PROPERTY LAW
LAW 2030

Class Hours: 3.0  Credit Hours: 3.0
Laboratory Hours: 0.0  Revised: Spring 07

NOTE: This course is not designed for transfer credit.

Catalog Course Description:
A study of real estate transactions and conveyances, including deeds, contracts, leases, deeds of trust and zoning. Drafting and recording of real estate documents and search of public documents. An introduction to property law, personal property issues and bailment.

Entry Level Standards:
College-level competencies in logic, reading, and English are required.

Prerequisites:
LAW 1000

Textbook(s) and Other Course Materials:

I. Week/Unit/Topic Basis:

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<tr>
<th>Week</th>
<th>Topic</th>
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<tbody>
<tr>
<td>1</td>
<td>Fundamental Concepts of Property, personal property, bailments. Methods of acquiring real property; Ethics and Real Property Practice, conflict of interest, confidentiality, imputed disqualification, fees, categories of Real Property: residential, commercial; state, federal and local laws.</td>
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<td>2</td>
<td>Basic Principles of Real Estate Law: types of concurrent ownership; forms of ownership; spousal rights; Ethics: UPL</td>
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<td>3</td>
<td>Surveys and Land Descriptions: metes and bounds, government survey, plat</td>
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<td>4</td>
<td>Public Regulation and Encumbrances: police power and the impact on the property owner; zoning, variances, environmental protection laws, fair housing laws, taxation, eminent domain, escheat; Private Encumbrances: restrictive covenants, easements, liens, licenses; Ethics, Licenses</td>
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<td>5</td>
<td>Easements and Licenses: Easements; Termination of Easements</td>
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<td>6</td>
<td>Contracts: The basics of the real estate contract, remedies for breach of a real estate contract; listing agreements; taxation &amp; the sale of real property</td>
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<td>Preparation and review of the real estate contract: terms, parties, description, consideration; method of payment; closing or settlement; assignment, earnest money, default, warranties</td>
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Deeds: grantor, grantee, date, consideration, words of conveyance, legal description, witnesses and acknowledgement, delivery; clauses, types of deeds: warranty, quitclaim, deeds of correction; preparation checklist; recordation

Financing sources in real estate transactions: sources of mortgage loans; types of loans; secondary market; ethics; permanent and construction loans

Legal Aspects of real estate finance: promissory notes, mortgages, Deeds of Trust and Security Deeds; foreclosure and other remedies

Mortgage Forms and Provisions; Residential provisions; commercial provisions

Title Examinations: Recording Statutes; Examining title to real property; Other things to examine; Title Reports; Title Defects and Problems

Real Estate Closings: Anatomy of a Closing; Contact with the parties; Review of the Mortgage Loan Commitment

Government Regulation of Real Estate Closings: RESPA, Truth in Lending Act; right of rescission; Adjustable Interest Rate disclosures; HUD-1 settlement statement

Real Estate Closing forms and Examples: Forms usage; Foreclosures

Condominiums, Cooperatives, PUDs, timeshares: the Condominium; the covenants and restrictions; cooperatives; PUDs, Time Shares; State laws; case problem

Leases: Residential Leases; commercial leases and provisions; Assignments, subletting, mortgaging of the leased premise, ethics

Assignments, subletting, mortgaging of the leased premise, ethics, lease drafting

Final Examination

II. Course Objectives*

A. Demonstrate a complete and thorough understanding of legal ethics. I, III, V
B. Understand the legal concept of property ownership. I, II, IV
C. Distinguish between real and personal property. I, II, III, IV
D. Identify the estates of ownership for real property. I, II
E. Understand and be able to explain the legal concept of adverse possession. I, II
F. Distinguish and explain the four types of concurrent ownership. I, II, III
G. Understand the public restrictions on the use of real property such as zoning, building codes, eminent domain, and subdivision restrictions. I, II, III, IV
H. Understand the uses of an easement. I, II, III, IV
I. Identify the various easements and their methods of creation and termination. I, II, III, IV
J. Explain the requirements of a valid real estate contract. I, II, IV
K. Identify and understand the types of deeds used in real estate practice. I, II, III, IV, V

L. Recognize the importance of title examinations. I, II, III, IV, V

M. Explain the three types of recording statutes. I, II, III, IV

N. Identify and analyze the different forms of real estate financing, and the default and foreclosure process. I, II, III, IV, V

O. Continue developing a legal vocabulary. I, II, III, IV, V

*Roman numerals after course objectives reference goals of the Paralegal Studies program.

III. Instructional Processes*:

Students will:

1. Practice elements of the work ethic such as professionalism, preparedness, punctuality, honesty, cooperation, dependability, contribution, effectiveness, good manners, etc. Active Learning Strategy, Transitional Strategy

2. Refine their reading skills and expand their legal vocabularies through completion of weekly guided reading exercises that allows them to communicate more effectively with lawyers and legal professionals. Communication Outcome, Active Learning Strategy, Transitional Outcome

3. Strengthen their analytical skills by locating court cases and statutes in the ERC and on Westlaw to determine the application of the rules of law to specific facts. Communication Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy

4. Examine ethical issues related to legal representation, unauthorized practice of law, confidentiality, duty of legal professional to provide legal services, etc. Communication Outcome, Transitional Strategy, Active Learning Strategy

5. Listen to guest speakers from the legal community to learn the demands for legal assistants who possess basic knowledge of real estate law, title searches, closings, and property terminology. Communication Outcome, Transitional Strategy, Active Learning Strategy

6. Develop investigative skills using the Internet, library, and governmental agency resources to find relevant information. Communication Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy

*Strategies and outcomes listed after instructional processes reference TBR’s goals for strengthening general education knowledge and skills, connecting coursework to experiences beyond the classroom, and encouraging students to take active and responsible roles in the educational process.

IV. Expectations for Student Performance*:

Upon successful completion of this course, the student should be able to:


2. Prepare closing documents, including settlement sheets. A, B, D, F, G, H, K, N

3. Assist buyer or seller with transfer of property. A, B, C, F, J, K, L, M, N, O
5. Prepare for and conduct a real estate closing. C, D, J, K, L, N, O
10. Prepare a draft of a residential or simple commercial lease. G, H, O
11. Read a property survey and convert it into metes and bounds. K, O

*Letters after performance expectations reference the course objectives listed above.

V. Evaluation:

A. Testing Procedures:

Students are evaluated primarily on the basis of tests. The instructor will provide full details on a supplementary syllabus the first day of class.

B. Laboratory Expectations:

Students will work in small groups to research an assigned topic, and make a class presentation on that topic.

C. Field Work:

Students will complete several out-of-class skills projects. These exercises may include: Conducting a title search, attending a real estate closing, and reading a property survey and converting it into metes and bounds. Students will make a reference notebook for property law following guidelines given by the instructor. This notebook may contain legal writing exercises, as well as drafting exercises, to include:

- Real estate contracts
- Deeds
- Closing documents
- Notices and documents for mortgage foreclosure
- Leases
- Mortgage documents
- Notices and documents for tenant eviction

D. Other Evaluation Methods:

1. All tests and papers will be graded for spelling and English usage in addition to content and format.
2. Students are partially evaluated on the basis of in-class projects requiring use of the stated skills. Class participation is important and will be considered in the final grade.
3. Any student encountering academic difficulty during the term is strongly encouraged to meet with the instructor to discuss options and solutions.

E. Grading Scale:

A  93-100
VI. Policies:

A. Attendance Policy:

Pellissippi State Technical Community College expects students to attend all scheduled instructional activities. As a minimum, students in all courses must be present for at least 75 percent of their scheduled class and laboratory meetings in order to receive credit for the course. [NOTE: No differentiation is noted for excused/unexcused absences. These will be treated as an absence.]

B. Academic Dishonesty:

Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular Pellissippi State procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination or to assign an F in the course.

C. Accommodations for disabilities:

If you need accommodations because of a disability, if you have emergency medical information to share, or if you need special arrangements in case the building must be evacuated, please inform the instructor immediately. Please see the instructor privately after class or in his/her office. Students must present a current accommodation plan from a staff member in Services for Students with Disabilities (SSWD) in order to receive accommodations in this course. Services for Students with Disabilities may be contacted by going to Goins 127 or 131 or by phone: 694-6751 (Voice/TTY) or 539-7153.

D. Other Policies:

Late papers will not be accepted nor will make-up tests be given without specific approval of the instructor.

Computer Usage Guidelines:
College-owned or -operated computing resources are provided for use by students of Pellissippi State. All students are responsible for the usage of Pellissippi State’s computing resources in an effective, efficient, ethical and lawful manner.