

## SYLLABUS

### MODERN REAL ESTATE TRANSACTIONS

SPRNG TERM 2009 – BERKWITZ

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#### REQUIRED:

Real Estate Transfer, Finance and Development, 7<sup>th</sup> Edition, by Nelson and Whitman, Thomson/West, ISBN: 10: 0-314-15955-X.

#### OPTIONAL:

Land Transfer and Finance, 4<sup>th</sup> Edition, by Nelson and Whitman, Black Letter Outline, Thomson/West, ISBN: 0-314-15043-9 (Some students have found it helpful, but others advised it is not worth the price. I will post my own outline of selected topics on the West TWEN site for the course under Course Materials).

#### COURSE GOALS:

1. Cover materials which may be on the Bar Exam.
2. Cover materials necessary for a basic knowledge of real estate finance:
  - a. Personal liability of the borrower/mortgagor.
  - b. Security and remedies for the lender/mortgagee.
  - c. Principles covering foreclosure of liens against real estate.
  - d. Rules on priority of interests in real estate.
  - e. Exceptions to general rules covering priorities.
  - f. Other miscellaneous topics
3. Students completing the course should have a basic knowledge of real estate transactions. Approximately two-thirds of the course will cover real estate finance.

#### ASSIGNMENTS:

NO:	PAGES:	TOPICS:
1.	2-21	Brokers
2.	43-58, 62-74	Purchase Agreements
3.	75-95, 97-99, 116-126	Purchase Agreements/Title
4.	142-151, 152-157, 167-176	Legal Descriptions/Deeds

5.	187-210	Deeds/Conveyancing
6.	210-224, 231-235	Title Assurance
7.	235-248	Title Insurance
8.	99-106, 110-116, 256-272	Mortgage Financing
9.	279-285, 297-308	Contracts for Deed
10.	313-316, 320-331	Contracts for Deed
11.	343-367, 369-377	Mortgage Provisions
12.	377-396, 414-424	Mortgage Provisions
13.	436-449	Mortgage Assumption
14.	449-457	Mortgage Transfers
15.	457-468, 518-542	Due on Sale/Prepayment
16.	548-559	Deed in Lieu of Foreclosure
17.	560-577	Mortgage Foreclosure
18.	583-603	Mortgage Foreclosure
19.	612-626, 674-686	Mortgage Foreclosure
20.	686-693, 703-707	Statutory Redemption/Deficiency Judgments
21.	747-766	Bankruptcy
22.	767-768, 790-820	Bankruptcy
23.	821-846	Purchase Money Mortgage/Priority Issues
24.	846-858	Fixtures
25.	975-1002	Mechanics Liens/Construction Financing
26.	1037-1052	Condominiums
27.	1065-1072	Condominiums

**28. 1153-1162, 1179-1185 Real Estate Securities/Ground Leases (Optional)**

On January 20 we will cover Assignment No. 1, on January 22, 2009 we will cover Assignment No. 2 and on January 27, 2009 we will cover Assignment No. 3. Assignment 28 is optional and will not be covered on the final exam. Please note if an assignment begins on a page with carry over paragraphs from the previous page, the assignment begins with the first case, heading or note on the assigned page. Also, the last page of an assignment includes only the materials before the next case, heading or note on that page.

**ATTENDANCE POLICY AND CLASS PARTICIPATION:**

**NOTE:** Any student who is not prepared for class will be called on again during one of the next two classes. A student who is not prepared a second time will have his or her grade reduced one-half grade, unless the student completes make up work assigned by me. A student who is not prepared a third time will have her or his grade reduced one full grade. Students who are not prepared may see me before class and request a waiver for participating in that class. Waivers will be at my sole discretion.

Any student who misses six or more classes, without an approved waiver, will be subject to the grade reduction mentioned above.

**TESTING AND GRADING:**

There will be only a take-home final exam at the end of the course. Students will be given points (or credits) for class participation. Each student will be required to have at least two points. Points may be earned by (1) reciting in class, (2) asking questions before, during or after class in person or by email and (3) posting questions on the Discussion Board on the TWEN site for the course. Any student having less than two points (as described above) will have her/his grade reduced one-half grade, unless the student completes a make-up assignment. I have raised anywhere from 6 to 12 student's grades one-half grade over the past two years based on points received and quality of class participation (or questions asked before or after class).

**TWEN SITE:**

Please check the TWEN site for this course. Old exams are posted. Also, under Course Materials there are short explanations of some of the more difficult topics we cover. Your final exam will have a similar format with similar questions. I will refer to the Fall, 2008 final exam as we cover the course materials.

**CUSTOMIZED POLLING:**

There will be approximately four customized polls on the TWEN site during the semester. Failure to answer the questions on each poll will be treated the same as not being prepared in class.

## **COMPUTER USE POLICY:**

**Students are encouraged to use computers during class for taking notes or looking up information related to the class discussion. However, any other use of the computer or the internet is prohibited during class time because it is distracting for the rest of the class.**