

Pellissippi State Community College
Master Syllabus

**PROPERTY LAW
2030**

Class Hours: 3.0
Laboratory Hours: 0.0
Credit Hours: 3.0
Revised: July 14, 2009

Instructor:
Office:
Phone:
E-mail:

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

Co-requisite: LAW 1060

Textbooks and Other Supplies:

Hinkel, Daniel F., *Essentials of Practical Real Estate Law, 4th Edition*. (Delmar Learning, 2008).

I. WEEK, UNIT, TOPIC BASIS:

WEEK	UNIT	TOPIC
1	Chapter 1	Fundamental Concepts of Real Property (1.0 hour) Ethics and Real Property Practice (1.0 hour): competence, conflict of interest, confidentiality, imputed disqualification, fees (1.0 hour)
2	Chapter 1	Basic Principles of Real Estate Law: classifications of property (2.0 hours), methods of acquiring real property (.5 hour); Adverse Possession(0.5);
3	Chapter 2	Modern day estates (1.0); Future interests (0.5);Common owners rights and duties (1.0); Ethics (0.5)
4		Concurrent ownership (1.0 hour); Partition (0.5 hours); Spousal rights (1.0); Right of survivorship(0.5)
5	Chapter 3	Ownership Restrictions: police power and the various ways exercise of police power by local, state and federal governments(1.0 hour) ; zoning (1.0); variances, environmental protection laws, fair housing laws, taxation, escheat(1.0 hour);
6		Eminent domain (1.5); Easements (1.0); Liens, licenses(0.5)
	Chapter 4	Real Estate Brokers: fiduciary relationship (.5 hour), broker's responsibilities (.5 hour); listing agreements (.5 hour)The Basic Real Estate Contract: terms, parties, description, consideration (.5 hour); contract remedies (.5 hour); option contracts (.5 hour)

WEEK	UNIT	TOPIC
7	Chapter 5	Deeds: grantor, grantee, date, consideration, words of conveyance (.5 hour), legal description (.5 hour), witnesses and acknowledgement, delivery; clauses (.5 hour); types of deeds: warranty, quitclaim, deeds of correction (1.0 hour); preparation checklist (.25 hour); recordation (.25 hour)
8		Liens on Property: secured and unsecured(1.5 hour); judgment, tax, mortgage, construction liens (.5 hour); notice (.25 hour); priority of lien (.25 hour); attachment, lis pendens (.5 hour)
9	Chapter 6	Legal Aspects of Real Estate Finance: mortgage v. deed of trust (1.0 hour), promissory note (.5 hour); financing institutions (.5 hour); types of loans (.5 hour); secondary market (.5 hour);
10	Chapter 7,8	Title Examinations and Title Insurance: bona fide purchase for value rule (1.0); importance of title search (1.0 hour), function of title insurance (1.0 hour) Introduction to The Register of Deeds (3.0)
11	Chapter 9	Real Estate Closings: file creation (1.0); document preparation and execution (1.0); residential vs. Commercial closings (1.0)
	Chapter 10	Real Estate Closing Forms (3.0)
	Chapter 11	Condominiums and Cooperatives: bylaws (0.5); Covenants and Restrictions (0.5); Condominiums(1.0); Cooperatives (0.5); Time Shares (0.5)
12	Chapter 12	Surveys and Land descriptions: Legal Descriptions of Property(1.0) ; metes and bounds (2.0 hours); Government survey (0.5); Plat method (1.0 hour); Ethics (0.5); Location of Documents (1.0)
13	Chapter 13	Residential Leases: rights and duties of landlord and tenant (1.5 hour); lease provisions (1.5 hour)
	Chapter 13	Commercial Leases: types of leases (2.0 hour); elements of commercial lease (1.0 hour)
14	Chapter 13	Eviction Procedures: constructive eviction (.50 hour); notice (.50 hour);
15	–	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

III. INSTRUCTIONAL PROCESSES:

The student 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*

IV. EXPECTATIONS FOR STUDENT PERFORMANCE:

The student should be able to:

1. Draft contracts, leases, deeds, and mortgage documents. (A,B,D,F,J,K,L,O)
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)
4. Conduct a title search. (B,D,F,G,H,K,L,M,N,O)
5. Prepare for and conduct a real estate closing. (C,D,J,K,LN,O)
6. Process notices and documents for mortgage foreclosures. (N, O)
7. Record instruments affecting title. (C,D,G,H,J,K,M)
8. Process notices and documents for a tenant eviction. (A,B,C)
9. Prepare an application for a zoning variance. (G,H)
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)

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 then 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:

- a. Real estate contracts
- b. Leases
- c. Deeds
- d. Mortgage documents
- e. Closing documents
- f. Notices and documents for tenant eviction
- g. Notices and documents for mortgage foreclosure

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
- B+ 88- 92
- B 83- 87
- C+ 78- 82
- C 73- 77
- D 65- 72
- F 64 and below

VI. POLICIES:

A. Attendance Policy:

Pellissippi State 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. (*Pellissippi State Online Catalog*)

B. Academic Dishonesty:

Plagiarism, cheating and other forms of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance, is immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions that 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. (*Pellissippi State Online Catalog*)

C. 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. (*Pellissippi State Online Catalog*)

D. Accommodation for Disabilities:

Students who need accommodations because of a disability, have emergency medical information to share, or need special arrangements in case the building must be evacuated should inform the instructor immediately, privately after class or in her or his 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 Goins134 or 126 or by phone: 694-6751 (Voice/TTY) or 539-7153. More information is available at www.pstcc.edu/departments/swd/.

E. Late Work:

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