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Real Property (Quickstudy: Law)

|  REAL PROPERTY | | |
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| <p>ESTATES</p> <p>HISTORY</p> <p>FEDERALISM</p> <ol style="list-style-type: none"> Supporters of "States of Sovereignty" Received parcels of land in exchange for providing services to King, including military and economic support <p>2. Absenteeism</p> <ol style="list-style-type: none"> Received parcels of land from tenants-in-chief in exchange for services Feudal Relationships Parcels of land further subdivided Peasants were at bottom of feudal hierarchy Upper levels only without fees, possession of land reverted back to lord Upper levels of peasantry or knights, possession was held back to lord <p>3. Modern Oligo Emphasis</p> <ol style="list-style-type: none"> Further continuation of two-stage hierarchy established Tenants given right to absolute land, no subsistence peasant tenant without lord's consent, with services being appreciated <p>DEFINITION OF ESTATE</p> <ol style="list-style-type: none"> Interest in land that is currently or may become permanent, measured by some period of time | <p>NONFEEHOLD (LEASEHOLD) ESTATES</p> <p>TENANCY AT WILL</p> <ol style="list-style-type: none"> No fixed duration Terminated at any time by agreement of both Landlord and Tenant Termination by operation of law with notice State of property Should be oral only <p>PERIODIC TENANCY</p> <ol style="list-style-type: none"> Automatic renewal Example: Month-to-month or year-to-year Termination by notification equal to notice Notice must specify the date of termination Duration: Tenancy of 1 yr requires 4 mos. notice Modern Term: Governed by Statute E.g., 1 year for year-to-year requires 1 month notice (varies by state) <p>TENANCY AT SUFFERANCE</p> <ol style="list-style-type: none"> Wrongful holdover Landlord has option to evict Tenant or hold Tenant to another lease <p>TENANCY FOR YEARS</p> <ol style="list-style-type: none"> Specific period of time Contractually fixed by calendar but may be terminable upon some event Termination at end of period without necessity of notice when time has run out No writing Subject to Statute of Frauds <p>LANDLORD'S RIGHTS AND DUTIES</p> <ol style="list-style-type: none"> Common Law No liability for subsequent arising conditions No duty to maintain Modern Law Assumption of specific rent agreement Reasonable care required Low for common-law torts Common negligence Duty to maintain ordinary care Effect same Warranty, protection in good repair Right to protect injuries Duty to disclose latent defects Duty not to interfere with Tenant's quiet enjoyment Duty not to prevent a tenant Not responsible for acts of tenants (including with other tenants, except where exercise of legal ability has been granted) <p>TENANT'S RIGHTS AND DUTIES</p> <ol style="list-style-type: none"> Enforced by government Eviction: Tenant entitled to judicial remedy of Habitability Modern trend holds suitability applied in commercial leases Duty to pay rent Lease for years Disturbance, E. Dues v. Alberman Duty of reasonably good repair Liability to third parties <p>REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY</p> <ol style="list-style-type: none"> Contractual Eviction Tenant may terminate lease, lease provisions and sue for better rent when, through the fault of landlord, there has been a substantial interference with the use and enjoyment of tenant's leased premises <p>Habitability Eviction</p> <ol style="list-style-type: none"> Tenant who claims violation of Housing Code and reports violation to authorities, and within the time, action be initiated as a retaliation for reporting | <p>WATER RIGHTS</p> <ol style="list-style-type: none"> Relative right of each owner to use all water needed for domestic purposes Common-law doctrine is reasonable use Prior Appropriation (First in time, first in right) <p>TYPES OF TENANCY</p> <p>JOINT</p> <ol style="list-style-type: none"> Right of survivorship Survivor retains right in property but largest subject to amount of decedent's estate Right of survivorship precludes one decedent's will or trust distribution of decedent's estate Some jurisdictions recognize only tenants in common, where survivor's remainder in whole cannot be abetained without consent <p>2. Jointure Tenancy</p> <ol style="list-style-type: none"> Time, title, interest and possession Modern Statute Example: Tenant's lease already expressed in third party's instrument <p>3. Jointure Tenants</p> <ol style="list-style-type: none"> Individual's rights subject to individual creditors Individual will Abolishment of jointure tenants: Tenants in Common Each tenant's contribution of interest serves joint tenancy with respect to that share Remedies of co-tenants: holds share as Tenant in Common with remaining joint tenants <p>4. Jointure Partition</p> <p>5. Marriage</p> <ol style="list-style-type: none"> THE TENANT (Mortgage) - Eviction cannot proceed Common Law: Legal title conveyed to bank and mortgagee held equity of redemption to receive legal title back upon payment of mortgage Equity Theory (Mortgage) - The only ground to bring an action in writing and capable of specific performance Bank holds security interest and not legal title <p>6. Lease</p> <ol style="list-style-type: none"> Common Law: Title of interest is destroyed, hence, no surviving joint tenancy Modern Statute: Surviving joint tenant takes the whole, thereby not surviving joint tenancy Individual's Right: Whether surviving joint tenant takes subject to lease or "interest in" whether surviving holds solely not subject to lease Equal right to possess whole subject to rights of other co-tenants <p>BY THE ENTIRETY</p> <p>1. Husband & Wife</p> <ol style="list-style-type: none"> Joint, title, interest, possession and privity Does "hold-over to parties" marital relationship By the whole No right of partition <p>2. Partners</p> <ol style="list-style-type: none"> Right of survivorship Director Eviction proceeding in favor of joint creditor Business from real-estate creditors for federal tax law may attach to property (S.A. & C.M.E.) <p>IN COMMON</p> <ol style="list-style-type: none"> No Right of Survivorship Survivor takes in form of decedent's estate Ownership by gift but right to possess entire property unless restricted by agreement Divided in property proportionate to contribution paid for each interest Partly abatable Subject to claims of creditors Indivisible interests Perception of tenancy in common if co-tenants wish to apportion share of co-tenants' ownership <p>CAPABLE OF BEING HELD IN COMMON</p> <ol style="list-style-type: none"> Modern Law Contribution of all party changes May deduct reasonable expenses (Taxes, Utilities, etc.) Succession to co-tenants by will-profits Life Tenant - pays taxes, maintenance, and interest on mortgage (limited to fair market value of land) Reversionary - pays principal and insurance |
| <p>FREE SIMPLE</p> <ol style="list-style-type: none"> Perception of 3 life Estates unless words of exception and reference to the contrary <p>1. BURNETT FOREVER</p> <p>NO RESTRICTION ON ALIENABILITY</p> <p>MODERN TREND</p> <ol style="list-style-type: none"> Create lease for Single life then over Definite Term | <p>FREE TAIL</p> <ol style="list-style-type: none"> To "he and the heirs of his body" Used Male <p>1. BURNETT</p> <ol style="list-style-type: none"> Can avoid Crown's blood line rule <p>2. INHERITABLE</p> <ol style="list-style-type: none"> Historical alienability in Common's descendants Free Simple or Common <p>MODERN STATUTES FOR LINDORF</p> <ol style="list-style-type: none"> Forfeiture interest as the simple to become possessory if creditor dies without issue Life Estate in Common For Simple Reversion in Issue No issue (heirs to Crown) | <p>LIFE ESTATE</p> <p>1. DECEASED BY LIFE OF GRANTEE</p> <ol style="list-style-type: none"> For Aute Vie (i.e. of another) Modern Law: If donee dies before measuring life, life estate passes to donee's heirs <p>2. COMMON LAW</p> <ol style="list-style-type: none"> Liability (Husband's Life Estate) Donee Will took 1/3 Life Estate in each parcel of realty (husband was named during marriage) <p>REVERSION TO BE REVERSION OF BIRTH OF NAMED GRANTEE</p> <ol style="list-style-type: none"> Reversionary interest Donee & Grantor abetained Donee & Grantor abetained Donee took, surviving spouse takes absolute share - 50% of net assets Grantor's share, property to decedent under principle of equitable distribution |
| <p>RIGHTS OF POSSESSOR</p> <p>1. GENERAL SUPPORT</p> <ol style="list-style-type: none"> Right to have land supported in natural state by soil and stones Liability for damage to building if land could have supported in natural state NO RIGHT IN FUTURE Right to have land supported in natural state by soil, air, and water table Liability for abutment (land could have supported in natural state) | <p>RIGHTS OF POSSESSOR</p> <p>2. SPECIAL SUPPORT</p> <ol style="list-style-type: none"> Right to have land supported in natural state by soil and stones Liability for damage to building if land could have supported in natural state NO RIGHT IN FUTURE Right to have land supported in natural state by soil, air, and water table Liability for abutment (land could have supported in natural state) | <p>RIGHTS OF POSSESSOR</p> <p>3. SPECIAL SUPPORT</p> <ol style="list-style-type: none"> Right to have land supported in natural state by soil and stones Liability for damage to building if land could have supported in natural state NO RIGHT IN FUTURE Right to have land supported in natural state by soil, air, and water table Liability for abutment (land could have supported in natural state) |



Synopsis

Designed for tackling the bar exam; the quintessential need-to-know info for law students.

Book Information

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Customer Reviews

It works perfectly and great service!

no comment

Nice review of the law.

While most of the quickstudy laminates are useful, there are simply too many topics in Property Law to cover and this chart gives only the barest of details on any of the topics. It will NOT help you if you are attempting to memorize concepts for a law school exam or the bar exam.

Easy to use reference.

Great for a quick refresher.

I'm studying for the bar. This is a great way to refresh before tackling practice exams and essays?

Great amount of information packed in one small reference area.

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