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# Real Property (Quickstudy: Law)

 <b>REAL PROPERTY</b>		
<p><b>ESTATES</b></p> <p><b>HISTORY</b></p> <p><b>FEDERALISM</b></p> <ol style="list-style-type: none"> <li>Supporters of "States of Sovereignty"</li> <li>Received parcels of land in exchange for providing services to King, including military and economic support</li> </ol> <p><b>2. Absenteeism</b></p> <ol style="list-style-type: none"> <li>Received parcels of land from tenants-in-chief in exchange for services</li> <li><b>Feudal Relationships</b></li> <li>Parcels of land further subdivided</li> <li>Peasants were at bottom of feudal hierarchy</li> <li>Upper levels only without farms, peasants of land worked back to land</li> <li>Upper levels of peasantry or knights, peasantry was "feudal" to land</li> </ol> <p><b>3. Modern Oligo Emphasis</b></p> <ol style="list-style-type: none"> <li>Further continuation of two-stage hierarchy established</li> <li>Tenants given right to ultimate land, via sublease, specific tenant without land's ownership, with services being appreciated</li> </ol> <p><b>DEFINITION OF ESTATE</b></p> <ol style="list-style-type: none"> <li>Interest in land that is currently or may become present, measured by some period of time</li> </ol>	<p><b>NONFEEHOLD (LEASEHOLD) ESTATES</b></p> <p><b>TENANCY AT WILL</b></p> <ol style="list-style-type: none"> <li>No fixed duration</li> <li>Terminated at any time by agreement of both Landlord and Tenant</li> <li>Termination by operation of law with notice</li> <li>State of property</li> <li>Should be oral only</li> </ol> <p><b>PERIODIC TENANCY</b></p> <ol style="list-style-type: none"> <li>Automatic renewal</li> <li>Example: Month-to-month or year-to-year</li> <li>Termination by notification equal to notice</li> <li>Notice must specify the date of termination</li> <li>Duration: Tenancy of 1 yr requires 4 mos. notice</li> <li>Modern Term: Governed by Statute</li> <li>E.g., 1 year for year-to-year requires 1 month notice (varies)</li> </ol> <p><b>TENANCY AT SUFFERANCE</b></p> <ol style="list-style-type: none"> <li>Wrongful holdover</li> <li>Landlord has option to evict Tenant or hold Tenant to another lease</li> </ol> <p><b>TENANCY FOR YEARS</b></p> <ol style="list-style-type: none"> <li>Specific period of time</li> <li>Contractually fixed by calendar but may be terminable upon some event</li> <li>Termination at end of period without necessity of notice when time has run out</li> <li>As written</li> <li>Subject to Statute of Frauds</li> </ol> <p><b>LANDLORD'S RIGHTS AND DUTIES</b></p> <ol style="list-style-type: none"> <li>Common Law</li> <li>No liability for subsequent arising conditions</li> <li>Modern Law</li> <li>Assumption of specific risk normally</li> <li>Reasonable care required</li> <li>Low for common-law torts</li> <li>Common negligence</li> <li>Duty to maintain ordinary care</li> <li>Should warn</li> <li>Warranty, promises in good faith</li> <li>Right to protect injuries</li> <li>Duty to disclose latent defects</li> <li>Duty not to interfere with Tenant's quiet enjoyment</li> <li>Duty not to prevent a tenant</li> <li>Not responsible for acts of tenants (including with other tenants, except where exercise of legal ability has been granted)</li> </ol> <p><b>TENANT'S RIGHTS AND DUTIES</b></p> <ol style="list-style-type: none"> <li>Enforced by government</li> <li>Eviction: Tenant entitled to judicial remedy of "disturbance"</li> <li>Modern trend holds stability implied in commercial leases</li> <li>Duty to pay rent</li> <li>Lease for years</li> <li>Disturbance, 5 Days vs. Abandonment</li> <li>Duty of reasonably good repair</li> <li>Liability to third parties</li> </ol> <p><b>REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY</b></p> <ol style="list-style-type: none"> <li>Contractual Eviction</li> <li>Tenant may terminate lease, lease provisions and sue for better rent when, through the fault of landlord, there has been a substantial interference with the use and enjoyment of tenant's leased premises</li> </ol> <p><b>Remedial Eviction</b></p> <ol style="list-style-type: none"> <li>Tenant who causes violation of Housing Code and reports violation to authorities, and within the time, repairs be created as a retaliation for reporting</li> </ol>	<p><b>WATER RIGHTS</b></p> <ol style="list-style-type: none"> <li>Relative right of each owner to use all water needed for domestic purposes</li> <li>Common-law based on reasonable use</li> <li>Prior Appropriation (First in time, first in right)</li> </ol> <p><b>TYPES OF TENANCY</b></p> <p><b>JOINT</b></p> <ol style="list-style-type: none"> <li>Right of survivorship</li> <li>Survivor retains right in property but largest subject to amount of decedent's estate</li> <li>Right of survivorship precedences over devise under will or trust (division of decedent's estate)</li> <li>Some jurisdictions recognize only tenants in common, where survivor's remainder in whole cannot be abetained without consent</li> </ol> <p><b>2. Jointure Tenancy</b></p> <ol style="list-style-type: none"> <li>Time, title, interest and possession</li> <li>Modern Statute</li> <li>Example: Tenant's lease already expressed in third party's instrument</li> </ol> <p><b>3. Jointure Tenants</b></p> <ol style="list-style-type: none"> <li>Individual's rights subject to individual creditors</li> <li>Individual will</li> <li>Abolition of jointure tenants: Tenants in Common</li> <li>Each owner's contribution of interest serves joint tenancy with respect to that share</li> <li>Remedies of common-law holds share as Tenant in Common with remaining joint tenants</li> </ol> <p><b>4. Jointure Partition</b></p> <p><b>5. Marriage</b></p> <ol style="list-style-type: none"> <li><b>THE TENANT (Married)</b> - Eviction cannot proceed</li> <li>Common Law: Legal title conveyed to both and increased legal equity of endowment to receive legal title back upon payment of mortgage</li> <li><b>Joint Tenancy (Married)</b> - No title passes as long as contract in writing and capable of specific performance</li> <li>State holds security interest and not legal title</li> <li>State holds security interest and not legal title</li> <li>Common Law: Title of interest is destroyed, hence, no surviving joint tenancy</li> <li>Modern Statute: Surviving joint tenant takes the whole, thereby not surviving joint tenancy</li> <li>Individual's legal title: Whether surviving joint tenant takes subject to lease or "interest" as well as whether surviving joint tenant is subject to lease</li> <li>Equal right to possess whole subject to rights of other coparceners</li> </ol> <p><b>6. BY THE ENTIRETY</b></p> <p><b>7. Husband &amp; Wife</b></p> <ol style="list-style-type: none"> <li>Joint, title, interest, possession and privity</li> <li>Does "hold-over" to parties' marital relationship</li> <li>By the whole</li> <li>No right of partition</li> </ol> <p><b>8. Survivors</b></p> <ol style="list-style-type: none"> <li>Right of survivorship</li> <li>Survivor</li> <li>Eviction proceeding in form of joint creditor</li> <li>Business from real-estate creditors for federal tax law may attach to property (S, B, &amp; C, C, C, C)</li> </ol> <p><b>9. IN COMMON</b></p> <ol style="list-style-type: none"> <li>No Right of Survivorship</li> <li>Survivor takes in form of decedent's estate</li> <li>Ownership by joint but right to possess entire property without restriction by agreement</li> <li>Divided in property proportionate to contribution paid for each interest</li> <li>Partly abetained</li> <li>Subject to claims of creditors</li> <li>Indivisible interests</li> <li>Perception of tenancy in common if survivorship (with or without) done of separate agreement</li> </ol> <p><b>10. PARTIAL HEIR OF ONE, HEIR OF ALL</b></p> <ol style="list-style-type: none"> <li>Modern Law</li> <li>Contribution of full party changes</li> <li>May defeat remainder agreement (Tenants, Children, etc.)</li> <li>Succession to co-tenants for non-profit</li> <li><b>Life Tenant</b> - pays taxes, maintenance, and interest on mortgage (limited to fair market value of land)</li> <li><b>Remainderman</b> - pays principal and insurance</li> </ol>
<p><b>FREE SIMPLE</b></p> <ol style="list-style-type: none"> <li>Perception of 3 life Estates unless words of exception and reference to the contrary</li> </ol> <p><b>DECLARATION FORFEIT</b></p> <p><b>NO RESTRICTION ON ALIENABILITY</b></p> <p><b>MODERN TREND</b></p> <ol style="list-style-type: none"> <li>State favor Free Simple (State over Defeasible Fee)</li> </ol>	<p><b>FREE TAIL</b></p> <ol style="list-style-type: none"> <li>To "he and the heirs of his body"</li> <li>Used Male</li> </ol> <p><b>DEFERRED</b></p> <ol style="list-style-type: none"> <li>Can avoid Tenant's blood line rule</li> </ol> <p><b>INHERITABLE</b></p> <ol style="list-style-type: none"> <li>Historical inheritance to Tenant's descendants</li> <li>Free Simple or Common</li> </ol> <p><b>MODERN STATUTES FOR LINDORING</b></p> <ol style="list-style-type: none"> <li>Forfeiture interest as the simple to become present only if creditor dies without issue</li> <li>Life Estate in Common</li> <li>For Simple Remainder in Issue</li> <li>No issue (heirs to Tenant)</li> </ol>	<p><b>LIFE ESTATE</b></p> <p><b>DETERMINED BY LIFE OF GRANTEE</b></p> <ol style="list-style-type: none"> <li>For Aged (Age 21 or 25)</li> <li>Modern Law: If Tenant dies before measuring life, life estate passes to Tenant's heirs</li> </ol> <p><b>COMMON LAW</b></p> <ol style="list-style-type: none"> <li>Liability (Husband's Life Estate)</li> <li>Joint</li> <li>With wife 1/2 Life Estate in each parcel of realty (husband was named during marriage)</li> </ol> <p><b>REVERSION TO BE REMAINDERMAN OF LIFE OF NAMED GRANTEE</b></p> <ol style="list-style-type: none"> <li>Reversion abetained</li> <li>Donor &amp; Creditor abetained</li> <li>Trust: Donor, surviving spouse takes absolute share - 50% of net assets</li> <li>Trust: Donor, property to be divided under principle of equitable distribution</li> </ol>
<p><b>RIGHTS OF POSSESSOR</b></p> <p><b>GENERAL SUPPORT</b></p> <ol style="list-style-type: none"> <li>Right to have land supported in natural state by soil and stones</li> <li>Liability for damage to building if land could have supported in natural state</li> <li><b>RIGHTS IN FUTURE</b></li> <li>Right to have land supported in natural state by soil, air, and natural water surface</li> <li>Liability for abetained land could have supported in natural state</li> </ol>	<p><b>RIGHTS OF POSSESSOR</b></p> <p><b>GENERAL SUPPORT</b></p> <ol style="list-style-type: none"> <li>Right to have land supported in natural state by soil and stones</li> <li>Liability for damage to building if land could have supported in natural state</li> <li><b>RIGHTS IN FUTURE</b></li> <li>Right to have land supported in natural state by soil, air, and natural water surface</li> <li>Liability for abetained land could have supported in natural state</li> </ol>	<p><b>RIGHTS OF POSSESSOR</b></p> <p><b>GENERAL SUPPORT</b></p> <ol style="list-style-type: none"> <li>Right to have land supported in natural state by soil and stones</li> <li>Liability for damage to building if land could have supported in natural state</li> <li><b>RIGHTS IN FUTURE</b></li> <li>Right to have land supported in natural state by soil, air, and natural water surface</li> <li>Liability for abetained land could have supported in natural state</li> </ol>



## 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: 4.3 out of 5 stars 30 customer reviews

Best Sellers Rank: #31,402 in Books (See Top 100 in Books) #4 in Books > Law > Business > Property

## Customer Reviews

It works perfectly and great service!

no comment

Nice review of the law.

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.

Easy to use reference.

Great for a quick refresher.

I'm studying for the bar. This is a great way to refresh before tackling practice exams and essays?

Great amount of information packed in one small reference area.

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