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Property Law Resource Guide: Home

Property law is concerned with issues regarding ownership and use of real estate and personal property, including title, methods of conveyancing, mortgage, recording and the landlord/tenant relationship.

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Home

Introduction

Property law is concerned with issues regarding ownership and use of real estate and personal property, including title, methods of conveyancing, mortgage, recording and the landlord/tenant relationship. Governing authorities are primarily state statutes and state case law. To research issues regarding land use and local regulation of property see Land Use, Planning and Zoning Law Resource Guide.



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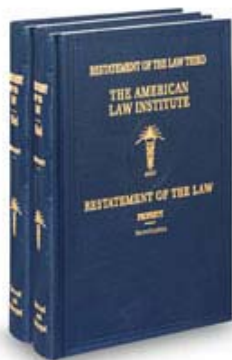
Phone (Voice):216-687-6877

Library Reference

Restatements, Statutes & Cases

Restatements -- Detailed Descriptions

The American Law Institute's Restatements set out the common-law rules or majority consensus in United States jurisdictions on a subject. Unlike most secondary sources, Restatements are often cited in legal opinions, and are annotated, making them excellent sources for finding leading case law. The property restatements illustrate the breadth and evolution of property jurisprudence. You will find them on **Westlaw** and **Lexis**, as well as in print as noted below.



- Restatement of the Law of Property , 1936-1993
"Volumes 1 and 2 embrace general matters of terminology, the creation and general characteristics of freehold estates, and the large body of material stating the characteristics of future interests. Volume 3 completes future interests and includes not only the construction of limitations, but also the law applicable to powers of appointment and expectancies." -- v. 4, 5 are superceded. KF 570 .A75 1936b
- Restatement of the Law,Third, Property : Servitudes , 2000
" ... Simplifying, clarifying, and modernizing the law of covenants, easements, and profits... provides that servitudes should be interpreted to carry out the intent of the parties and to allow flexibility for adapting to changes over time; removes obstacles to innovative development practices; allows modification and termination of obsolete servitudes; protects conservation and historic-preservation servitudes; and devotes an entire chapter to the law governing residential common-interest communities and associations ." KF 657 .R47
- Restatement of the Law 3d, Property : Wills and Other Donative Transfers, 1999-
"This first volume of this Restatement that will eventually replace Restatement Second, Property (Donative Transfers), offers a comprehensive treatment of the law of probate transfers. .. The second volume ...begins by restating the law of nonprobate transfers, including both gifts of personal property and will substitutes such as life insurance, pensions, and employee-benefit accounts. It continues with a consideration of protective doctrines such as undue influence, mental incapacity, and minority, as well as of rules for protecting surviving spouses and of the effect of premarital and marital agreements. The final division collects in one helpful place the vitally important rules and principles for ascertaining a donor's intent..."2 vols. KF 755.R48 1999
- Restatement of the Law, Second :Property, 2d : Donative Transfers, 1983 -
"The first volume..., supersedes Volume 4 of the original Restatement, and is concerned with the body of law that in the interest of some overriding social policy limits the nature of the property interests a donor can create or the restraints he or she can effectively impose.... The second volume... deals with the law governing powers of appointment... The third volume of the project sets forth the rules of construction for determining a donor's intention with respect to the identities and respective shares of donees described in the dispositive instrument as members of a class rather than individually.... Volume 4... addresses a number of important problems in the law of gifts, including gifts taking effect at the death of the donor..." KF 613 .R47 1983
- Restatement of the Law, Property : Mortgages, 1997 -

Statutes

Ohio Revised Code Title 53 contains the laws governing Real Property, such as Chapter 5301, Conveyances and Encumbrances, Chapter 5303, Actions Relating to Realty, and Chapter 5321, Landlords and Tenants. Find the statutes at:

- **LAWRiter** from State of Ohio website - unannotated.
- **Baldwin's Ohio Revised Code Annotated**, available on **Westlaw**, or in print in the reference area and Ohio Room: KFO 30 1953 .A4
- **Page's Ohio Revised Code Annotated**, available on **Lexis Advance**, or in print in the reference area and Ohio Room: KFO 30 1953 .P3.

To find **other states' statutes** on the web, see the Legal Information Institute's: State Statutes on the Internet (Part III) - Property

Cases

Use a case law database for the jurisdiction in question or a database specific to property, such as:

- **Westlaw Ohio Real Property Cases** (cases from Ohio state courts that relate to interests in and transfers of real property).. or the **Multi-State Real Property Cases** database, which contains documents selected for relevance to this topic from the state courts of all 50 states and the District of Columbia.

Treatises

Treatises and Practice Guides

As Property law encompasses such a wide range of concepts and issues, you will find both comprehensive and narrowly focussed multi-volume treatises, as well as many one or two volume works and hornbooks. Search Scholar under headings such as Real Property – United States, Eminent Domain, Future Interests – United States, Landlord and Tenant – United States, Mortgages -- United States, Personal Property – United States , or Real Property -- Ohio.

Browse the stacks in the library at call numbers KF570 -KF699. For Ohio materials, try KFO112-KF0130.

In Westlaw, you'll find Real Property materials under Practice areas then Real Property; In Lexis Advance, you'll find Property materials under Browse then Topics, then Real Property Law.

Ohio Property Law Treatises

The following Ohio practice titles will contain forms, checklists, practice tips and commentary for property related transactions and litigation:

- Ohio Landlord Tenant Law

(1997 -) Available in **Westlaw** and print: KFO 117.Z9 W5

Ohio Eviction and Landlord-Tenant Law

KFO117 .I854 2015

By Peter M. Iskin

- Ohio Real Estate Law

(2003-) Available in Westlaw and print: KFO 112 .H362 - Revision of Hausser and Van Aken, Ohio Real Estate Law and Practice

Multi-Volume Treatises: Comprehensive

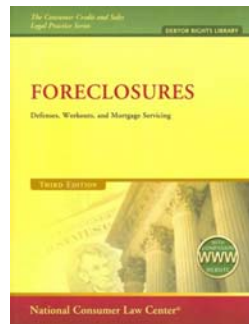
The two major comprehensive property scholarly treatises are:

- Powell on Real Property
- Thompson on Real Property
8 vols, updated regularly
KF570 .T46
Also on Lexis Advance.

Multi-Volume Treatises: Specific Topics

Below are several multi-volume treatises on specific property topics:

- Nichols on Eminent Domain - Lexis Advance
- Friedman on Contracts and Conveyances of Real Property
7th ed. 2005-
- The Law of Future Interests
3rd ed., 2002-

One or Two Volume Treatises & Hornbooks**The Law of Property: An Introductory Survey**

KF570 .S53 2014

Real Estate Finance Law

KF695 .N45 2015

Foreclosures and Mortgage Servicing: Including Modification Loans

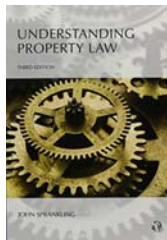
KF697 .F6 R36 2014

- Clark on Surveying and Boundaries
1997-date
Available in print at KF683 .C55 1997 and through Lexis Advance
- Introduction to Property
Available in print at KF570.Z9 S56 2005

Study Aids

General Study Aids

A selection of property study aids appears on this page. For more, check Room A066 and the reference area study aids collection at call numbers KF570-KF705. See also our Study Aids Research Guide.



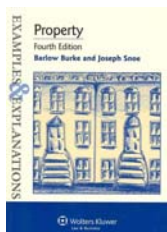
Understanding Property Law

KF561 .S67 2017



Understanding Modern Real Estate Transactions

KF665.Z9 J638 2012



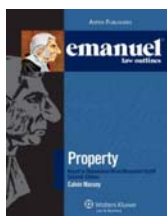
Property : Examples and Explanations

KF560 .B87 2011



Real Estate Transactions : Examples and Explanations

KF665.Z9 B865 2011

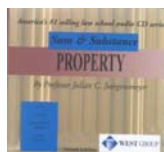


Property : Keyed to Dukeminier/Krier /Alexander/Schill

KF561 .M375 2010

Questions & Answers. Property

KF560 .N34 2004

Listen on CD

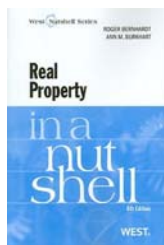
Property [sound recording]
KF570.Z9 J84

2014



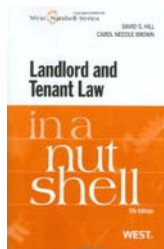
Real Property [Sound recording]
KF570 .F73

2016

Nutshells

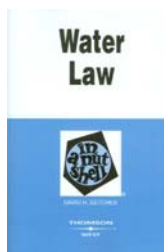
Real Property in a Nutshell
KF570 .Z9 B47

2016



Landlord and Tenant Law in a Nutshell, 5th
KF590 .Z9 H45

2011



Water Law in a Nutshell
KF5569.3 .G48

2015



Personal Property in a Nutshell
KF705 .Z9 B83

2003

CALI Lessons

For CALI Lessons on Property, search through the following topics: Property Law, Real Estate Transactions, and Wills & Trusts. Below are some individual lessons from these topics:

- Adverse Possession: An Introductory Lesson [more...](#)
- Basic Future Interests [more...](#)
- Contract for Purchase and Sale 1: Formation and Terms [more...](#)
- Covenants of Title and Types of Deeds [more...](#)
- Distinction Between Real Property and Personal Property [more...](#)
- Landlord and Tenant: An Introductory Lesson [more...](#)
- Mortgages: Theories and Redemption [more...](#)
- Rule Against Perpetuities 1: Common Law Rule Against Perpetuities [more...](#)
- The Estate System [more...](#)

Journal Articles & Current Awareness

See Finding Law Review and Journal Articles for an explanation of the legal periodical indexes and databases available to Cleveland-Marshall College of Law students and the CSU community.

Selected specialty current awareness materials in Property Law include:



- Practical Real Estate Lawyer (Westlaw) 
- Real Property, Probate, and Trust Journal
Available through Academic Search
- Real Estate Law Journal (Westlaw)
- Real Estate Law Report Monthly (Westlaw) 
- Probate & Property

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