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Real Property (Quickstudy: Law)

 REAL PROPERTY		
ESTATES HISTORY 1. FEUDALISM a. Supporter of the system of Feudalism b. Recipient parcels of land in exchange for providing services to king, including military and economic support 2. Subinfeudation a. Recipient parcels of land from tenants-in-chief in exchange for services 3. Feudal Relationships a. Parity of land further subdivided b. Possession was at bottom of feudal hierarchy 1. Upon death and without heirs, possession of land reverted back to lord c. Upon death of possessor or tenant, possession was forfeited to lord 4. Modern Quia Emptio a. Further continuation of fee-simple tenure by disfeoffment b. Tenants given right to alienate land, in substance specific tenant without heir's consent, with various being appropriate DEFINITION OF ESTATE a. Interest in land that is currently or may become present, measured by some period of time FREE SIMPLE 1. Possession of fee estate without words of limitation and inheritance to the contrary DECLARATION FORFEITURE a. NO RESTRAINT ON ALIENABILITY MODERN TREND 1. Courts favor fee simple absolute over defeasible fee FREE TAIL COMMON LAW 1. To "he and the heirs of his body" 2. In fee simple DURATION 1. Land used Owner's blood line only INHERITABLE 1. Restricted alienability to Owner's descendants MODERN STATUTES FOR UNIFORM 1. Fee Simple in Common a. Excessively interest in the simple to become present only if Owner dies without issue 2. Life Estate in Common a. Fee Simple Reversion in Issue b. No issue (reverts to Grantor) LIFE ESTATE DETERMINED BY LIFE OF GRANTEE 1. Fee Simple in Common a. Modern Law: If Owner dies before measuring life, life estate passes to Owner's heirs COMMON LAW 1. Life estate (Heir's life estate) a. With test 1/2 Life Estate in each parcel of land (Heir's life estate) was used during marriage REVERSION TO REMAINING HEIR OF NAMED GRANTEE 1. Reversion in fee simple a. Donor & Grantee alienated b. 1-year death, surviving spouse takes estate (Heir's life estate) c. Upon death, property is divided under principle of equitable distribution NONFREEHOLD (LEASEHOLD) ESTATES TENANCY AT WILL 1. No fixed duration a. Terminated at any time by agreement of both Landlord and Tenant 2. Terminated by operation of law with notice a. Rule of privity b. Death of either party PERIODIC TENANCY 1. Automatic renewal a. Example: Month-to-month or year-to-year b. Termination by notification equal to notice c. Notice must specify the date of termination d. Example: Tenancy of 1 yr requires 6 mos. notice 2. Modern Trend: Governed by statute a. E.g., 1 year for year-to-year requires 1-month notice TENANCY AT SUFFERANCE 1. Wrongful holdover 2. Landlord has option to evict Tenant or hold Tenant to another lease TENANCY FOR YEARS 1. Specific period of time a. Terminable fixed by calendar but may be terminable upon some event b. Termination at end of period without necessity of notice 2. More than one year a. No writing b. Statute of Frauds of Feudal LANDLORD'S RIGHTS AND DUTIES 1. Constructive Law a. No liability for subsequent arising conditions b. No duty to maintain 2. Modern Law a. Assumption of repair (not necessarily) 1. Reasonable care required a. Not for constructive repairs b. Common privity 1. Duty to exercise ordinary care a. Quiet title b. Warranty procedures in good repair c. Liability for personal injuries 3. Duty not to interfere with Tenant's quiet enjoyment a. Duty not to pursue a nuisance b. Not responsible for acts of Tenant (interfering with other Tenants, except where exercise of legal ability has been granted) TENANT'S RIGHTS AND DUTIES 1. Entitled to possession 2. Reasonable Tenant entitled to Applied Warranty of Habitability a. Modern trend holds liability applied to commercial leases 3. Duty to pay rent a. Liability for rent b. Subordination to Deed or Assignment c. Duty of reasonably good repair a. Liability to third parties REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY 1. Constructive Eviction a. Tenant may terminate lease, lease provisions and not pay further rent when, through the fault of landlord, there has been a substantial interference with the use and enjoyment of tenant's leased premises b. Tenant who claims violation of Housing Code and requests relocation to another unit, and within 60 days cannot be relocated as a violation for the reporting RIGHTS OF POSSESSOR GENERAL SUPPORT 1. Right to have land supported in natural state by adjacent owners a. Liability for damage to building if land would have collapsed in natural state 2. Right to have land supported in natural state by owners of interest under surface a. Liability for underground land would have collapsed in natural state WATER RIGHTS 1. Negative right of each owner to use all water needed for domestic purposes a. Common law limited to reasonable use 2. Prior Appropriation (First in time, first in right) TYPES OF TENANCY 1. Joint a. Right of survivorship b. Surviving tenant right to property no longer subject to interest of deceased co-tenant c. Right of survivorship precludes one tenant from will or estate distribution of deceased co-tenant d. Some jurisdictions recognize only tenants in common, where survivor's remainder is whole cannot be distributed without consent 2. Severalty a. Tenants in common and joint tenants b. Modern Statutes c. Co-tenants - Co-tenants' interest already expressed in Deed 3. Joint Tenants a. Co-tenants' interest b. Individual's rights subject to individual creditors c. Individual will d. No survivorship e. Effectiveness of joint tenancy Tenants in Common f. Joint Tenants' co-tenants of interest subject to joint tenancy with respect to that share g. Right of survivorship in this share as Tenants in Common with surviving joint tenants 4. Severalty Partition a. Marriage 1. Title Tenants (Married) - Partition cannot partition a joint tenancy 2. Co-tenants Law: Legal title conveyed to both and survivor hold equal of undivided interest in property (both split upon partition of property) 3. Joint Tenants (Married) - The title passes to both as co-tenants in joint and equal of specific performance b. Joint Tenants 1. Co-tenants Law: Unity of interest is destroyed, thereby creating joint tenancy 2. Modern Statutes: Surviving joint tenant takes the whole, thereby ending joint tenancy 3. Individual's rights: Whether surviving joint tenant takes subject to lien or 1/2 interest as whether surviving joint tenant is subject to lien 4. Equal right to possess whole subject to rights of other co-tenants 5. JOINT TENANCY a. Husband & Wife 1. Co-tenants 2. Joint Tenants 3. Joint Tenants 4. Joint Tenants 5. Joint Tenants 6. Joint Tenants 7. Joint Tenants 8. Joint Tenants 9. Joint Tenants 10. Joint Tenants 11. Joint Tenants 12. Joint Tenants 13. Joint Tenants 14. 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Synopsis

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

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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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