not use that way because of the deep snow generally experienced in this area. There was no other access to Link’s property from the highway except across Jake’s land. That’s why Link sought Jake’s permission to transport the home across Jake’s farm. The parts of the house could be taken off the trucks and just slide across the snow to Link’s homesite.

Jake was sympathetic to Link’s predicament, but indicated that he would not permit Link or anyone else to cross over his property. Link pointed out that Jake had no use for the property during the winter, and that the crossing over the snow and frozen ground would have absolutely no physical impact. There weren’t even any fences blocking the passage to Link’s land. Jake agreed with all of that but remained adamant. Link had gone away disappointed.

Now, three months later, upon seeing the modular home at his boundary, Jake rode a snowmobile out to where the men were working, and brought his shotgun (which he left in the snowmobile.) After some heated words between Jake and Steenberg, the modular home seller, and after the arrival of the local sheriff, all went to Jake’s kitchen, where Steenberg told Jake that Jake won, and that he’d take his modular home back, even though the trip was 1,000 miles and even though this would leave Link and his family in terrible conditions for the next three months, until the home could be installed.

Soon after leaving Jake, however, Steenberg told his men to move the home across Jake’s property. They did so - this time without Jake noticing until after the home had been moved.

Jake has sued Steenberg for damages. Jake acknowledges that the crossing did not damage his property, and that he had no use for the ground at that time of year, and that Steenberg, due to the late delivery, made no profit on the sale of the home. But Jake wants punitive damages. If you were the judge and had complete discretion here, what would you rule, and why?