REAL ESTATE LAW

BLAW 481 - GOLDBERG

BLAW481
Professor Hilary Goldberg, J.D.
Hilary.Goldberg@csun.edu – Office BB3248
Office hours: M/W 1:45-2:45 & by appointment

Student Health Center:
818-677-3666
Counseling Center:
818-677-2366

CANVAS

It is your responsibility to check CANVAS regularly for announcements and other information related to this course.

COURSE DESCRIPTION
Real Estate Law

This course provides an overview of real estate law, including the acquisition of real property and the rights of ownership and tenancy. Topics covered in the course include acquisition of titles, easements, leases and contracts, community property, joint tenancy, tenancy in common, brokerage and land-use regulation. This class will also cover the role of brokers, adverse possession and new and emerging topics, including sustainability and environmental issues.

In this class, you will prepare written briefs, analyze problems, and conduct research. The course is taught utilizing the Socratic method, lecture, class discussion and group work.

Class Meetings:
M/W 12:30-1:45 PM
BB1133

Grade Breakdown
10%: Participation
15%; Homework
25%: Exam 1
25%: Exam 2
25%: Exam 3
Total = 100%

In-class exams are composed of one or more fact patterns which you will brief using IRAC. They require you to analyze factual situations, identify legal issues and apply the law in determining the outcome of hypothetical cases, or combination thereof. You may also have multiple choice and short answer questions.

The grade reached after averaging exams, homework and participation will be the minimum grade you can receive in the course.

Plus/minus grading is used.

TEXT: REAL ESTATE LAW, 11TH ED. BY:
MARIANNE JENNINGS
ISBN: 978-1-305-57991-0
(E-BOOK IS ACCEPTABLE)
COURSE OBJECTIVES:
Regardless of your career choice, you will be impacted by Real Estate Law. The goal of this course is to help you navigate this exciting and dynamic field. Specifically, you will learn to:

- Identify the legal issue presented in a set of facts and find the law that will guide you to the correct result;
- Read, interpret and analyze legal regulations, statutes and laws;
- Write and speak with clarity about Real Estate Law and how it impacts the factual situation presented;
- Reflect on ethical issues and identify the relationship between what is legally permissible and what is ethically advisable.

CLASSROOM POLICIES
Arrive on-time and ready to meaningfully contribute to your learning community. Bring a hard copy of all cases, problems, and briefs to class.

CSUN’s Attendance Policy
“Students are expected to attend all class meetings. Students who are absent from the first 2 meetings of a class that meets more than once a week or from the first meeting of a class that meets once a week lose the right to remain on the class roll and must formally withdraw from the class, following University procedures and deadlines. Failure to formally withdraw from a class will result in the instructor assigning to the student a grade of “WU” (Unauthorized Withdrawal), which, in computing a student’s GPA, counts as a grade of “F.”"

Missed Classes
If you do miss class, you are responsible for the material covered on that day and should find out what you missed from another student. Exchange numbers with another student in class for this purpose. Note: if you are very ill and contagious, please do not come to class or to my office hours. Contact me and we will find a way to keep you on track.

Professionalism/Decorum
The use of cell phones to text, email, swipe, like, tweet, re-tweet, take pictures, record sounds, or write fantastic reviews of this class online is prohibited during class. Inappropriate technology usage will impact your grade.

Lectures may not be recorded.

Late work not accepted.

Academic Dishonesty
Plagiarism and cheating will not be tolerated. Any student found to have either submitted work that was not his/her own (this includes either another student’s work or information from an uncredited, on-line source) or cheated on an exam will be given an “F” on the assignment, potentially in the class, and may be referred to the office of student affairs for further discipline.
**Business Law Department Mission:** Our mission is to equip students with the academic knowledge, problem solving, analytical and professional skills in the areas of business law, business ethics, and real estate necessary to achieve their personal and professional goals.

**Student Learning outcomes of the Undergraduate Program:** Classes are taught using the Socratic method, with its goal of participatory learning and the development of reasoning skills. This active learning process requires students to articulate, develop and defend positions, to think critically and to engage in problem-solving. Students learn to formulate an effective legal analysis by synthesizing information, identifying legal issues, distinguishing relevant from irrelevant facts, using facts and law to support argument, reasoning by analogy and reaching conclusions based on analysis. In addition, students in all BLAW courses study ethical issues in a business context, with actual topics depending on course content.

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**COURSE GRADES**

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<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
<th>Description</th>
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<tbody>
<tr>
<td>Participation</td>
<td>10%</td>
<td>This class will utilize the Socratic method - be prepared to be called upon at random to read your case briefs and your answers to assigned chapter problems. To receive full credit for your participation, you must show that you are prepared for class and participate actively in all in-class exercises.</td>
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<tr>
<td>Homework</td>
<td>15%</td>
<td>Homework will be posted to canvas and may be case briefs, chapter problems, multiple choice, written essays or a combination thereof.</td>
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</tbody>
</table>
| Exams         | 75%        | Exam 1: 25%  
Exam 2: 25%  
Exam 3: 25%  
Exams are CLOSED BOOK, include essays, short answer and multiple choice, or combination thereof. One 8.5 x 11 sheet of your own notes (double-sided is okay) is permitted.  
Make-up exams will be permitted only with advance notice and good-cause shown. |

**DRES.** If you have a disability and need accommodations, please register with the Disability Resources and Educational Services (DRES) office or the National Center on Deafness (NCOD). The DRES office is located in Bayramian Hall, room 110 and can be reached at 818.677.2684. NCOD is located on Bertrand Street in Jeanne Chisholm Hall and can be reached at 818.677.2611. If you would like to discuss your need for accommodations with me, please...
contact me to set up an appointment. Due to privacy concerns, you must be the one to initiate this conversation.

**Legal Advice.** While I am a lawyer, I am not your lawyer. I am your professor and I am here to teach you the law, so that you will be empowered to make educated, thoroughly analyzed choices. CSUN prohibits faculty members from providing legal advice or services to students. If you need legal advice or information regarding the law, resources can be found at the Department of Business Law web page at [http://www.csun.edu/blaw/student-resources](http://www.csun.edu/blaw/student-resources).

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**Grading System (taken from "Regulations", CSUN catalog)**

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<tr>
<th>GRADE</th>
<th>DEFINITION</th>
<th>GRADE POINTS</th>
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<td>A</td>
<td>Outstanding</td>
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<td>D-</td>
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<td>F</td>
<td>Failure</td>
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**PHOTOS:** No recording class. No photos. You may not audio or video record the class, nor take any photos in the classroom.

**AGREEMENT:** Your continued enrollment in the course evidences your agreement to the policies contained herein.
**Weekly Reading:** Reading assignments are listed below on a weekly basis. The time we spend on a particular topic may vary based on your collective interest, so the syllabus is subject to change accordingly. Any changes will be posted in writing on CANVAS. If there is a conflict between CANVAS and the Syllabus, CANVAS governs.

**Assignments:** You are responsible for all reading assigned in the text, case briefs, chapter problems, as well as homework and any in-class assignments.

All briefs of the cases identified below must be in writing and brought to each class.

<table>
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<tr>
<th>Class/Date</th>
<th>Topic</th>
<th>Work Due</th>
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| Week 1- 8/27 | 8/27- Course Introduction & Expectations, IRAC Review, 8/29 Land Interests- Present & Future | Read: **Chapter 2** (skip section 2.2 starting on pg. 26-end of case on pg. 31)  
Brief: **Rogers v. U.S.**  
Consider 2.2  
Consider 2.4  
Consider 2.5  
Problem 3, 6, 10  
Your weekly written assignment is listed on CANVAS. You will turn in your assignment each week through CANVAS. |
| Week 2- 9/3  | 9/3 Labor Day-NO CLASS  
9/5 Present & Future Interests, Continued | Complete all required Ch 2 reading.  
+**Boring v. Google Handout** |
| Week 3- 9/10 | Extent of Real Estate Interests, Landowner Rights & Duties | Read: **Chapter 3**  
Brief: **United States v. Causby Fontainbleau v. Forty-Five Twenty-Five, Inc.**  
Ethical Issue – pg. 48  
Problems 2, 3, 9 |
<table>
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<tr>
<th>Week 4- 9/17</th>
<th>Nonpossessory Interests</th>
<th>Read: <strong>Chapters 4 &amp; 5</strong> (skipping 77-82 and 103-108)</th>
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<tr>
<td></td>
<td>Fixtures</td>
<td>Brief:</td>
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<td><em>Dianne v. Wingate</em></td>
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<td><em>In re Trackwell (Ch 5)</em></td>
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<td><em>In Re Ryerson</em></td>
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<td>Consider 4.1</td>
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<td>Consider 4.5</td>
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<td>Consider 5.2 &amp; 5.3</td>
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<td>Ch. 4 Problem 6</td>
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<td>Ch. 5 Problems 5, 9</td>
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<th>Week 5- 9/24</th>
<th>Liens</th>
<th>Read: <strong>Chapter 6</strong></th>
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<td>Brief:</td>
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<td><em>Denco v. Body Bar</em></td>
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<td><em>Ontiveros v. Sanchez</em></td>
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<td>Problems 1, 7, 10</td>
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<tr>
<th>Week 6- 10/1</th>
<th>10/1: Catch up &amp; review</th>
<th>10/3: EXAM 1</th>
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<td>10/3: EXAM 1</td>
<td>Wednesday: Exam 1</td>
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<th>Week 7- 10/8</th>
<th>Co-ownership</th>
<th>Read: <strong>Chapter 8</strong></th>
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<tr>
<td></td>
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<td>Brief:</td>
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<td><em>Blumenthal v. Brewer</em></td>
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<td><em>In re Domestic Partnership of Branam and Beaver</em></td>
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<td><em>Ethical Issue pg. 161</em></td>
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<td>Consider 8.5, 8.6, 8.9</td>
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<td>CPA Problems 1-3 (page 176-77)</td>
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| Week 8- 10/15       | Residential Landlord-Tenant | Read: **Chapter 9**  
Brief:  
Ethical Issue pg. 187  
*Meek v. Mallory*  
*Newkirk v. Scala*  
*Yu Fang Tan v. Arnel*  
*Dept. of Housing and Urban Dev. v. Rucker*  
Problems 2, 4, 7 |
|---------------------|-----------------------------|---------------------------------------------------------------|
| Week 9- 10/22       | Commercial Leases           | Read: **Chapter 10**  
Brief:  
*Circle K Corp. v. Collins*  
*Mark-It Place v. New Plan*  
Consider 10.7  
Problem 6, 7, 10 |
| Week 10- 10/29      | Real Estate Communities     | Read: **Chapter 11**  
Brief:  
*Cape May v. Sbraga*  
*Schuman v. Greenbelt*  
*Erwin v. HSBC*  
Ethical Issue pg. 251  
Problems 9, 10 |
| Week 11- 11/5       | Broker’s Role in Transfer of Real Estate | Read: **Chapter 12**  
Brief:  
*Likens v. Prickett*  
*Rabalais v. Gray*  
*Milliken v. Jacono*  
Ethical Issue on pg. 279, 285  
Problems 5, 8 |
<table>
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<tr>
<th>Week 12- 11/12</th>
<th>11/12 Veteran’s Day- NO CLASS</th>
<th>11/14 EXAM 2</th>
<th>Wednesday: Exam 2</th>
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</table>
| Week 13- 11/19 | Purchase Contract | Read: **Chapter 13**  
Brief:  
*Anzalaco v. Graber*  
*Bouton v. Byers*  
*Reed v. King*  
Consider 13.5, 13.7  
Problems 2, 10 |  |
| Week 14- 11/26 | Methods of Transfer and Conveyance | Read: **Chapter 14**  
(skip 384-88)  
Brief:  
*Howe v. Palmer*  
*Witkowski v. Richard*  
Problem 4  
CPA Problems 1-3 pg. 398 |  |
| | Closing the Deal | Read: **Chapter 16**  
(start at pg 461 RESPA)  
Brief:  
*Boatright v. Texas Amerian*  
Ethical Issue pg 468 |  |
<table>
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<tr>
<th>Week</th>
<th>Subject</th>
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<th>Brief:</th>
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<tr>
<td>Week 15</td>
<td>Zoning</td>
<td><strong>Chapter 18</strong></td>
<td><em>Catsiff v. McCarty</em></td>
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<td><em>Jucha v. City of N. Chicago</em></td>
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<td><em>Lucas v. South Carolina Coastal Council</em></td>
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<td>Problems 1, 3, 10</td>
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<td>Week 16</td>
<td>Environmental Law</td>
<td><strong>Chapter 20</strong></td>
<td><em>Burlington v. U.S.</em></td>
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<td><em>Babbitt v. Sweet Home</em></td>
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<td>CPA Problems 1-9</td>
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<td><strong>FINAL EXAM</strong></td>
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Helpful Hints and Examples: your IRAC is also called a case brief

Issue: “Has there been a false imprisonment if the plaintiff was asleep at the time of confinement?” or “Did Miller owe a duty of care to Osco, Inc.?”

Rule: “To prove that a defendant is liable for battery, plaintiff must prove that there was an:

1. Intentional
2. harmful or offensive
3. touching of another, and
4. without consent.

Do not simply write the name of the rule- “Battery.” Rather, define the rule.

Application: “In this case, plaintiff will argue that defendant’s acts were intentional because defendant walked towards plaintiff with clenched fists and stated that he wanted to “punch this jerk in the face.” He then followed through on this behavior which is indicative of his specific intent to cause the physical contact."

“Defendant will argue...”

Make sure you have a separate paragraph for each element of the rule.

Conclusion: “Defendant is liable for battery. Plaintiff may recover compensatory damages.”

Most briefs are one page long. They must be turned in online as stated on the schedule of classes and must be brought to class on the day they are to be discussed.