

Portland State University
Real Estate Law
RE 438/538
Winter Term 2009

Instructor: Alan K. Brickley, MBA, JD
Office Hours by appointment: call 503 795-7612
Email: abrickley@firstam.com

Course Description and Prerequisites

This course provides an overview real estate law, including estates in land, easements, restrictions on use, security instruments and leases.

Course Learning Objectives

- Understand real estate terms and forms of ownership
- Understand real estate title issues
- Understand restrictions on use, both private and public
- Understand condominium
- Understand the various security instruments and the foreclosure process
- Understand involuntary liens

Textbook

Practical Real Estate Law, Fourth Edition, Daniel Hinkel (Thomson, Delmar Learning)

Grading

Weekly Requirements (20%), Paper (20%), Final Examination (50%), Instructor Discretion (10%)

Periodic work will be required during the term, usually in the form of case analysis or questions.

The Paper will be in lieu of a mid-term examination will be a discussion of some real estate topic of interest. It should be at least four (4) to five (5) pages, single spaced. It will be due by the last class period. Complete sentences and correct spelling is required. The graduate students, if any, will be required to submit a more substantial paper, approximately double in length and more supporting material required.

The Final Examination will be in a format to be determined by the instructor.

The components of your grade will be converted to points (200 for weekly work 200 for the paper, 500 for Final Examination and 100 at the instructor's discretion) and grades will be based on the following cumulative points (although these are not absolute - depending on overall class performance. i.e. there **may** be a modification based on the curve):

| | | | | | |
|----|-----------------|----|----------------|----|----------------|
| A | 950-1000 points | C+ | 750-800 points | D | 550-600 points |
| A- | 900-950 points | C | 700-750 points | D- | 500-550 points |
| B+ | 850-900 points | C- | 650-700 points | F | < 500 points |
| B | 800-850 points | D+ | 600-650 points | | |

Typical Class Session

6:40 pm – 7:45 pm Discussion of Reading Material

8:00 pm – 8:15 pm Break

8:15 pm – 9:00 Continued

9:00 pm – 9:20 Quiz or open discussion

Class Schedule Winter Term 2009 (Estimated)

| | |
|--------------------|-----------------------------------------------------------------------------------|
| January 5 (Monday) | Discussion of Chapters 1 and 2 Introduction and Concurrent Ownership |
| January 12 | Discussion of Chapters 3 and 4 – Legal Descriptions and Public Regulation |
| January 19 | Discussion of Chapters 5, 6, and 7 – Easements and Contract Issues |
| January 26 | Discussion of Chapters 8, 12 and 13 –Deeds, Title Examination and Title Insurance |
| February 2 | Discussion of Chapters 9, 10 and 11 Financing, Foreclosure and Mortgage forms |
| February 9 | Discussion of Chapters 14, 15, and 16 – Closings |
| February 16 | Discussion of Chapters 17 and 18 – Condominiums and Leasing |

February 23

Discussion of Federal Environmental Laws –Outside
Reading

March 2

Discussion of Oregon Construction Defect Litigation –
Outside Reading

March 9

Course Review

March 16

Final Examination

Assignments

| <u>Due Date</u> | <u>Content</u> |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| January 12 | Case problem #1-4 page 15 Case Problem #1 page 32 |
| January 19 | Practical Assignment #4 page 52 Practical Assignment #1 a and b page 77 Identify Comprehensive Plan designation for a property |
| January 26 | Practical Assignment #1 page 107 Practical Assignment #1 page 134 Practical Assignment #1-25 page 167-168 |
| February 2 | Case Problem #2 page 222 Review Questions 2, 3, and 9 page 379 Case Problem #2 page 403 |
| February 9 | Review Questions #1-10 page 244 Case Problem #4 page 278 Timelines for Oregon Trust Deed Foreclosure |
| February 16 | Review Questions #4, 5 and 7 page 468 Review Questions #1-10 page 488 Review Questions #2 and 3 page 525 |
| February 23 | Review Questions #1 Copy of statute regarding requirements for Oregon Condominium Declaration Review Questions #4, 6, and 7 page 617 |
| March 2 | To be determined |
| March 9 | Paper |
| March 16 | Final Examination |