

Louisiana Property Law

Louisiana Property Law

The Civil Code, Cases, and Commentary

SECOND EDITION

Markus G. Puder

THE HONORABLE HERBERT W. CHRISTENBERRY PROFESSOR OF LAW
LOYOLA UNIVERSITY NEW ORLEANS COLLEGE OF LAW

John A. Lovett

DEVAN D. DAGGETT, JR. DISTINGUISHED PROFESSOR OF LAW
LOYOLA UNIVERSITY NEW ORLEANS COLLEGE OF LAW

Evelyn L. Wilson

PROFESSOR EMERITA
SOUTHERN UNIVERSITY LAW CENTER



CAROLINA ACADEMIC PRESS
Durham, North Carolina

Copyright © 2020
Carolina Academic Press, LLC
All Rights Reserved

ISBN 978-1-5310-1868-9
eISBN 978-1-5310-1869-6
LCCN 2019957126

Carolina Academic Press
700 Kent Street
Durham, NC 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.caplawn.com

Printed in the United States of America

Contents

Table of Cases	xix
Preface	xxvii
Chapter 1 • Sources of Louisiana Property Law	3
A. The Civil Law Tradition in Europe: From Justinian to Codification	3
Peter G. Stein, <i>Judge and Jurist in the Civil Law: A Historical Interpretation</i>	5
Notes	12
B. The Civil Law Tradition in Louisiana: A Brief Introduction to Codification and Recodification	14
David Gruning, <i>Mapping Society through Law: Louisiana, Civil Law Recodified</i>	14
Notes and Questions	22
Chapter 2 • Ownership	29
A. Ownership and Real Rights	29
1. Ownership	29
2. Real Rights versus Personal Rights	30
L. David Cromwell & Chloé M. Chetta, <i>Divining the Real Nature of Real Obligations</i>	35
3. The Real versus Personal Rights Distinction and the Subsequent Purchaser Doctrine	36
<i>Eagle Pipe and Supply, Inc. v. Amerada Hess Corp.</i> ,	37
Notes and Questions	54
4. Exclusivity in Ownership	56
5. The Classic Triad of Ownership Rights	56
6. The Historical Origins of Article 477	58
7. Civil Law “Ownership” versus Common Law “Estates”	60
John Henry Merryman, <i>Ownership and Estate (Variations on a Theme by Lawson)</i>	61
Notes and Questions	65
B. Exclusive Authority and Trespass	67
1. Immovable Property	67
<i>Lacombe v. Carter</i>	67
Notes and Questions	70
<i>Perrin v. Randy Tupper Homes</i>	72
Notes and Questions	75

2. Movable Property	78
<i>MCI Communications Services, Inc. v. Hagan</i>	78
Notes and Questions	83
C. Contemporary Perspectives on Ownership and Exclusion	86
John A. Lovett, <i>Progressive Property in Action: The Land Reform (Scotland) Act of 2003</i>	86
Note	90
John A. Lovett, <i>The Right to Exclude Meets the Right of Responsible Access: Scotland's Bold Experiment in Access Legislation</i>	90
Notes and Questions	92
Chapter 3 · The Division of Things: Of Common, Public and Private Things	95
A. The Basic Division	96
1. Common Things	96
2. Public versus Private Things	97
<i>Band v. Audubon Park Comm'n</i>	99
Notes and Questions	104
<i>Coliseum Square Ass'n v. City of New Orleans</i>	109
Notes and Questions	116
Problems	118
B. Defining the Scope of Public Things	120
1. Running Water	120
2. Territorial Sea	122
3. The Seashore	126
<i>Buras v. Salinovich</i>	127
Notes and Questions	130
Problem	133
4. The Equal Footing Doctrine	133
5. Inland Navigable Water Bodies and the Concept of Navigability	135
<i>State ex rel. Guste v. Two O'Clock Bayou Land Co., Inc.</i>	136
Notes and Questions	139
<i>Trahan v. Teleflex, Inc.</i>	141
Notes and Questions	145
Jacques Mestayer, <i>Saving Sportsman's Paradise: Article 450 and Declaring Ownership of Submerged Lands in Louisiana</i>	151
Notes and Questions	156
C. Private Things Subject to Public Use	157
1. Banks of Navigable Rivers	158
<i>Warner v. Clarke</i>	161
Notes and Questions	163
<i>Tenneco, Inc. v. Oil, Chemical & Atomic Workers Union, Local 4-522</i>	164
Notes and Questions	167
<i>Parm v. Shumate</i>	168
Notes and Questions	172

2. Dedication of Private Property to Public Use	175
<i>St. Charles Parish School Board v. P & L Investment Corp.</i>	181
Notes and Questions	186
<i>White v. Kinberger</i>	187
Notes and Questions	191
3. Private Canals and Dedication to Public Use	192
<i>Cenac v. Public Access Water Rights Ass'n</i>	193
Notes and Questions	206
Chapter 4 • Classification of Things: Of Movables and Immovables,	
Corporeals and Incorporeals	209
A. The Primary Classifications	209
B. Corporeal Movables	214
<i>South Central Bell Telephone Co. v. Barthelemy</i>	215
Notes and Questions	224
C. Corporeal Immovables	227
1. Tracts of Land	228
<i>Landry v. LeBlanc</i>	228
Notes and Questions	231
Problem	232
2. Component Parts of Tracts of Land	232
a. Buildings	235
<i>P.H.A.C. Services, Inc. v. Seaways International, Inc.</i>	235
Notes and Questions	239
Problem	240
<i>Bridges v. National Financial Systems, Inc.</i>	240
Notes and Questions	245
Problem	246
b. Other Constructions Permanently Attached to the Ground	247
<i>Bayou Fleet Partnership v. Dravo Basic Materials Co., Inc.</i>	247
Notes and Questions	250
c. Standing Timber	253
<i>Brown v. Hodge-Hunt Lumber Co., Inc.</i>	255
Notes and Questions	257
<i>Willetts Wood Products Co. v. Concordia Land and Timber Co.</i>	257
Notes and Questions	260
d. Unharvested Crops and Ungathered Fruits of Trees	264
<i>Meyhoeffer v. Wallace</i>	266
Notes and Questions	272
3. Component Parts through Incorporation, Attachment, and Declaration	273
a. Incorporated Items and Building Materials	
(Articles 465 and 472)	275
b. Immovables by Declaration (Article 467)	276
c. Component Part Attachments (Article 466)	278

<i>De Lage Landen Financial Services, Inc. v. Perkins</i>	
<i>Rowe Associates, Inc.</i>	286
Notes and Questions	288
4. Deimmobilization	289
D. Incorporeal Immovables and Movables	290
1. Classification of Interests in Trusts	292
<i>In re Howard Marshall Charitable Remainder Annuity Trust</i>	294
Notes and Questions	301
Problem	303
Chapter 5 • Accession	305
A. Introduction	305
B. Ownership of Fruits or Natural Accession: Articles 483–489	308
1. Basic Terms: Fruits and Products; Good Faith and Bad Faith Possessors	308
2. Ground Rules for Allocating Fruits and Products Problems	311 315
C. Accession in Relation to Immovables: Artificial Accession	316
1. The Presumption of Unified Ownership and the Possibility of Horizontal Segregation of Ownership (Articles 490–492)	316
<i>Marcellous v. David</i>	317
<i>Graffignino v. Lifestyles, Inc.</i>	320
Notes and Questions	323
2. Improvements Made by Precarious and Adverse Possessors (Articles 493–498)	327
a. Article 493 and Large Scale Improvements	328
b. Article 495 and Small Scale Improvements by Precarious Possessors	332
c. Articles 496–497 and Improvements by Adverse Possessors	336
<i>Britt Builders, Inc. v. Brister</i>	337
Notes and Questions	342
Problem	343
D. Accession in Relation to Land Adjacent to Navigable Water Bodies	344
1. The General Rule: Accretion Belongs to the Riparian Landowner	344
2. Exceptions to the General Rule	345
a. Seashore	345
b. Lakes	345
<i>State v. Placid Oil Co.</i>	346
Notes and Questions	352
<i>Crooks v. State ex rel. Dept. of Natural Res.</i>	354
3. Variations on the General Rule	357
a. Islands in Rivers	357
b. Avulsion and Abandoned River Beds	358
<i>State v. Bourdon</i>	360
Notes and Questions	364

E. Accession with Regard to Movables	364
1. Adjunction	365
2. Manufacture	366
3. Mixture	367
Chapter 6 • Voluntary and Involuntary Transfers of Ownership	369
A. Voluntary Transfers of Ownership	369
1. Transfer of Ownership through Sale, Exchange and Donation	369
2. Effectiveness of a Voluntary Transfer of Ownership;	
The Louisiana Public Records Doctrine	372
a. As between the Parties	372
b. As to Third Parties	373
Problem	377
3. Transfer of Movables	378
a. Corporeal Movables and Tradition	378
<i>Cameron Equipment Co., Inc. v. Stewart and</i>	
<i>Stevenson Services, Inc.</i>	378
Notes and Questions	382
b. Incorporeal Movables	385
<i>Malone v. Malone</i>	386
Notes and Questions	391
4. Transfer of Immovables	392
a. Formalities Required for the Transfer of Real Rights	
in Immovables	392
<i>Sasol North America, Inc. v. Bolton</i>	392
Notes and Questions	395
b. Public Policy Limits on the Sale of Immovables:	
Lesion beyond Moiety	396
<i>Joiner v. Abercrombie</i>	397
Notes and Questions	401
5. Substantive Limits on Donations Inter Vivos:	
The Donation <i>Omnium Bonorum</i>	402
<i>Manichia v. Mahoney</i>	403
Notes and Questions	406
6. Testate Successions	406
<i>Succession of Cooper</i>	408
Notes and Questions	414
B. Involuntary Transfers of Ownership	415
1. Eminent Domain: Rationales and Federal Constitutional Limits	416
<i>Kelo v. City of New London</i>	420
Notes and Questions	437
2. Limits on Expropriation in the Louisiana Constitution	443
Notes and Questions	446
<i>St. Bernard Port Harbor & Terminal Dist. v. Violet Dock</i>	
<i>Port Inc.</i>	448

<i>St. Bernard Port Harbor & Terminal Dist. v. Violet Dock Port Inc.</i>	466
Notes and Questions	471
Chapter 7 • Acquisition of Ownership through Occupancy	475
A. Occupancy and Wild Animals	477
<i>Tremblay et Autres v. Boivin et Autres</i>	480
Notes and Questions	486
B. Occupancy and Fugitive Minerals	490
C. Occupancy and Abandoned Things	491
D. Quasi-Occupancy: Lost Things and Treasure	493
<i>United States v. Peter</i>	496
Notes and Questions	498
Chapter 8 • Possession and the Possessory Action	501
A. Introduction: Possession in the Civil Code	501
<i>Harper v. Willis</i>	503
Notes and Questions	508
<i>Peloquin v. Calcasieu Parish Police Jury</i>	510
Notes and Questions	514
B. Forms of Possession	516
1. Corporeal, Civil and Constructive Possession	516
<i>Ellis v. Prevost</i>	519
Notes and Questions	523
2. Precarious Possession	524
<i>Falgoust v. Innes</i>	525
Notes and Questions	526
C. The Possessory Action	527
<i>Liner v. Louisiana Land and Exploration Co.</i>	539
Notes and Questions	550
<i>Mire v. Crowe</i>	551
Problem	556
D. Possessory Actions against the State	557
<i>Todd v. State Dep't of Natural Resources</i>	558
Notes and Questions	565
Chapter 9 • Acquisitive Prescription with Respect to Immovables	569
A. Justifications for Acquisitive Prescription	569
<i>Gabriel Baudry-Lacantinerie & Albert Tissier</i>	572
Question	575
B. Thirty Year Acquisitive Prescription	576
<i>Brunson v. Hemmler</i>	578
Notes and Questions	580
<i>Charles Tolmas, Inc. v. Lee</i>	581
Notes and Questions	585

<i>Memorial Hall Museum, Inc. v. University of New Orleans Foundation</i>	587
Notes and Questions	589
C. Ten-Year Acquisitive Prescription for Immovables	590
1. Ten Years of Possession	591
2. Just Title	591
<i>Cantrelle v. Gaudé</i>	593
Notes and Questions	598
3. Good Faith	599
<i>Phillips v. Parker</i>	602
Notes and Questions	608
<i>Mai v. Floyd</i>	611
Notes and Questions	614
D. Tacking and Transfer of Possession	614
1. Transfer of Possession by Universal or Particular Title	615
2. The Mechanics of Tacking	617
3. Combining Different Qualities of Possession by Particular Title	619
<i>Bartlett v. Calhoun</i>	619
Notes and Questions	625
E. Boundary Actions and Boundary Tacking	625
<i>Secret Cove, L.L.C. v. Thomas</i>	627
<i>Loutre Land and Timber Co. v. Roberts</i>	634
Notes and Questions	639
F. Computation, Interruption, Suspension, Effects and Renunciation of Prescription	640
1. Passage of Time and Legal Rights	640
2. Computation of Prescription	642
3. Interruption, Suspension and Extension of Prescription	642
4. Effects of Accrual of Acquisitive Prescription	649
5. Renunciative of Acquisitive Prescription	649
Chapter 10 · Vindicating Ownership: Petitory and Revendicatory Actions	651
A. Petitory Actions for the Recovery of Immovable Property	651
1. Proving Ownership from a Previous Owner or by Acquisitive Prescription	653
<i>Pure Oil Co. v. Skinner</i>	654
Notes and Questions	660
<i>Baker v. Romero</i>	663
Notes and Questions	667
2. Titles Traced to a Common Author	670
3. Better Title When Neither Party Is in Possession	670
4. Proof of Title in Action for Declaratory Judgment, Concursus, Expropriation, or Similar Proceeding	671

B. Revendicatory Actions for the Recovery of Movables	672
<i>Songbyrd, Inc. v. Bearsville Records, Inc.</i>	674
Notes and Questions	682
Markus G. Puder, <i>Mixity Dynamics in Federal-State Frameworks: American Court-Structure Federalism and Louisiana's Codal Core</i>	687
Notes	691
Chapter 11 · Co-Ownership	693
A. Introduction	693
Marcel Planiol, <i>Treatise on the Civil Law</i>	693
Notes and Questions	694
B. Ground Rules for Owners in Indivision	695
1. Definition of Indivision	696
2. Creation of Indivision	696
3. Division of Shares among Co-Owners	697
4. Right to Fruits and Products	698
5. Liability of a Co-Owner	698
6. Right to Use versus Use and Management	699
7. Disposition of Co-Owned Things	702
8. Substantial Alterations or Improvements	703
9. Preservation of the Thing and Expenses of Maintenance and Management	705
<i>LeBlanc v. Scurto</i>	707
Notes and Questions	710
<i>Von Drake v. Rogers</i>	711
Notes and Questions	715
<i>Succession of Miller</i>	715
Notes and Questions	719
<i>Miller v. Seven C's Properties, LLC</i>	720
Notes and Questions	723
C. Termination of Precarious Possession and Acquisitive Prescription of Immovable Property by Co-Owners	724
<i>Franks Petroleum, Inc. v. Babineaux</i>	725
Notes and Questions	729
D. Termination of Co-Ownership through Partition	734
1. Availability of Partition	734
<i>Ivanhoe Canal Corp. v. Bunn</i>	737
Notes and Questions	739
2. Methods of Partition	739
3. Effects of Partition	744
<i>Ark-La-Miss Timber Co., Inc. v. Wilkins</i>	744
Notes and Questions	751
Problem	753

Chapter 12 · Usufruct	757
A. Dismemberments of Ownership: The Place of Usufruct in the Civil Code	757
B. General Principles	760
1. Definition and Essential Characteristics	760
2. Advantages of a Usufruct	761
3. Things Susceptible of Usufruct and Classification of a Usufruct	762
4. Establishment of Usufructs	763
5. The Usufructuary's Right of Enjoyment as Applied to Consumables and Nonconsumables	768
<i>Leury v. Mayer</i>	773
Notes and Questions	775
C. Limits on Contractual and Testamentary Freedom; Shared and Successive Usufructs	777
Problems	778
<i>Succession of Goode</i>	779
Notes and Questions	788
D. Divisibility and Partition of the Usufruct and Naked Ownership	790
E. Rights, Powers and Obligations of the Usufructuary and Naked Owner during the Usufruct	793
1. Introduction	793
Problems	796
2. Hard Case: The Usufruct of Timberlands	797
Problem	797
<i>Kennedy v. Kennedy</i>	798
Notes and Questions	802
3. Usufruct of Shares in a Corporation	805
Problems	805
4. The Power to Dispose of Nonconsumables	805
Adam N. Matasar, <i>The Usufruct Revisions: The Power to Dispose of Nonconsumables Now Expressly Includes Alienation, Lease and Encumbrance; Has the Legislature Fundamentally Altered the Nature of Usufruct?</i>	806
Notes and Questions	815
Problems	816
5. Ordinary and Extraordinary Repairs; Prudent Administration	817
Questions	819
<i>Berthelot v. Pendergast</i>	819
Problems	825
6. Substantial Alterations or Improvements—Ameliorative Waste	825
<i>Sally Brown Richardson</i>	826
Notes and Questions	829

F. Termination of the Usufruct	829
1. Termination of a Usufruct for Causes Other than the Death of the Usufructuary	830
Problem	831
<i>Bond v. Green</i>	833
Notes and Questions	836
2. Real Subrogation	837
<i>Kimball v. Standard Fire Ins. Co.</i>	839
Notes and Questions	842
<i>Johnson v. Laney</i>	842
Question	845
Problems	845
3. Consequences of Termination; Accounting	846
<i>Succession of Heckert</i>	847
Questions	853
G. The Obligation to Give Security; The Legal and Testamentary Usufruct	854
Problems	860
Chapter 13 · Natural and Legal Servitudes	863
A. The Essential Characteristics and Kinds of Predial Servitudes	863
B. Natural Servitudes	868
1. Identifying the Dominant and Servient Estate	869
2. Scope of the Charge	869
3. Rights and Duties of the Owners of the Two Estates	870
4. Termination of the Natural Servitude of Drain	872
5. Remedies for Breach of the Servitude of Drain	872
6. Use and Extraction of Running Water	873
<i>Adams v. Town of Ruston</i>	875
<i>Bransford v. Int'l Paper Timberlands Operating Co., Ltd.</i>	877
<i>Richland Police Jury v. Debnam</i>	880
Notes and Questions	883
C. Legal Servitudes	889
1. Limitations on Ownership	889
2. The Levee Servitude	890
3. Obligations of the Neighborhood (Articles 667–669)	893
<i>Higgins Oil and Fuel Co. v. Guaranty Oil Co.</i>	897
Notes and Questions	904
<i>Robichaux v. Huppenbauer</i>	907
Notes and Questions	915
<i>Parish of East Feliciana v. Guidry</i>	916
Notes and Questions	924
<i>Rizzo v. Nichols</i>	924
Notes and Questions	928

<i>Yokum v. 615 Bourbon Street L.L.C.</i>	930
Notes and Questions	935
4. Encroaching Buildings	938
<i>Bushnell v. Artis</i>	940
Notes and Questions	943
<i>Winingder v. Balmer</i>	944
Notes and Questions	951
5. Common Enclosures	953
6. Right of Passage for Enclosed Estates	955
a. Entitlement to a Right of Passage, Scope and Constructions:	
Articles 689–691	956
<i>Rockholt v. Keaty</i>	958
Notes and Questions	962
b. Locating and Relocating the Right of Passage; Compensation	
Owed to the Servient Estate Owner	963
<i>Dickerson v. Coon</i>	964
Notes and Questions	970
c. When Enclosed Estate Owners Are Not Entitled to a Right	
of Passage: Articles 693 and 694	972
<i>Stuckey v. Collins</i>	975
Notes and Questions	979
<i>Sceroler v. Rancher</i>	980
Notes and Questions	984
d. The Rights and Obligations of Successors with Respect to	
Enclosed Estates and Neighboring Lands	985
<i>Dallas v. Farrington</i>	986
Notes and Questions	990
Chapter 14 • Conventional Predial Servitudes	993
A. Introduction	993
B. Classification of Conventional Servitudes	993
1. Affirmative and Negative Servitudes	994
2. Apparent and Nonapparent Servitudes	995
3. Servitudes Intended to Restrain Competition	995
<i>RCC Properties, L.L.C. v. Wenstar Properties, L.P.</i>	998
Notes and Questions	1002
C. Conventional Servitudes Established by Title	1004
1. Who Can Establish a Conventional Servitude	1005
2. Interpretation Rules	1006
<i>Burgas v. Stoutz</i>	1007
Notes and Questions	1010
<i>Franks Investment Co., LLC v. Union Pacific Railroad Co.,</i>	1011
Notes and Questions	1016

D. Conventional Predial Servitudes Acquired by Destination of the Owner and by Acquisitive Prescription	1017
1. Destination of the Owner	1017
<i>Naramore v. Aikman</i>	1019
Notes and Questions	1027
2. Acquisitive Prescription	1030
<i>Palomeque v. Prudhomme</i>	1032
Notes and Questions	1036
<i>Boudreaux v. Cummings</i>	1037
Notes and Questions	1051
John A. Lovett, <i>Precarious Possession</i>	1052
Questions	1058
3. Expropriation; St. Julien Doctrine	1059
E. Rights and Duties of the Parties to the Servitude	1061
1. Accessory Rights	1061
<i>Ryan v. Monett</i>	1061
Notes and Questions	1065
2. Rights and Obligations of the Dominant Estate Owner	1067
<i>Ryan v. Southern Natural Gas Co.</i>	1068
Notes and Questions	1070
<i>Terrebonne Parish School Board v. Columbia Gulf Transmission Co.</i>	1071
Notes and Questions	1081
3. The Servient Estate Owner	1083
<i>Hymel v. St. John the Baptist Parish School Board</i>	1084
<i>Toups v. Abshire</i>	1088
Notes and Questions	1090
4. Servitude Relocation	1091
<i>Linvestment CC v. Hammersley</i>	1093
Notes and Questions	1098
F. Extinction of Conventional Predial Servitudes	1100
1. Destruction of the Dominant or the Servient Estate	1100
2. Prescription for Nonuse	1102
<i>Ashland Oil Co., Inc. v. Palo Alto, Inc.</i>	1103
Notes and Questions	1106
3. Confusion	1112
4. Abandonment of the Servient Estate	1112
5. Renunciation by the Owner of the Dominant Estate	1113
6. Expiration of Time or Happening of a Condition	1113
7. Dissolution of the Right of the Grantor	1113
G. Protection of Servitudes	1114
Symeon Symeonides, <i>Developments in the Law, Property</i>	1115
Notes and Questions	1118

Chapter 15 · Limited Personal Servitudes: Habitation and Right of Use	1121
A. Right of Habitation	1121
<i>In re Succession of Firmin</i>	1125
Notes and Questions	1131
B. Right of Use	1132
<i>Wagner v. Alford</i>	1135
Notes and Questions	1140
<i>Sustainable Forests, L.L.C. v. Harrison</i>	1141
Notes and Questions	1145
<i>McCormick v. Harrison</i>	1149
Notes	1153
<i>2400 Canal, LLC v. Board of Supervisors of Louisiana State</i> <i>Mechanical and Agricultural College</i>	1154
Notes and Questions	1159
Chapter 16 · Building Restrictions	1161
A. History and Controversy	1161
B. Creation, Modification and Termination of Building Restrictions	1164
1. Creation of Building Restrictions	1164
2. Modification, Amendment and Termination of Building Restrictions	1165
3. Termination of Building Restrictions by Prescription or by Abandonment	1167
C. Enforcement of Building Restrictions	1169
<i>Head v. Gray</i>	1171
Notes and Questions	1179
<i>Chambless v. Parker</i>	1180
Notes and Questions	1184
<i>Cosby v. Holcomb Trucking, Inc.</i>	1185
Notes and Questions	1197
<i>Hidden Hills Community, Inc. v. Rogers</i>	1199
Notes and Questions	1204
Index	1207

Table of Cases

(Principal Cases in Bold)

- 2400 Canal, LLC v. Board of Supervisors of Louisiana State Mechanical and Agricultural College**, 1154–59
Adams v. Town of Ruston, 873, 875–77, 883
Aetna Business Credit Corp. v. Louisiana Machinery Co., Inc., 366
AKG Real Estate, LLC v. Kosterman, 1100
Alaska v. United States, 140, 146
Alexander v. Boghel, 1118
Alligood v. Lasaracina, 1100
Altemus v. Boudreaux, 963
Anderson v. Thomas, 101, 105
Antulovich v. Whitley, 535
Ark-La-Miss Timber Co., Inc. v. Wilkins, 744–51
Armory v. Delamarie, 515
Ashland Oil Co., Inc. v. Palo Alto, Inc., 1103–06
Atwood v. Hylan, 943
Aucoin v. Copper Meadows Homeowners Ass’n, 1204
Aucoin v. Fell, 958
Avoyelles Parish v. U.S. Dep’t of Interior, 963

Badeaux v. Pitre, 665, 666, 668
Badke v. U.S. Speedway, 924
Bagley v. Lake Bruin Landing and Marina, L.L.C., 1204
Baker v. Romero, 663–68
Band v. Audubon Park Comm’n, 99–104, 108, 173, 576

Barasich v. Columbia Gulf Transmission Co., 936
Barrett v. Barrett, 1123
Barrios v. Panepinto, 598
Bartlett v. Calhoun, 619–24, 625
Bayou Fleet Partnership v. Dravo Basic Materials Co. Inc., 247–50, 415
Bayou Terrace Estates Home Owners Ass’n v. Stuntz, 1198
Bd. of Comm’rs of Southeast Louisiana Flood Protection Authority — East v. Tennessee Gas Pipeline Co. LLC, 884, 885, 888
Bedford v. Urquhart, 657, 659, 669
Ben Glazer Co., Inc. v. Tharp-Sontheimer-Tharp, Inc., 737
Berthelot v. Pendergast, 819–25
Blanton v. Napier, 682
Board of Commissioners of Southeast Louisiana Flood Protection Authority — East v. Tennessee Gas Pipeline Co., 884, 885, 888, 889
Bodcaw Lumber Co. v. Walker, 645
Bond v. Green, 763, 833–36
Boneno v. Lasseigne, 537
Boomer v. Atlantic Cement Co., 897
Boudreaux v. Cummings, 586, 1037–52, 1053, 1054, 1056, 1057, 1058
Bouser v. Morgan, 974
Bradley v. Sharp, 260
Bransford v. Int’l Paper Timberlands Operating Co., Ltd., 871, 877–80, 884
Bridges v. National Financial Systems, Inc., 212, 240–45, 324

- Britt Builders, Inc. v. Brister**, 307, 337–42
Broomfield v. Louisiana Power and Light Co., 1108
Broussard v. Compton, 327, 344
Broussard v. Cormier, 869
Broussard v. Stutes Farms, L.L.C., 752
Brown v. Blankenship, 871, 880
Brown v. Hodge-Hunt Lumber Co. Inc., 255–57
Brown v. Terry, 983, 985
Brunning v. City of New Orleans, 133
Brunson v. Hemmler, 478–80, 585
Buckley v. Dumond, 506, 534, 541
Buckskin Hunting Club v. Bayard, 121, 122, 171, 172, 192, 193
Bundrick v. Anadarko Petroleum Corp., 55
Buras v. Salinovich, 127–30
Burgas v. Stoutz, 1007–10
Bushnell v. Artis, 940–42, 948, 949, 952, 1066
Butler v. Bruno, 871
Butler v. Hensley, 701
Cache County v. Property Tax Div. of Tax Comm’n, 325
Cahill v. Kerrins, 707
Cahn v. Cahn, 793
Cameron Equipment Co., Inc. v. Stewart and Stevenson Services, Inc., 378–82
Campbell Soup Co. v. Wentz, 402
Cantrelle v. Gaude, 593–98, 599, 600
Carpenter v. Guillory Investment, Inc., 1030
Carraby v. Navarre, 649
Carrollton R. Company v. Winthrop, 164, 165
Cash Point Plantation Equestrian Ctr., Inc. v. Shelton, 963
Catahoula Lake Investments, LLC v. Hunt Oil Co., 55
Cenac v. Public Access Water Rights Ass’n, 92, 186, 193–206
Chambless v. Parker, 1180–84, 1196
Charles Tolmas, Inc. v. Lee, 581–85
Charrier v. Bell, 491
Chesney v. Entergy Louisiana, LLC., 281
Chesapeake Operating, Inc. v. City of Shreveport, 180
Cimarex Energy Co. v. Mauboules, 375
Cities Service Oil and Gas Corp. v. State, 150
City of New Iberia v. Romero, 105
City of New Orleans v. Baumer Foods, Inc., 217, 217, 241, 277, 278
City of Shreveport v. Noel Estate, Inc., 105
Clark v. Simmons, 706
Clement v. City of Lake Charles, 176, 179
Coliseum Square Ass’n v. City of New Orleans, 109–16
Colley v. Canal Bank & Trust Co., 647
Commerce Union Bank v. Tidwell, 219, 225
Compuserve, Inc. v. Lindley, 225
Conner v. Continental Southern Lines, Inc., 644
Corley v. C & J Frye Properties, LLC, 963
Corsey v. State Dep’t of Corrections, 647
Cosby v. Holcomb Trucking, Inc., 1185–96
Cottonport Bank v. Garrett, 174, 175
Coulter v. Texaco, Inc., 212
Creel v. Southern Natural Gas Co., 943
Creek Williams Mgmt., L.L.C. v. Williams, 731
Crooks v. State Dep’t of Natural Resources, 353
Crooks v. State ex rel. Dep’t of Natural Res., 354–57
Crozat v. Louisiana Coastal VII, LLC, 1124
Cyr v. Louisiana Intrastate Gas Corp., 647

- Dallas v. Farrington, 986–90**
 Darby v. Miller, 870
 Dardar v. Lafourche Realty Co., 132
 Davis v. Culpepper, 957, 963
De Lage Landen Financial Services, Inc. v. Perkins Rowe Associates, Inc., 286–88
 Denegre v. Louisiana Public Service Comm’n, 1191, 1192
 DeSamborg v. Bd. of Comm’rs for the Grand Prairie Levee District, 891
 Devillier v. Devillier, 595
Dickerson v. Coon, 964–70
 Diefenthal v. Longue Vue Foundation, 921, 923, 1165
 Discon v. Saray, Inc., 95, 97, 805
 Dolan v. City of Tigard, 86
 Driscoll v. Mazaleski, 706, 740
 Dual Drilling Co. v. Mills Equipment Investments, 82, 83, 672
 Dubuy v. Luse, 71
 Duck v. Hunt Oil Co., 54
 Dupont v. Hebert, 1091
Eagle Pipe and Supply, Inc. v. Amerada Hess Corp., 36, 37–54, 55, 1157
 Ebarb v. Unopened Succession of Sepulvado, 730
 Edwards v. Landry Chalet Rentals, LLC, 1198
Ellis v. Prevost, 519–23, 524, 544
 Elston v. Montgomery, 957
 English Realty Co., Inc. v. Meyer, 972
 Ensard v. Cangelosi, 939
 Equibank v. United States Internal Revenue Service, 282, 284, 288
 Erie Railroad Co. v. Tompkins, 677, 682, 686
 Estate of Walker v. Peters, 697, 701
Falgoust v. Innes, 525–26
 Farmer’s Export Co. v. McNamara, 278
 Fashion Plantation Estates Prop. Owners Ass’n v. Sims, 1171
 Faulk v. Union Pacific Railroad Company, 1148
 Ferrari v. Nola Renewal Group, LLC, 590
 Fiebelkorn v. Alford, 929
 First Nat’l Bank v. Bullock, 225
 Folse v. Triche, 289
 Foscoe v. Mitchell, 645
 Franks Inv. Co., LLC v. Union Pacific Railroad Co., 1007
Franks Investment Co., L.L.C. v. Union Pacific Railroad Co., 1107, 1111–17
Franks Petroleum, Inc. v. Babineaux, 725–29
 Freeman Baptist Church v. Hillen, 661, 663
 Frey v. Amoco Production Co., 381, 382
 Frost-Johnson Lumber Co. v. Sallings Heirs, 490
 Fuller v. Wright, 980
 Gallenthin Realty Development, Inc. v. Borough of Paulsboro, 440
 Garahan v. State through Dep’t of Trans. and Dev., 873
 Garner v. Holley, 1066
 Gettys v. Gettys, 704
 Gilbreath v. General Elec. Co., 225–26
 Gill v. Henderson, 539
 Giorgio v. Alliance Operating Corp., 331, 332
 Global Marketing Solutions, LLC v. Blue Mill Farms, Inc., 54, 55
 Goal Props. v. Pestridge, 530
 Goldstein v. New York State Urban Development Corp., 440
Graffignino v. Lifestyles, Inc., 320–23
 Greenway v. Wailes, 969, 971
 Griffin v. Daigle, 670–71
 Gueno v. Medlenka, 803
 Guilbeau v. Hess Corp., 55
 Guzzetta v. Texas Pipeline Co., 329

- Hamel's Farm, L.L.C. v. Muslow, 364, 599
- Harper v. Willis, 503, 508, 618, 724**
- Harrison v. Petroleum Services, Inc., 489
- Harter v. Harter, 396
- Hayward v. Winston, 973
- Head v. Gray, 1171–79**
- Hebert v. T.L. James & Co., Inc., 163, 165
- Heirs of Michael v. Knox, 773
- Hero Lands Co. v. Texaco, Inc., 907
- Herrin v. Pettergill, 1100
- Hidden Hills Community, Inc. v. Rogers, 1199–1204**
- Higgins Oil and Fuel Co. v. Guaranty Oil Co., 897–904**
- Hilliard v. Shuff, 907, 921
- Himel v. Bourque, 178, 180
- Hitachi Medical Systems of America, Inc. v. Bridges, 298
- Hooper v. Hero Lands Co. 529
- Hooper v. Hooper, 646, 731
- Hunt v. McNamara, 326
- Hunter v. Lafayette Consol. Gov't, 478
- Huy Tuyet Tran v. Misuraca, 1029
- Hymel v. St. John the Baptist Parish School Board, 1084–88**
- Ilhenny v. Broussard, 192
- Illinois Central R.R. Co. v. Watkins, 884
- In re Courtin, 815
- In re Howard Marshall Charitable Remainder Annuity Trust, 212, 294–301**
- In re Katrina Canal Breaches Consolidated Litigation, 938
- In re Katrina Canal Breaches Litigation, 938
- In re Succession of Beard, 855, 857
- In re Succession of Firmin, 1125–31, 1132**
- Innovative Hospitality Systems, Inc. v. Abraham, 303
- Ivanhoe Canal Corp. v. Bunn, 737–39**
- Jackson v. Herring, 598
- Jackson v. Morton, 706
- Jacque v. Steenberg Homes, Inc., 71
- James v. Buchert, 1119
- Jeffries v. The Great Western Railway, 515–16
- Johnson v. Laney, 842–45**
- Joiner v. Abercrombie, 371, 397–401**
- Jones v. Conrad, 247
- Jones v. Hogue, 345
- Kahl v. Luster, 264
- Kaiser Aetna v. United States, 86, 170
- Keim v. Louisiana Historical Ass'n Confederate War Museum, 647, 683
- Kelo v. City of New London, 417, 420–37, 452**
- Kennedy v. Kennedy, 798–802**
- Kilpatrick v. Saline Lakeshore L.L.C., 537
- Kimball v. Standard Fire Ins. Co., 832, 839–42**
- Kite v. Kite, 752
- Kizer v. Lilly, 1115
- Kliebert Educational Trust v. Watson Marine Services, Inc., 173
- Lacombe v. Carter, 67–72, 487**
- Lake Bistineau Preservation Society, Inc. v. Wildlife and Fisheries Comm'n, 353
- Lake Providence Port Comm'n v. Bunge Corp., 163, 173
- Lake, Inc. v. Louisiana Power and Light Co., 1059
- Lakeside Nat'l Bank v. Moreaux, 943, 952
- Lakewood Prop. Owners' Ass'n v. Smith, 1180
- Landry v. LeBlanc, 228–231**
- Landry v. Parish of East Baton Rouge, 119
- Langevin v. Howard, 979, 984
- Lasseigne v. Baker, 740, 741

- Lazarus Trading Co., LLC v. Unopened Succession of Washington, 751, 752
- Leblanc v. Elam, 753
- LeBlanc v. Scurto, 701, 707–10**
- Leblanc v. Thibodeaux, 973
- Leger v. Louisiana Dep’t of Wildlife and Fisheries, 97, 479
- Leury v. Mayer, 769, 773–75**
- Levier v. Jeff Davis Bancshares, Inc., 1167
- Lewis v. Album, 641
- Lewis v. Young, 1099
- Liner v. Louisiana Land and Exploration Co., 503, 535, 539–550, 554, 563**
- Linvestment CC v. Hammersley, 1093–98**
- Littleton v. Saline Lakeshore, LLC, 530
- Long v. Chailan, 375
- Longleaf Investments, L.L.C. v. Tolin-tino, 375, 376
- Louisiana & Arkansas Railway Co. v. Winn Parish Lumber Co., 253
- Louisiana Highway Comm’n v. Raxs-dale, 105
- Louisiana Irrigation and Mill Co. v. Pousson, 1115
- Loutre Land and Timber Co. v. Roberts, 634–39**
- Ludeling v. Stubbs, 870
- Lupberger v. Lupberger, 704
- Maccabees Mut. Life Ins. Co. v. State, Dep’t of Treasury, Revenue Div., 227
- Madden v. L.L. Golson, Inc., 516
- Mai v. Floyd, 577, 611–14**
- Malone v. Malone, 256, 267–272**
- Manichia v. Mahoney, 372, 403–06**
- Manson Realty Co., Inc. v. Plaisance, 535
- Marcellous v. David, 235, 317–20, 323, 372, 751**
- Mars Beach, LLC v. McQuirter, 1113
- Marshall v. Marshall, 302
- Martin v. Waddell, 133
- McClendon v. Thomas, 599
- McCormick v. Harrison, 1149–53**
- McDuffie v. Walker, 321, 374, 604
- McFarlain v. Jennings-Heywood Oil Syndicate, 869, 877
- McGraw v. City of New Orleans, 107
- MCI Communications Services, Inc. v. Hagan, 78–82**
- McPherson v. Roy, 694
- McVay v. McVay, 365
- Meadowcrest Center v. Tenet Health System Hospitals, Inc., 1003
- Memorial Hall Museum, Inc. v. University of New Orleans Foundation, 587–89, 724**
- Metairie Park, Inc. v. Currie, 178
- Meyhoeffer v. Wallace, 266–73, 311**
- Miami Corp. v. State, 348, 352
- Middletown Township v. Lands of Stone, 440
- Miller v. Seven C’s Properties, LLC, 707, 720–23**
- Millican v. River Road Construction, Inc., 929
- Milne v. Girodeau, 133, 347
- Mire v. Crowe, 551–56**
- Missouri ex rel. Jackson v. Dolan, 440
- Mitchell v. Aarons Rentals, 928
- Mitchem v. Soileau, 518
- Moncrieff v. Jamieson, 1066
- Monumental Task Committee, Inc. v. Foxx, 109
- Morehead v. Smith, 939
- Morgan v. Negodich, 131
- Moss v. Town of Rayville, 72
- MPM Builders, LLC v. Dwyer, 1099
- Mulberry Ass’n, Inc. v. Richards, 1197
- Naramore v. Aikman, 1019–27, 1029, 1103
- National Audubon Society v. White, 136, 139, 192, 197
- New Jax Condominiums Ass’n v. Vanderbilt New Orleans, LLC, 1199
- New Orleans Redevelopment Authority v. Burgess, 446

- Nikolitis v. Verizon Wireless Personal Communications, L.P., 226
 Normand v. Cox Communications Louisiana, 244, 225
 Oakbrook Civic Ass'n, Inc. v. Sonnier, 1197
 Ogden v. Bankston, 1093
 Olson v. Olson, 695
 On Leong Chinese Merchs. Ass'n v. AKM Acquisitions, L.L.C., 529, 530
 Owen v. Owen, 375
 P.H.A.C. Services, Inc. v. Seaways International, Inc., 212, 228, 235–39, 244, 245
 Palace Properties, L.L.C. v. Sizeler Hammond Square Ltd. Partnership, 1026, 1110
 Palgrave v. Gros, 1007, 1008, 1009
 Palomeque v. Prudhomme, 183, 954, 1032–36
 Parish of East Feliciana v. Guidry, 916–24
 Parish of Jefferson v. Doody, 178
 Parm v. Shumate, 168–72
 Pasternack v. Samuels, 793
 Patin v. Richard, 983, 985
 Peloquin v. Calcasieu Parish Police Jury, 510–14
 People for Open Waters, Inc. v. Estate of Gray, 121, 192
 Perdue v. Cruse, 958
 Perrin v. Randy Tupper Homes, 67, 72–77
 Petrovich v. Trabeau, 974
 Phillips Energy Partners, LLC v. Milton Crow Limited Partnership, 971
 Phillips v. Parker, 340, 377, 599, 601, 602–11
 Phipps v. Schupp, 1022, 1025, 1028, 1030
 Pierson v. Post, 487, 488
 Pizannie v. Gautreaux, 172, 173
 Plaquemines Parish Government v. State, 150
 Pollard v. Hagan, 133
 Poole v. Guste, 869, 871, 872
 Porkorny v. Pratt, 939
 Pruitt v. Barry, 944
 Prytania Park Hotel, Ltd. v. General Star Indemnity Co., 282
 Pure Oil Co. v. Skinner, 652, 653, 654–63
 Queensborough Land Co. v. Cazeaux, 1003, 1163
 Rapanos v. United States, 146
 RCC Properties, L.L.C. v. Wenstar Properties, L.P., 998–1002
 Richard v. City of New Orleans, 181
 Richard v. Hall, 1157
 Richard v. Richard, 70
 Richland Police Jury v. Debnam, 872, 880–83
 Richmond v. McArthur, 536
 Rizzo v. Nichols, 924–28
 Roaring Fork Club, L.P. v. St. Jude's Co., 1099
 Robichaux v. Huppenbauer, 907–15
 Rockholt v. Keaty, 958–62
 Rocky Point Realty LLC v. Town of Brookhaven, 440
 Rodrigue v. Copeland, 915, 916
 Romby v. Zion Hill Baptist Church, 668
 Rose v. Tennessee Gas Pipeline Co., 1081
 Roy v. Bordelon, 1132
 Roy O. Martin Lumber Co. v. Lemoine, 537
 Ryan v. Lee, 599
 Ryan v. Monett, 1059, 1061–66
 Ryan v. Southern Natural Gas Co., 1067, 1068–71
 Salt Lake City Corp. v. Evans Dev. Group, LLC, 440
 Sanders v. Dep't of Natural Resources, 353
 Sapp v. Frazier, 353
 Sasol North America, Inc. v. Bolton, 56, 392–96

- Saunders v. Hollis, 577
- Sceroler v. Rancher, 975, 980–84**
- Schonekas, Winsberg, Evans and McGoey v. Cashman, 641
- Secret Cove, L.L.C. v. Thomas, 577, 627–33**
- Shiffman v. Empire Blue Cross & Blue Shield, 71
- Simmesport State Bank v. Roy, 376
- Sims v. Am. Ins. Co., 644
- Smith v. DeVincent, 1179
- Smith v. Louisiana Dep't of Public Safety, 956
- Smith v. Nelson, 793
- Smith v. State DOTD, 335
- Songbyrd, Inc. v. Bearsville Records, Inc., 527, 674–82, 684, 854**
- Songbyrd, Inc. v. Estate of Grossman, 684–86
- Sork v. Sork, 707
- South Central Bell Telephone Co. v. Barthelemy, 215–24, 225, 226, 290**
- South Lafourche Levee District v. Jarreau, 890, 892
- Southeast Equipment Co. v. Office of State Police, 673
- Southern Natural Gas Co. v. Naquin, 943, 1067
- Southern Trace Property Owners Ass'n v. Williams, 1205
- Spanish Lake Restoration v. Petrodome, 77
- Spotsville v. Hebert & Murrell, Inc., 973
- St. Andrews Place, Inc. v. City of Shreveport, 1145, 1151
- St. Bernard Port Harbor & Terminal District v. Violet Dock Port, Inc., 443–66, 466–70**
- St. Charles Land Trust v. St. Amant, 293, 294
- St. Charles Parish School Board v. P & L Investment Corp., 181–86**
- St. James Village, Inc. v. Cunningham, 1099
- St. John the Baptist Parish v. State, Dep't of Wildlife and Fisheries, 1153
- Stanga v. Husman, 1099
- State ex rel. Guste v. Two O'Clock Bayou Land Co., Inc., 136–41**
- State v. Bourdon, 360–63, 364**
- State v. Placid Oil Co., 346–52, 357**
- Steinau v. Pyburn, 227
- Stelly v. Vermillion Parish Police Jury, 176
- Stern v. Marshall, 302
- Stonegate Homeowners Civic Ass'n v. City of Baton Rouge/Parish of East Baton Rouge, 179
- Stuckey v. Collins, 975–79**
- Succession of Brown, 789
- Succession of Cooper, 372**
- Succession of Crute v. Crute, 735
- Succession of Goode, 779–88**
- Succession of Heckert, 846, 847–53**
- Succession of James, 375
- Succession of Miller, 707, 715–19**
- Succession of Moran v. Moran, 406
- Succession of Reeves, 414
- Suire v. Lafayette City-Parish Government, 929
- Sullivan v. Wallace, 264
- Surfrider Found. v. Martins Beach 1, LLC, 132
- Sustainable Forests, L.L.C. v. Harrison, 1017, 1141–45, 1149**
- Taylor v. Haddox, 929
- Tenneco, Inc. v. Oil, Chemical & Atomic Workers Union, Local 164–68**
- Terre Aux Boeufs Land v. J.R. Gray Barge Co., 83
- Terrebonne Parish Police Jury v. Matherne, 869, 882
- Terrebonne Parish School Board v. Columbia Gulf Transmission Co., 1067, 1071–82**
- Theresa Seafood, Inc. v. Berthelot, 943
- Thiels v. Dennis, 1091

- Thomas v. Wilbert & Sons, L.L.C., 906
 Thompson v. FRF Properties, 1111
 Thompson v. Hemphill, 941
 Todd v. State Dep't of Natural Resources, 557, 558–67
 Toups v. Abshire, 1088–90
 Town of Arcadia v. Arcadia Chamber of Commerce, 326
 Trahan v. Teleflex, Inc., 141–45
 Traigle v. AMI, Inc., 303
 Tremblay et Autres v. Boivin et Autres, 480–87
 Troxler v. Breaux, 697
 Trumbell Chevrolet Sales Co. v. Maxwell, 673
 Trushinger v. Pak, 905
 TS & C Investments, L.L.C. v. Beusa Energy, Inc., 937
 United States Environmental Protection Agency v. New Orleans Public Service, 212
 United States v. California, 124
 United States v. Louisiana, 124, 125, 126
 United States v. Louisiana, Texas, Mississippi, Alabama, & Florida, 124, 125
 United States v. Peter, 496–99
 Vaughn v. Vermillion Corp., 192
 Vekic v. Popich, 55
 Ventura v. McCune, 1067
 Vermillion Corp. v. Vaughn, 192, 193
 Vernon Parish Police Jury v. Buckley, 176
 Verzwylvelt v. Armstrong-Ratterree, Inc., 874
 Vinson v. Levy, 178
 Vintage Assets, Inc. v. Tennessee Gas Pipeline Co., LLC, 1081, 1082
 Vivian State Bank v. Thomason-Lewis Lumber Co., 776
 Von Drake v. Rogers, 701, 707, 711–15
 W&T Offshore, L.L.C. v. Tex. Brine Corp., 1146, 1147, 1154
 W.J. Gayle & Sons, Inc. v. Deperrodil, 645
 Wagner v. Alford, 1135–1140, 1148, 1153
 Walker Lands, Inc. v. East Carroll Parish Police Jury, 146, 155, 168, 358
 Walker v. Coleman, 179
 Walker v. Holt, 817–19
 Warner v. Clarke, 161–63
 Welch Planning and Zoning Comm. of East Baton Rouge Parish, 1098
 Wemple v. Eastham, 160, 347
 White v. Kinberger, 181, 187–91, 207
 Whitley v. Texaco, Inc., 535
 Whitlock v. Fifth La. Dist. Levee Bd. , 696
 Willetts Wood Products Co. v. Concor-
 dia Land and Timber Co., 257–60
 Williams v. City of Baton Rouge, 72
 Williams v. City of Monroe, 750
 Williams v. Employers Liab. Assurance Corp., 26
 Williams v. The Muses. Ltd. 1, 227
 Willis-Knighton Medical Center v. Caddo-Shreveport Sales and Use Tax Comm'n, 212, 280–84
 Willow Chute Farms, LLC v. Roos, 1111
 Winingder v. Balmer, 944–51
 Winn Dixie Stores, Inc. v. Big Lot Stores, Inc., 997
 Woolley v. Cinquigranna, 1197
 Yokum v. 615 Bourbon Street L.L.C., 907, 930–35
 Yokum v. Funky 544 Rhythm and Blues Café, 935
 Zaverri v. Husers, 929
 Zeller v. Southern Yacht Club, 133, 345, 347

Preface

Property law covers competing claims regarding access to resources, the use and control of resources, the transfer of resources, and it also mediates change in access to, use and control of resources over time. Although a course in property law necessarily covers some dry and abstract technicalities—property titles, boundary markers, classifications of different kinds of things and the like, property law remains one of the most interesting introductory subjects in law school. Our initial goal in this casebook is to share our excitement about that subject. We aim to show you the stakes in a property dispute and help you identify the important societal and economic interests at play in property law. We also strive to reveal that property rules, principles and practices reflect distinct local conditions and cultures.

Because this casebook focuses on property law specific to Louisiana, however, we want to help you appreciate that Louisiana's system of property law is a core part of this state's civilian legal heritage inherited from its days as a French and Spanish colony. As many commentators have observed over the years, property law is one of the principal areas where Louisiana's civil law tradition has been most carefully preserved in the Louisiana Civil Code. It is also an area where important substantive differences between Louisiana civil law and the common law of its sister states still prevail. This book thus opens with an introduction to the history and nature of the civil law tradition and the sources of Louisiana property law. Throughout the rest of book, we refer to historical contexts for current Louisiana law. We also point out, where relevant, how Louisiana property law is different from or similar to property law in common law states and foreign jurisdictions.

A third goal of this casebook is to introduce you to hotly contested areas of property law, including debates about how property law actually functions and how its fundamental purposes and core values affect principles and practice. Understanding these controversies within property law will enrich your understanding of codal provisions, judicial opinions and statutes that form the substantive base of Louisiana property law today.

A final goal of this casebook is to demystify property law so that you can become a proficient property law practitioner. Lawyers who work on property law matters must become efficient problem-solvers. They must be able to develop arguments that are likely to persuade judges and assist clients. Acquiring a firm grasp of basic property law principles is therefore an essential first step to becoming a proficient, practice-ready lawyer who can assist individuals, businesses, not-for-profit organizations and government institutions in a myriad of transactions and disputes.

Property involves actual persons and significant stakes. The contestants include people, corporations, towns, cities, and even the State of Louisiana. Property law decides who has access to things, who can use things, who can exclude or be excluded from things, who can sell, lease or donate things, what terms and limits govern such transfers, and how and when our relationship to things can change over time. In the pages that follow we endeavor to help you sort Louisiana property law into its basic elements and understand its vocabulary, its codal structure and the modes of civilian legal thinking essential to helping actual people—your future clients and constituents—flourish as individuals, as families or in other kinds of associations.

Even if you do not intend to become a Louisiana lawyer, this casebook should still be enlightening. It explores how a mixed jurisdiction like Louisiana has embraced its civilian legal heritage in one important area of private law, nurtured and modified that heritage over the course of two centuries and struggled to make that heritage serviceable in the twenty-first century. We are proud of the many unique contributions made by property law to Louisiana's legal culture. At the same time, we invite you to join us in probing its values, challenging its assumptions, and evaluating the ways it has adapted to fit the diverse needs of modern society.

It is with gratitude that we acknowledge Dean Madeleine M. Landrieu of Loyola University New Orleans College of Law, Professor Dr. Roland Wittmann of the European University Viadrina and Professor Marc Roark of Southern University Law Center for their support in helping us prepare the second edition of this book. We are also grateful to the diligent students in our property classes over the last five years who have asked hard questions and helped us see where improvement was needed. Finally, we give special thanks to research assistants Jerald Andry, Sarah Didlake, Philip Laborde, Sara LaRosa, Gabriel Silva and Andre Stolier, who all made valuable contributions to this edition. We hope that our book will not only offer a helpful resource to learners and practitioners alike, but also bring joy to those interested in the scientific aspect of the study of law. *Sis felix!*

MARKUS G. PUDER

JOHN A. LOVETT

EVELYN L. WILSON

September 2019

New Orleans and Baton Rouge