

The book was found

Real Property (Quickstudy: Law)

REAL PROPERTY		
ESTATES	NONFREEHOLD (LEASEHOLD) ESTATES	WATER RIGHTS
HISTORY 1. FEDERALISM a. Supporters of William of Normandy b. Received parcels of land in exchange for providing services to king, including military and economic support 2. Feudalism a. Received parcels of land from monarchs in exchange for services 3. Feudal Relationships a. Parity of land further subdivided b. Peasants were at bottom of feudal hierarchy c. Upon death and without heirs, possession of land reverted back to lord d. Upon death of peasant or knight, possession was forfeited to lord 4. Seigniorial Rights a. Further subdivision of the simple tenancy established b. Tenants given right to alienate land, in substance possible tenant without lord's consent, with services being appropriated 5. DEFINITION OF ESTATE a. Interest in land that is currently or may become present, measured by some portion of time	TENANCY AT WILL 1. No fixed duration a. Terminated at any time by agreement of both b. Landlord and Tenant 2. Termination by operation of law with notice a. State of property b. Death of either party 3. PERIODIC TENANCY 1. Automatic renewal a. Example: Month-to-month or year-to-year b. Termination by notification input to tenant c. Notice must specify the date of termination d. Example: Tenancy of 1 yr required 6 mos. notice 2. Modern Tenet: Governed by statute a. E.g., 1 year for year-to-year requires 1-month notice b. Common law 3. TENANCY AT SUFFERANCE 1. Wrongful holdover 2. Landlord has option to evict Tenant or hold Tenant to another lease 4. TENANCY FOR YEARS 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 a. No writing b. Subject to Statute of Frauds 5. 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 specific term automatically b. Reasonable care required c. Not for commercial purposes d. Common privity required e. Duty to inspect regularly and f. Good faith g. Warranty provisions in good repair h. Liability for personal injury i. Duty to disclose latent defects j. Duty not to interfere with Tenant's quiet enjoyment k. Duty not to prevent a nuisance l. Not responsible for acts of Tenant interfering with other Tenants, except where existence of legal ability has been granted 3. TENANT'S RIGHTS AND DUTIES 1. Certified to possession 2. Rescindable Tenet: entitled to Applied Warranty of Habitability a. Modern trend holds suitability implied in commercial lease 3. Duty to pay rent 4. Liability for waste a. Destruction - In Damages b. Alteration c. Duty of reasonably good repair d. Liability to third parties 5. REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY 1. Constructive Eviction 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 2. Retaliatory Eviction 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 3. RIGHTS OF POSSESSOR 1. LATERAL SUPPORT a. Right to have land supported in natural state by adjacent owner b. Liability for damage to building if land would have collapsed in natural state 2. SEALING ON TOP a. Right to have land supported in natural state by owner of natural under surface b. Liability for damaged land would have collapsed in natural state 3. WATER RIGHTS 1. Right of each owner to use all water needed for domestic purposes a. Commercial interest in reasonable use 2. Prior Appropriation (first in time, first in right)	TYPES OF TENANCY 1. RIGHT OF SURVIVORSHIP a. Surviving relative right in property no longer subject to interest of deceased co-tenant b. Right of survivorship prevails over devise made with or without will of deceased co-tenant c. Some jurisdictions recognize only tenants in common, where survivor's remainder is a whole interest by descent without consent 2. Joint Tenancy a. Joint, sole, interest and possession b. Modern Statute c. Unities - Owner's interest clearly expressed in deed 1. Possession, Interest a. Cotenants' law b. Individual's rights subject to individual creditors c. Individual will d. No survivorship e. Absence of joint interest Statute in Common f. Joint tenant's conveyance of interest alters joint tenancy with respect to that share g. Requirement of survivorship holds share in Tenant in Common with surviving joint tenants 3. Severalty a. Title (Tenancy) - Severalty - Each owner owns separate and distinct share b. Common Law: Legal title conveyed to both and interest held equally of independent to receive legal title back upon payment of mortgage c. Joint Tenancy (Unities) - No title issues as long as contract in writing and capacity of specific performance d. Joint tenants security interest and not legal title e. Lease f. Common Law: Unity of interest is destroyed, thereby creating joint tenancy g. Modern Statute: Surviving joint tenant takes the whole, thereby not creating joint tenancy h. Individual's title - Whether surviving joint tenant takes - subject to share of 1) interest or whether separate holds, whole not subject to lease i. Equal right to possess whole subject to rights of other owners 4. JOINT TENANCY 1. Married & Wife 2. Joint Tenancy a. Joint, sole, interest, possession and privity b. Joint tenancy with parties' marital relationship c. No right of partition d. Severance 1. Right of Severance 2. Common-law proceeding in favor of joint creditor 3. Statute: Some individual creditors for federal tax law may attach to property (U.S. Code) 4. IN COMMON 1. No Right of Survivorship a. Interest passes to heirs of deceased tenant b. Ownership by each but right to possess entire property without restriction by agreement c. Interest in property proportionate to consideration paid for each share d. Jointly 1. Jointly 2. Subject to claims of creditors 3. Joint Tenancy a. Presumption of jointness in common if conveyance fails to specify form of concurrent ownership b. GENERAL RULES OF CO-OWNERSHIP 1. Statute of Anne a. Contribution of all party changes b. Map-drawn boundaries to prevent taxes, utilities, etc. c. Accrual to common law for some profits d. Joint Tenancy - joint, sole, interest, possession and privity e. Married & Wife - joint, sole, interest, possession and privity



Synopsis

Designed for tackling the 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: 4.4 out of 5 stars See all reviews (23 customer reviews)

Best Sellers Rank: #23,169 in Books (See Top 100 in Books) #4 in Books > Law > Business > Property #6660 in Books > Reference

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.

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

Real Estate: Learn to Succeed the First Time: Real Estate Basics, Home Buying, Real Estate Investment & House Flipping (Real Estate income, investing, Rental Property) Real Property (Quickstudy: Law) Intellectual Property Law (Quickstudy: Law) Law in a Flash Cards: Real Property, 2013 Edition (Emanuel Law in a Flash) Intellectual Property: Supreme Court Contemporary Decisions (Intellectual Property Law Series) The Best Homemade Kids' Lunches on the Planet: Make Lunches Your Kids Will Love with Over 200 Deliciously Nutritious Lunchbox Ideas - Real Simple, Real Ingredients, Real Quick! Real Time Systems and Programming Languages: Ada 95, Real-Time Java and Real-Time C/POSIX (3rd Edition) Lupus: Real Life, Real Patients, Real Talk Moynihan's Introduction to the Law of Real Property (American Casebook Series) Moynihan's Introduction to the Law of Real Property, 6th (Hornbook) Glannon Guide to Property: Learning Property Through Multiple-Choice Questions and Analysis, 2nd Edition Glannon Guide To Property: Learning Property Through Multiple-Choice Questions and Analysis (Glannon Guides) Intellectual Property in the New Technology Age: 2016: Vol. I Perspectives, Trade Secrets and Patents (Intellectual Property in the New Technological Age) Professional Surveyors and Real Property Descriptions: Composition, Construction, and Comprehension Real Property in a Nutshell Land, Indigenous Peoples and Conflict (Routledge Complex Real Property Rights Series) Gilbert Law Summary on Property (Gilbert Law Summaries) Law and Creativity in the Age of the Entertainment Franchise (Cambridge Intellectual Property and Information Law) Multistate Workbook Volume 2: pmbr Multistate Specialist- Torts, Contracts, Criminal Law, Property, Evidence, Constitutional Law Obviousness In Patent Law (Intellectual Property Law Series)

[Dmca](#)