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# Real Property (Quickstudy: Law)

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**REAL PROPERTY**

<b>ESTATES</b>	<b>NONFREEHOLD (LEASEHOLD) ESTATES</b>	<b>READER RIGHTS</b>
<b>HISTORY</b> 1. <b>FEDERALISM</b> a. Supporter of William of Normandy b. Received parcels of land in exchange for providing services to king, including military and economic support 2. <b>Subsistence</b> a. Received parcels of land from tenants-in-chief in exchange for services 3. <b>Feudal Relationships</b> a. Details of land further subdivided b. Peasants were at bottom of feudal hierarchy 1. Upon death and without heirs, possession of land reverts back to lord 2. Upon death of peasant or vassal, possession was forfeited to lord 4. <b>Serfdom Origin</b> a. Further subdivision of fee-simple tenancy established 1. Tenants given right to cultivate land, in addition to other tenant without lord's consent, with serfdom being approved <b>DEFINITION OF ESTATE</b> 1. Interest in land that is currently or may become present, measured by some period of time	<b>TENANCY AT WILL</b> 1. No fixed duration a. Terminated at any time by agreement of both landlord and tenant 2. Requirement for creation of fee with notice a. Sale of property 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 term c. Notice must specify the date of termination d. Exception: Tenancy of 1 yr requires 6 mos. notice 2. Modern Tenant Governed by Statute a. E.g., Lease for year-to-year requires 1 month notice to terminate <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. Automatically fixed by calendar but may be terminable upon some event b. Termination at end of period without necessity of notice c. More than one year d. No writing e. Subject to 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 specific risk generally 1. Reasonable care required i. Not for contractual terms ii. Common negligence 2. Duty to exercise ordinary care i. Avoid liens ii. Warn tenants of good repair iii. Liability for personal injury 3. Duty to disclose latent defects a. Duty not to interfere with Tenant's quiet enjoyment 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. Breach of Tenant entitled to implied Warranty of Habitability a. Modern trend holds liability applied in contractual terms 3. Duty to pay rent 4. Liability for waste a. Destruction - Is Damages - Abatement 5. Duty of reasonably good repair a. Liability to third parties <b>REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY</b> 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 2. Habitability Action a. Tenant who cannot violation of Housing Code and repairs violations by landlord, and within 60 days tenant may be evicted as a retaliation for reporting <b>RIGHTS OF POSSESSOR</b> <b>LATERAL SUPPORT</b> 1. Right to have land supported in natural state by adjacent owner a. Liability for damage to building if land would have supported in natural state 2. Right to have land supported in natural state by owners of natural under surface a. Liability for supported land would have collapsed to surface <b>WATER RIGHTS</b> 1. Riparian - right of each owner to use all water needed for domestic purposes 2. Common Law - riparian is responsible use 3. Prior Appropriation (First in time, First in right) <b>TYPES OF TENANCY</b> <b>JOINT</b> 1. Right of Survivorship a. Survive retains right in property no longer subject to operation of descent or devise 2. Right of survivorship provisions must derive under will or trust (holders of disinterested tenant) 3. Some jurisdictions recognize only tenants in common - where survivor's remainder is a whole unless he abandoned without consent <b>Jointure required</b> 1. Time, title, interest and possession 2. Modern Statutes a. Example - Owner's intent clearly expressed in deed <b>Beneficial Tenancies</b> 1. Trustee's Fee 2. Individual's rights subject to individual creditors 3. Judicial sale a. No survivor 4. Discretion of entire estate trustee as Co-trustee 5. Some courts' construction of interest favors joint tenancy with respect to that share 6. Disposition of survivor's feeble share as Trustee as Co-trustee with remaining joint tenants <b>Separate Parties</b> 1. Marriage a. Title Theory - Minority - Execution cannot terminate 2. Common Law - legal title conveyed to both and increased both equity of redemption to receive legal title back upon payment of mortgage 3. Title Theory (Majority) - fee title passes as long as contract in writing and capable of specific performance 4. Bank holds security interest and not legal title 5. Lease a. Common Law - Unity of interest is destroyed thereby severing joint tenancy 6. Modern Statutes - surviving joint tenant takes the whole, thereby not severing joint tenancy 7. Individual's title - Whether surviving joint tenant takes - subject to share of 1) interest in whether survivor holds whole not subject to legal title 8. Equal right to possession whole subject to rights of other tenants <b>IN TIME SUCCESSION</b> 1. Husband & Wife 2. Estates acquired 3. Time, title, interest, possession and privity 4. Used to refer to parties' marital relationship <b>By other words</b> a. No right of partition 4. Survivance a. Right of survivorship b. Devise c. Common-law proceeding in favor of joint creditor d. Assume from individual creditors law - federal tax law may attach to property (U.S. Code) <b>IN COMMON</b> 1. No Right of Survivorship 2. Interest passes to heirs of deceased tenant 3. Changing by grant but right to possess entire property unless otherwise by agreement 4. Interest in property proportionate to contribution paid for each interest 5. Feasible alienable 6. Subject to claims of creditors 7. Indivisible interests a. Partitioning of tenancy in common if conveyance fails to specify form of ownership 8. Statute of Wills 9. Statute of Ancestry a. Continuation of fee party changes b. May be subject to partition in present, future, children, etc. c. Account to co-tenants for rents/profit 10. Title Theoretic - joint-tenants, common-law, and common-law mortgage (limited to that stated value of loan) 11. Mutualism - joint principal and insurance	<b>WATER RIGHTS</b> 1. Riparian - right of each owner to use all water needed for domestic purposes 2. Common Law - riparian is responsible use 3. Prior Appropriation (First in time, First in right)
<b>FEE SIMPLE</b> <b>COMMON LAW</b> 1. Prescription of Life Estate unless words of limitation and reference to the common <b>BEYOND FUTURE</b> • NO RESTRAINT ON ALIENABILITY <b>MODERN TREND</b> 1. Create lease fee-simple Absolute over Defeasible Fee	<b>FEE TAIL</b> <b>COMMON LAW</b> 1. To "he and the heirs of his body" 2. Infeudum <b>DEFEASIBLE</b> 1. Land used Owner's blood line only <b>INHERITABLE</b> 1. Restricted alienability to Owner's descendants <b>MODERN STATUTES DATE UNDERING</b> 1. Fee Simple in Common a. Feasible interest in the present or become present only if Owner dies without issue 2. Life Estate in Common a. Fee Simple Remainder in issue b. No issue (reverts to Grantor)	<b>WATER RIGHTS</b> 1. Riparian - right of each owner to use all water needed for domestic purposes 2. Common Law - riparian is responsible use 3. Prior Appropriation (First in time, First in right)
<b>LIFE ESTATE</b> <b>DEFEASIBLE BY LIFE OF GRANTEE</b> 1. Fee Simple with life of grantor <b>MODERN LAW</b> - If Decedent dies before surviving life, life estate passes to decedent's heirs <b>COMMON LAW</b> 1. Safety (Husband's Life Estate) 2. Trust a. Wife had 1/3 Life Estate in each parcel of land b. Husband was seized during marriage <b>REVERSION TO BE REGRANDED AT DEATH OF NAMED GRANTEE</b> 1. Reversion alienability <b>MODERN STATUTES</b> 1. Dower & Curtesy abolished 2. Life Estate, surviving spouse takes elective share - 50% of net assets 3. Curtesy - property is divided under concept of equitable distribution	<b>RIGHTS OF POSSESSOR</b> <b>LATERAL SUPPORT</b> 1. Right to have land supported in natural state by adjacent owner a. Liability for damage to building if land would have supported in natural state <b>WATER RIGHTS</b> 1. Riparian - right of each owner to use all water needed for domestic purposes 2. Common Law - riparian is responsible use 3. Prior Appropriation (First in time, First in right)	<b>WATER RIGHTS</b> 1. Riparian - right of each owner to use all water needed for domestic purposes 2. Common Law - riparian is responsible use 3. Prior Appropriation (First in time, First in right)



## 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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