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Real Property (Quickstudy: Law)

REAL PROPERTY		
ESTATES	NONFREEHOLD (LEASEHOLD) ESTATES	LANDLORD'S RIGHTS AND DUTIES
HISTORY 1. FEDERALISM a. Supremacy of Federal Government b. Reserved powers 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 b. Feudal Relationships c. Parity of land further subdivided 3. Parsonage was at heart of feudalism 4. Upon death and without heirs, possession of land reverts back to lord 5. Upon death of parson or knight, possession was reverts to lord 6. 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 7. 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 a. Automatic renewal b. Example: Month-to-month or year-to-year c. Termination by notification equal to term d. Notice must specify the date of termination e. 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 of Frauds 3. TENANCY AT SUFFERANCE 1. Wrongful holdover 2. Landlord has option to evict Tenant or hold Tenant to another term 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 2. No writing 3. Subject to Statute of Frauds 4. LANDLORD'S RIGHTS AND DUTIES 1. Common Law a. No liability for subsequent wrong conditions b. No duty to maintain 2. Modern Law a. Assumption of agents from uncertainty b. Reasonable care required c. Not for commercial leases d. Common law principle e. Duty to inspect regularly f. Good faith g. Warranty provisions in good repair h. Liability for personal injury i. Duty to disclose latent defects 3. Duty not to interfere with Tenant's quiet enjoyment a. Duty not to prevent a nuisance b. Not responsible for acts of Tenant interfering with other Tenants, except where evidence of legal ability has been granted 4. TENANT'S RIGHTS AND DUTIES 1. Qualified to possession 2. Residence Tenants entitled to implied Warranty of Habitability a. Modern trend holds suitability implied in commercial leases 3. Duty to pay rent 4. Liability for waste a. Discretionary In Discretion b. Abandonment In Discretion c. Duty of reasonably good repair d. Liability to third parties 5. REMEDIES FOR BREACH OF IMPLIED WARRANTY OF HABITABILITY a. Constructive Eviction b. 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 c. Retaliatory Eviction d. Tenant who claims violation of Housing Code and reports violations to authorities, and within 90 days cannot be evicted as a retaliation for reporting 6. RIGHTS OF POSSESSOR 7. 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 c. SEALING ON TOP d. Right to have land supported in natural state by owner of natural under surface e. Liability for damaged land would have collapsed in natural state	LANDLORD'S RIGHTS 1. Right of possession a. Right to use all water needed for domestic purposes b. Common Law is reasonable use c. Private Appropriation (Use in some other right) 2. Right of possession a. Right of possession b. Right of possession c. Right of possession d. Right of possession e. Right of possession f. Right of possession g. Right of possession h. Right of possession i. Right of possession j. Right of possession k. Right of possession l. Right of possession m. Right of possession n. Right of possession o. Right of possession p. Right of possession q. Right of possession r. Right of possession s. Right of possession t. Right of possession u. Right of possession v. Right of possession w. Right of possession x. Right of possession y. Right of possession z. Right of possession aa. Right of possession ab. Right of possession ac. Right of possession ad. Right of possession ae. Right of possession af. Right of possession ag. Right of possession ah. Right of possession ai. Right of possession aj. Right of possession ak. Right of possession al. Right of possession am. Right of possession an. Right of possession ao. Right of possession ap. Right of possession aq. Right of possession ar. Right of possession as. 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Right of possession



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

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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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