

Real Property (Quickstudy: Law)

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<p>ESTATES</p> <p>HISTORY</p> <ul style="list-style-type: none"> FEDERALISM <ul style="list-style-type: none"> Tenants-in-common Supporters or "friends of democracy" Control of use of land is exchange for providing services to land, including natural and economic support Seigneurism <ul style="list-style-type: none"> Rational parcels of land from tenants-in-chief in exchange for services Feudal Relationships <ul style="list-style-type: none"> Control of land is exchanged for services Peasants live at bottom of feudal hierarchy Upper lords and without lands, possession of land is passed back to lord Upper lords of peasants at bottom, possession was withheld to lord Seigneur Plus Empowerment <ul style="list-style-type: none"> Further consolidation of single tenancy by nobility Seigns given right to displace lord (or substituted another tenant without lord's consent, with services being appropriated) DEFINITION OF ESTATE <ul style="list-style-type: none"> Interest in land that is currently or may become possessory, measured by some period of time 	<p>NONFREEHOLD (LEASEHOLD) ESTATES</p> <ul style="list-style-type: none"> TENANCY AT WILL <ul style="list-style-type: none"> No fixed duration Is terminated at any time by agreement of both landlord and Tenant Termination by operation of law with notice Is rule of necessity Is based on other party PERMANENT <ul style="list-style-type: none"> Automatic renewal Example: Month-to-month or year-to-year lease Lease is automatically renewed to follow Lease may specify the date of termination Leasehold Tenancy of 1 or more years is required Modern Term Contracted by Statute E.g., Lease for year-to-year requires 1 month notice TENANCY AT SUFFERANCE <ul style="list-style-type: none"> Wrongful holdovers Landlord has option to evict Tenant or hold Tenant to term TENANCY FOR YEARS <ul style="list-style-type: none"> Specific period of time Usually fixed by calendar but may be terminable upon some event Termination at end of period without necessity of notice More than one year Is written Subject to Statute of Frauds LANDLORD'S RIGHTS AND DUTIES <ul style="list-style-type: none"> Common Law <ul style="list-style-type: none"> No liability for subsequent tenant's conditions No duty to reimburse Modern Law Assumption of repairs (not necessarily) Implied warranty required No for condition of lease Common promises Duty to disclose known facts only Short term Warranty promises to good repair Liability for personal injuries Duty to disclose latent defects Duty to be in conformity with Tenant's plot improvement Duty not to permit a nuisance No responsibility for acts of Tenant interfering with other Tenants, except where existence of legal duty has been granted TENANT'S RIGHTS AND DUTIES <ul style="list-style-type: none"> Confined to possession Residential Tenant entitled to implied Warranty of Habitability Modern hold valid suitability implied in commercial leases Not paying rent Liability for waste Liability to Destroy a Nuisance Duty of reasonable good repair Is liable to third parties REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY <ul style="list-style-type: none"> Constructive Eviction <ul style="list-style-type: none"> Tenant must reasonably leave, lease premises and not pay further year when, through the fault of landlord, there has been a substantial interference with the use and enjoyment of leased premises Relational Eviction <ul style="list-style-type: none"> Tenant who causes violation of Housing Code and thereby interferes with other's use and enjoyment, even cannot be evicted as a retaliation for reporting 	<ul style="list-style-type: none"> WATER RIGHTS <ul style="list-style-type: none"> Waterright right of each owner to use all water needed for domestic purposes Commonhold is reasonable use Prior Appropriation (first in time, first in right) TYPES OF TENANCY <ul style="list-style-type: none"> Joint Tenancy <ul style="list-style-type: none"> Right of survivorship Survivor retains right in property no longer subject to estate of deceased or tenant Right of survivorship prevails over devise under will or over children of deceased or intestate Joint tenancy requires unity of time, interest, in common, where survivor's remainder is whole cause by disinterest without consent Tenant in common <ul style="list-style-type: none"> Time, title, interest and possession Modern Statute Commonhold is clearly expressed in third Individual's Tenancies <ul style="list-style-type: none"> Co-tenants' Ten Individual's rights subject to individual conditions Individual use Disinheritance of interest contrary to Common Law Joint tenancy a composite of interests where joint tenancy with interest to fall away Receipt of survivorship holds share as Tenant in Common with remaining joint tenants Warranty <ul style="list-style-type: none"> Title Rights (Implied) - 1 year or more certain warranty Common Law: Legal title conveyed in both and tenant has right to displace or receive Implied title back upon payment of debt Modern Statute (Implied) - 1 year or more as long as contract is writing and capable of specific performance Joint tenancy without warranty and not legal title Common Law: Unity of interest is destroyed, thereby creating joint tenancy Implied title back upon payment of debt Joint tenancy subject to lease on 1 year, interest in whatever share holds while not subject to lease Implied title back upon payment of debt Legal title to ground holds subject to rights of other
<p>FEE SIMPLE</p> <p>COMMON LAW</p> <ul style="list-style-type: none"> Preservation of life Estate until death of lifeholder and inheritance to the common REVERSION FOREVER <ul style="list-style-type: none"> No RESTRICIT ON ALIENABILITY MODERN TALK <ul style="list-style-type: none"> Crucial issue for Property Absolute over Discretionary Fee <p>FEE TAIL</p> <ul style="list-style-type: none"> To "A and the Heirs of his Body" To "A and the Heirs of his Body" DURATION <ul style="list-style-type: none"> Life and then Owner's blood line ends INDEFEASIBLE <ul style="list-style-type: none"> Reversion of Reversion to Grantor's descendants MODERN STATUTES (NOT UNIFORM) <ul style="list-style-type: none"> Fee Simple in Common Locality interest in fee simple is because property of Grantor dies without issue Life Estate in Grantor Fee Simple Reversion in issue No issue (reverts to Grantor) 	<p>REVERSION FOREVER</p> <ul style="list-style-type: none"> Preservation of life Estate until death of lifeholder and inheritance to the common REVERSION FOREVER <ul style="list-style-type: none"> No RESTRICIT ON ALIENABILITY MODERN TALK <ul style="list-style-type: none"> Crucial issue for Property Absolute over Discretionary Fee <p>FEE TAIL</p> <ul style="list-style-type: none"> To "A and the Heirs of his Body" To "A and the Heirs of his Body" DURATION <ul style="list-style-type: none"> Life and then Owner's blood line ends INDEFEASIBLE <ul style="list-style-type: none"> Reversion of Reversion to Grantor's descendants MODERN STATUTES (NOT UNIFORM) <ul style="list-style-type: none"> Fee Simple in Common Locality interest in fee simple is because property of Grantor dies without issue Life Estate in Grantor Fee Simple Reversion in issue No issue (reverts to Grantor) 	<ul style="list-style-type: none"> WARRANTY <ul style="list-style-type: none"> Implied title back upon payment of debt Joint tenancy subject to lease on 1 year, interest in whatever share holds while not subject to lease Implied title back upon payment of debt Legal title to ground holds subject to rights of other
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Synopsis

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

Book Information

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Customer Reviews

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.

Somewhat helpful. You're better off writing your own outline.

Don't depend on these for your finals, but they are a great last minute tool the morning of a final for a quick refresher.

Coming from continental law, this has been a great resource to grasp the differences and similarities

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

Essential points for study and for reinforcement of what makes Real Property versus Criminal Law.

Great and quick reference for this student. Info accurate and matches textbook

Great amount of information packed in one small reference area.

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