

The book was found

# Real Property (Quickstudy: Law)

<div>  <b>REAL PROPERTY</b> </div>		
<b>ESTATES</b>  <b>HISTORY</b> <b>FEUDALISM</b> 1. Tenants-in-lieu a. Supporter or in-lieu of lordship b. Received parcels of land in exchange for providing services to lord, including military and economic support 2. Subinfeudation a. Received parcels of land from tenants-in-lieu in exchange for services 3. Feudal Relationships a. Parity of land further subdivided b. Peasants were at bottom of feudal hierarchy 1. Upon death and without heirs, possession of land reverted back to lord 4. Modern Quia Emptio a. Further continuation of fee-simple tenancy distributed 1. Tenants given right to alienate land, in substance specific tenant without heir's consent, with various being appropriate <b>DEFINITION OF ESTATE</b> 1. Interest in land that is currently or may become present, measured by some period of time  <b>FREE SIMPLE</b> 1. Possession of fee estate without words of limitation and inheritance to the contrary <b>DEURATION FOREVER</b> <b>NO RESTRICTION ON ALIENABILITY</b> <b>MODERN TREND</b> 1. Courts favor fee simple absolute over defeasible fee  <b>FREE TAIL</b> <b>COMMON LAW</b> 1. To "to and the heirs of his body" 2. In-lieu of fee <b>DEURATION</b> 1. Land used owner's blood line only <b>INHERITABLE</b> 1. Restricted alienability to owner's descendants <b>MODERN STATUTES FOR UNIFORM</b> 1. Fee Simple in Common a. Excludes interest in the property to become present only if owner dies without issue 2. Life Estate in Common a. Fee Simple Reversion in Issue 1. No issue (heirs) to owner  <b>LIFE ESTATE</b> <b>DETERMINED BY LIFE OF GRANTEE</b> 1. Pure Life Estate (life of grantee) 2. Modern Law: If owner dies before measuring life, life estate passes to owner's heirs <b>COMMON LAW</b> 1. Life Estate (Heir's Life Estate) 2. Dower a. Wife took 1/3 life estate in each parcel of realty husband was seized during marriage <b>REVERSION TO REMAINDERMAN BY DEATH OF NAMED GRANTEE</b> 1. Reversion/remainder 1. Dower & Curtesy abolished a. 1-year death, surviving spouse takes elective share = 50% of net assets b. Upon divorce, property is divided under principle of equitable distribution	<b>NONFREEHOLD (LEASEHOLD) ESTATES</b>  <b>TENANCY AT WILL</b> 1. No fixed duration a. Terminated at any time by agreement of both landlord and tenant 2. Requirement for operation of law with notice a. Rule of privity b. Death of either party  <b>PERIODIC TENANCY</b> 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. Common: 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 b. Common law  <b>TENANCY AT SUFFERANCE</b> 1. Wrongful holdover 2. Landlord has option to evict tenant or hold tenant to another lease  <b>TENANCY FOR YEARS</b> 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  <b>LANDLORD'S RIGHTS AND DUTIES</b> 1. Common 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 common law b. Common principle 1. Duty to exercise ordinary care 2. Effect same a. Warranties in good repair b. 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 tenants (interfering with other tenants, except where exercise of legal ability has been granted)  <b>TENANT'S RIGHTS AND DUTIES</b> 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. Deductions: In Delay, a. Abandonment 4. Duty of reasonable good repair a. Liability to third parties  <b>REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY</b> 1. Contractual Breach 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 alternative, and landlord has not complied as a violation for the reporting  <b>RIGHTS OF POSSESSOR</b> <b>GENERAL SUPPORT</b> 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	<b>WATER RIGHTS</b> 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)  <b>TYPES OF TENANCY</b> <b>RIGHTS</b> 1. Right of tenancy a. Negative right to property no longer subject to interest of deceased or tenant b. Right of survivorship provisions may derive from will or state statute of descent and distribution c. Some jurisdictions recognize only tenants in common, where survivor's remainder is whole cannot be obtained without consent 2. Rights required a. Time, title, interest and possession b. Modern Statutes c. Estates: Tenant's lease already expressed in deed <b>Specialties: Tenants</b> a. Common Law b. Individual's rights subject to individual creditors c. Individual will d. No agreement e. Effectiveness of action against tenants in common: Each tenant's contribution of interest subject to joint tenancy with respect to that share f. Burden of mortgages in this share as tenant in common with remaining joint tenants <b>Voluntary Partition</b> a. Marriage 1. Title Transfer (Marriage) - Partition complete partitioned 2. Common Law: Legal title conveyed to both and become joint equal of each other in receiving legal title back upon payment of mortgage b. Joint Tenancy (Marriage) - The title passes as long as contract in writing and capable of specific performance c. Joint Tenancy: Both hold security interest and not legal title d. Joint Tenancy: Unity of interest is destroyed, there is surviving joint tenancy e. Modern Statutes: Surviving joint tenant takes the whole, thereby not surviving joint tenancy f. Individual's rights: Whether surviving joint tenant takes subject to lease or "interest" as whether surviving joint tenant is subject to lease g. Equal right to possess whole subject to rights of other owners  <b>IN THE ESTATE</b> <b>Marriage &amp; Will</b> 1. Common Law a. Joint, will, interest, possession and present b. Joint must "to be parties" marital relationship c. No other will d. No right of partition e. Survivors 1. Right of survivorship 2. Devise 3. Estate proceeding in form of joint creditors 4. Interest from method creditors for federal tax law may attach to property (J.A. & C.M.) <b>IN THE ESTATE</b> <b>No Right of Survivorship</b> a. Interest passes to heirs of deceased tenant b. Ownership by joint tenancy to possess entire property unless terminated by agreement c. Interest in property proportionate to consideration paid for each share d. Privity of estate e. Subject to claims of creditors f. Modern Statutes g. Presumption of tenancy in common if conveyance fails to specify form of concurrent ownership <b>COMMON LAW RULE OF CO-OWNERSHIP</b> 1. Tenants in common a. Contribution of all parties changes b. Contribution to common law mortgage c. Joint Tenancy: Joint tenancy, interest, and interest in mortgage (limited to that method of joint) d. Modern trend: Joint-tenancy and interest



## Synopsis

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

## Book Information

Series: Quickstudy: Law

Pamphlet: 4 pages

Publisher: QuickStudy; Lam Crds edition (May 11, 2004)

Language: English

ISBN-10: 1572228342

ISBN-13: 978-1572228344

Product Dimensions: 8.5 x 11 x 0.1 inches

Shipping Weight: 0.3 ounces (View shipping rates and policies)

Average Customer Review: 4.3 out of 5 stars 30 customer reviews

Best Sellers Rank: #31,402 in Books (See Top 100 in Books) #4 inÃ A Books > Law > Business > Property

## 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.

[Download to continue reading...](#)

Real Estate: Passive Income: Real Estate Investing, Property Development, Flipping Houses (Commercial Real Estate, Property Management, Property Investment, ... Rental Property, How To Flip A House) Celebrity Bar Exams - Con law Criminal law Evidence Contracts Wills Real Property: Law school books / Law school exams Real Property (Quickstudy: Law) Intellectual Property Law (Quickstudy: Law) The Real Book of Real Estate: Real Experts. Real Stories. Real Life. Hawaii Real Estate Wholesaling Residential Real Estate Investor & Commercial Real Estate Investing: Learn to Buy Real Estate Finance Hawaii Homes & Find Wholesale Real Estate Houses in Hawaii PLI Multistate Bar Review (Contracts, Torts, Real Property, Criminal Law, Criminal Procedure, Evidence, Constitution Law) [Practicing Law Institute] Law in a Flash Cards: Real Property, 2013 Edition (Emanuel Law in a Flash) Hernando de Soto and Property in a Market Economy (Law, Property and Society) Cases and Materials on California Community Property Law: Marriage, Property, Code (American Casebook Series) The Smart Real Estate Investor: Real Estate Book Bundle 2 Manuscripts Expert Strategies on Real Estate Investing, Starting with Little or No Money, Proven Methods for Investing in Real Estate The Smart Real Estate Investor: Real Estate Book Bundle 3 Manuscripts Expert Strategies on Real Estate Investing, Finding and Generating Leads, Funding, Proven Methods for Investing in Real Estate Real Estate: 25 Best Strategies for Real Estate Investing, Home Buying and Flipping Houses (Real Estate, Real Estate Investing, home buying, flipping houses, ... income, investing, entrepreneurship) Real Estate: 30 Best Strategies to Prosper in Real Estate - Real Estate Investing, Financing & Cash Flow (Real Estate Investing, Flipping Houses, Brokers, Foreclosure) Florida Real Estate Law and Practice Explained (All Florida School of Real Estate - Florida Real Estate Mastery) (Volume 1) Real Estate Investing: 3 Manuscripts: How to Become Successful on a Property Market; How to Flip Houses for Passive Income; How to Become a Successful Real Estate Agent Criminal Law (Quickstudy Law) Family Law (Quickstudy: Law) Real Estate Law (Real Estate Law (Seidel, George)) Florida Real Estate Principles, Practices & Law (Florida Real Estate Principles, Practices and Law)

[Contact Us](#)

[DMCA](#)

[Privacy](#)

[FAQ & Help](#)