

The book was found

# Real Property (Quickstudy: Law)

| REAL PROPERTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                      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| <b>ESTATES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>NONFREEHOLD (LEASEHOLD) ESTATES</b>                                               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| <b>HISTORY</b><br>1. <b>FEDERALISM</b><br>a. Supporters of William of Normandy<br>b. Received parcels of land in exchange for providing services to king, including military and economic support<br>2. <b>Feudalism</b><br>a. Received parcels of land from monarchs in exchange for services<br>3. <b>Feudal Relationships</b><br>a. Parity of land further subdivided<br>b. Peasants were at bottom of feudal hierarchy<br>c. Upon death and without heirs, possession of land reverted back to lord<br>d. Upon death of peasant or knight, possession was forfeited to lord<br>4. <b>Seigniorial Rights</b><br>a. Further subdivision of the simple tenancy established<br>b. Tenants given right to alienate land, in substance possible tenant without lord's consent, with services being appropriated<br>5. <b>DEFINITION OF ESTATE</b><br>a. Interest in land that is currently or may become present, measured by some period of time | <b>TENANCY AT WILL</b><br>1. No fixed duration<br>a. Terminated at any time by agreement of both<br>b. Landlord and Tenant<br>2. Termination by operation of law with notice<br>a. State of property<br>b. Death of either party<br>3. <b>PERIODIC TENANCY</b><br>1. Automatic renewal<br>a. Example: Month-to-month or year-to-year<br>b. Termination by notification input to tenant<br>c. Notice must specify the date of termination<br>d. Example: Tenancy of 1 yr requires 6 mos. notice<br>2. Modern Tenet: Governed by statute<br>a. E.g., 1 year for year-to-year requires 1 month notice<br>b. Common law<br>3. <b>TENANCY AT SUFFERANCE</b><br>1. Wrongful holdover<br>2. Landlord has option to evict Tenant or hold Tenant to another lease<br>4. <b>TENANCY FOR YEARS</b><br>1. Specific period of time<br>a. Automatically fixed by calendar but may be terminable upon some event<br>b. Termination at end of period without necessity of notice<br>c. More than one year<br>d. No writing<br>e. Subject to Statute of Frauds<br>2. <b>LANDLORD'S RIGHTS AND DUTIES</b><br>1. Common Law<br>a. No liability for subsequent arising conditions<br>b. No duty to maintain<br>2. Modern Law<br>a. Assumption of agents from uncertainty<br>i. Reasonable care required<br>ii. Not for commercial leases<br>b. Common privity<br>i. Duty to inspect regularly<br>ii. Used items<br>iii. Warranties provisions in good repair<br>iv. Liability for personal injury<br>c. Duty to disclose latent defects<br>3. Duty not to interfere with Tenant's quiet enjoyment<br>a. Duty not to prevent a nuisance<br>b. Not responsible for acts of Tenant interfering with other Tenants, except where existence of legal ability has been granted<br>4. <b>TENANT'S RIGHTS AND DUTIES</b><br>1. Entitled to possession<br>2. Beneficiary: Tenant entitled to implied Warranty of Habitability<br>a. Modern trend holds suitability implied in commercial leases<br>3. Duty to pay rent<br>4. Liability for waste<br>a. Destruction - In Damages<br>b. Alteration<br>c. Duty of reasonably good repair<br>d. Liability to third parties<br>5. <b>REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY</b><br>1. Constructive Eviction<br>a. Tenant may terminate lease, have premises 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<br>2. Retaliatory Eviction<br>a. Tenant who claims violation of Housing Code and reports violations to authorities, and within 90 days cannot be evicted as a retaliation for reporting<br>3. <b>RIGHTS OF POSSESSOR</b><br>1. <b>LATERAL SUPPORT</b><br>a. Right to have land supported in natural state by adjacent owner<br>b. Liability for damage to building if land would have collapsed in natural state<br>2. <b>SEALING ON TOP</b><br>a. Right to have land supported in natural state by owner of natural under surface<br>b. Liability for damaged land would have collapsed in natural state | <b>TYPES OF TENANCY</b><br>1. <b>RIGHT OF SURVIVORSHIP</b><br>a. Surviving relative right in property no longer subject to terms of decedent's will<br>b. Right of survivorship provisions must derive under will or state statute of descent or descent<br>c. Some jurisdictions recognize only tenants in common, where survivor's remainder is whole estate for descent without consent<br>2. <b>Joint Tenants</b><br>a. Joint, sole, interest and possession<br>b. Modern Statute<br>c. Example: Owner's interest clearly expressed in deed<br>3. <b>Joint Tenants</b><br>a. Joint Tenants<br>b. Individual's rights subject to individual creditors<br>c. Individual will<br>d. No survivorship<br>e. Absence of joint tenancy Statute in Common Law<br>f. Joint tenant's conveyance of interest alters joint tenancy with respect to that share<br>g. Requirement of survivorship holds share in Tenant in Common with surviving joint tenants<br>4. <b>Joint Tenants</b><br>a. Joint Tenants<br>b. Joint Tenants<br>c. Joint Tenants<br>d. Joint Tenants<br>e. Joint Tenants<br>f. Joint Tenants<br>g. Joint Tenants<br>h. Joint Tenants<br>i. Joint Tenants<br>j. Joint Tenants<br>k. Joint Tenants<br>l. Joint Tenants<br>m. Joint Tenants<br>n. Joint Tenants<br>o. Joint Tenants<br>p. Joint Tenants<br>q. Joint Tenants<br>r. Joint Tenants<br>s. Joint Tenants<br>t. Joint Tenants<br>u. Joint Tenants<br>v. Joint Tenants<br>w. Joint Tenants<br>x. Joint Tenants<br>y. Joint Tenants<br>z. Joint Tenants<br>aa. Joint Tenants<br>ab. Joint Tenants<br>ac. Joint Tenants<br>ad. Joint Tenants<br>ae. Joint Tenants<br>af. Joint Tenants<br>ag. Joint Tenants<br>ah. Joint Tenants<br>ai. Joint Tenants<br>aj. Joint Tenants<br>ak. Joint Tenants<br>al. Joint Tenants<br>am. Joint Tenants<br>an. Joint Tenants<br>ao. Joint Tenants<br>ap. Joint Tenants<br>aq. Joint Tenants<br>ar. 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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?

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Great amount of information packed in one small reference area.

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