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Real Property (Quickstudy: Law)

REAL PROPERTY		
ESTATES HISTORY 1. FEUDALISM a. Supporter of William of Normandy b. Received parcels of land in exchange for providing services to king, including military and economic support 2. Subinfeudation a. Received parcels of land from tenants-in-chief 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 Quia Emptores a. Further continuation of fee-simple tenancy established b. Tenants given right to alienate land, in substance possible tenant without lord's consent, with services being apportioned DEFINITION OF ESTATE 1. Interest in land that is currently or may become present, measured by some portion of time FREE SIMPLE COMMON LAW 1. Presumption of Life Estate unless words of limitation and perpetuity in the conveyance 2. REVERSION FOR EVER a. NO RESTRAINT ON ALIENABILITY MODERN TREND 1. Courts favor Fee-Simple Absolute over Life Estate FREE TAIL COMMON LAW 1. To "he and the heirs of his body" 2. Infeudation 3. DURATION a. Life estate created by blood line only INHERITABLE 1. Restricted, alienability to Grantor's descendants MODERN STATUTES (FEE UNIFORM) 1. Fee Simple in Grantor a. Reversionary interest in fee simple to become possessory if Grantor dies without issue 2. Life Estate in Grantor a. Fee Simple Reversion in issue 3. No issue (reverts to Grantor) LIFE ESTATE DETERMINATION BY LIFE OF GRANTEE 1. Fee Simple (if life of grantor) 2. Modern Law (if life of grantor after marriage) 3. Life Estate (if life of grantor) COMMON LAW 1. Life Estate (if life of grantor) 2. Life Estate (if life of grantor) 3. Life Estate (if life of grantor) MODERN STATUTES 1. Life Estate (if life of grantor) 2. Life Estate (if life of grantor) 3. Life Estate (if life of grantor) MODERN TREND 1. Courts favor Fee-Simple Absolute over Life Estate RIGHTS OF POSSESSOR LATERAL SUPPORT 1. Right to have land supported in natural state by adjacent owner 2. Liability for damage to building if land would have collapsed in natural state SEALING ON TOP 1. Right to have land supported in natural state by owner of natural under surface 2. Liability for damage to building if land would have collapsed in natural state	NONFREEHOLD (LEASEHOLD) ESTATES 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 PERIODIC TENANCY 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. Example: Tenancy of 1 yr requires 6 mos. notice 2. Modern Tenancy Governed by Statute a. E.g., 1 year for year-to-year requires 1 month notice b. Statute TENANCY AT SUFFERANCE 1. Wrongful holdover 2. Landlord has option to evict Tenant or hold Tenant to another term 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 d. No writing e. Subject to Statute of Frauds 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 purpose d. Common law principle 1. Duty to exercise ordinary care 2. Good faith 3. Reasonable person in good faith 4. Liability for personal injury 5. Duty to disclose latent defects 6. Duty not to interfere with Tenant's quiet enjoyment a. Duty not to prevent a tenant b. Not responsible for acts of Tenant interfering with other Tenants, except where existence of legal ability has been granted TENANT'S RIGHTS AND DUTIES 1. Qualified to possession 2. Residence (Tenant entitled to implied Warranty of Habitability) a. Modern trend holds suitability implied in commercial lease 3. Duty to pay rent 4. Liability for waste a. Discretion - In Dispute b. Allegation c. Duty of reasonably good repair d. Liability to third parties 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 RIGHTS OF POSSESSOR LATERAL SUPPORT 1. Right to have land supported in natural state by adjacent owner 2. Liability for damage to building if land would have collapsed in natural state SEALING ON TOP 1. Right to have land supported in natural state by owner of natural under surface 2. Liability for damage to building if land would have collapsed in natural state	WATER RIGHTS 1. Right of each owner to use all water needed for domestic purposes a. Common Law - reasonable use b. Private Appropriation (first in time, first in right) TYPES OF TENANCY 1. Right of Non-Interference a. Right of each owner to use all water needed for domestic purposes b. Right of each owner to use all water needed for domestic purposes c. Right of each owner to use all water needed for domestic purposes d. Right of each owner to use all water needed for domestic purposes e. Right of each owner to use all water needed for domestic purposes f. Right of each owner to use all water needed for domestic purposes g. Right of each owner to use all water needed for domestic purposes h. Right of each owner to use all water needed for domestic purposes i. Right of each owner to use all water needed for domestic purposes j. Right of each owner to use all water needed for domestic purposes k. Right of each owner to use all water needed for domestic purposes l. Right of each owner to use all water needed for domestic purposes m. Right of each owner to use all water needed for domestic purposes n. Right of each owner to use all water needed for domestic purposes o. Right of each owner to use all water needed for domestic purposes p. Right of each owner to use all water needed for domestic purposes q. Right of each owner to use all water needed for domestic purposes r. Right of each owner to use all water needed for domestic purposes s. Right of each owner to use all water needed for domestic purposes t. Right of each owner to use all water needed for domestic purposes u. Right of each owner to use all water needed for domestic purposes v. Right of each owner to use all water needed for domestic purposes w. Right of each owner to use all water needed for domestic purposes x. Right of each owner to use all water needed for domestic purposes y. Right of each owner to use all water needed for domestic purposes z. Right of each owner to use all water needed for domestic purposes



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

Great amount of information packed in one small reference area.

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