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Real Property (Quickstudy: Law)

 REAL PROPERTY		
ESTATES HISTORY FEUDALISM 1. Tenants-in-lieu a. Supporter or in-lieu of lordship b. Recipient parcels of land in exchange for providing services to lord, including military and economic support 2. Subinfeudation a. Recipient parcels of land from tenants-in-lieu 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 contribution of fee-simple tenancy distributed b. Tenants given right to alienate land, in substance specific tenant without self-restraint, with various being appropriate DEFINITION OF ESTATE 1. 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 structure over Declaration Forfeiture FREE TAIL COMMON LAW 1. To "to and the heirs of his body" 2. In-lieu of fee 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 Owner) LIFE ESTATE DETERMINED BY LIFE OF GRANTEE 1. Pure Auto-Viv (to life of grantee) 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. Dower b. Wife took 1/3 life estate in each parcel of realty (husband was seized during marriage) REVERSION TO REWARDING OF LIFE OF NAMED GRANTEE 1. Reversion in fee a. Dower & Curtesy abolished b. 1-year death, surviving spouse takes elective share - 1/3 of net assets c. Upon divorce, 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. 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 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. Terminally fixed by calendar but may be terminally open until death b. Termination at end of period without necessity of notice 2. More than one year a. No writing b. Statute of Years of Years LANDLORD'S RIGHTS AND DUTIES 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 promissory 1. Duty to exercise ordinary care 2. Quiet title 3. Warranty provisions in good repair 4. Liability for personal injuries 5. 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 - In Duty - a. Abandonment c. Duty of reasonably good repair d. Liability to third parties REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY 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 acted 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 RIGHTS 1. Right of tenancy a. Negative relative right to property no longer subject to interest of decedent or tenant b. Right of negative relative provisions over decedent and not subject to decedent or decedent's estate c. Some jurisdictions recognize only tenancy 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 - Owner's intent clearly expressed in deed Specialties, Statutes a. Common Law b. Individual's rights subject to individual creditors c. Subject to d. No agreement e. Effectiveness of action against Tenant in Common f. Joint tenant's co-ownership of interest subject joint tenancy with respect to that share g. Rights of co-ownership in fee share as Tenant in Common with surviving joint tenants Widow's Partition 1. Marriage a. Title Tenants (Married) - Co-ownership interest in fee b. Common Law: Legal title conveyed to both and husband held legal title of co-ownership to receive legal title back upon payment of mortgage c. Joint Tenancy (Married) - The wife owned as long as husband in working and capable of specific performance d. Joint Tenants (Married) - Co-ownership interest and not legal title e. Joint Tenants (Married) - Co-ownership interest and not legal title f. Common Law: Unity of interest is destroyed, thereby creating joint tenancy g. Modern Statutes: Surviving joint tenant takes the whole, thereby ending joint tenancy h. Individual's rights: Whether surviving joint tenant takes subject to lease or "joint tenancy" or whether surviving joint tenant takes subject to lease or "joint tenancy" i. Equal right to possess whole subject to rights of other owners JOINT TENANCY Married & Wife 1. Common Law a. Joint, title, interest, possession and present b. Joint must "to be parties" married relationship c. No other title d. No right of partition e. Statutes 1. Right of tenancy 2. Tenancy 3. Co-ownership a. Co-ownership proceeding in form of joint creditors b. Statute from method creditors for federal tax law may attach to property (U.S. v. Craft) IN-Common 1. No Right of Partition a. Statute passes to heirs of decedent tenant b. Ownership by joint tenancy right to possess entire property without restriction by agreement c. Divided in property proportionate to consideration paid for each share 2. Feasible 3. Subject to claims of creditors 4. Modern Statutes a. Presumption of tenancy in common if co-owners fail to specify form of co-ownership COMMON LAW OF CO-OWNERSHIP 1. Statute of Joint a. Contribution of fee party changes b. Statute of Joint c. Statute of Joint d. Statute of Joint e. Statute of Joint f. Statute of Joint g. Statute of Joint h. Statute of Joint i. Statute of Joint j. Statute of Joint k. Statute of Joint l. Statute of Joint m. Statute of Joint n. Statute of Joint o. Statute of Joint p. Statute of Joint q. Statute of Joint r. Statute of Joint s. Statute of Joint t. Statute of Joint u. Statute of Joint v. Statute of Joint w. Statute of Joint x. Statute of Joint y. Statute of Joint z. Statute of Joint



Synopsis

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

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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

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