REAL ESTATE LAW - FIR 4310 / 6310 M50

SPRING 2016 SYLLABUS

Instructor Information

Name: R. Paul Aragon, JD
Cell Phone: 503-830-0641
Email: aragonrp@gmail.com

Office Hours: I do not have office hours on campus, however if you would like to discuss something with me, we can converse one-on-one via e-mail or telephone. Simply let me know when you have a question and will schedule a phone conversation at a convenient time.

COURSE DESCRIPTION

This course provides students with a comprehensive summary of real property from a legal perspective with an emphasis on transactional issues. It will cover issues relating to types of ownership, descriptions of property, easements, public and private limitations on uses, real estate contracts, forms utilized in transfers, financing and title assurances. The course will enable students to understand the legal framework and the rights and responsibilities of owners and transferors/transferees of real property.

REQUIRED READING

Practical Real Estate Law, 8th Edition. by Elliot Klayman © 2013, Dearborn Real Estate Education.

ISBN-10: 0-312-60143-3

This is cited in this syllabus as a resource for helping you in writing your paper (see Requirements below). You may find this book in the library, which is an acceptable alternative to purchasing the book.

REQUIREMENTS

1. There will be unit quizzes posted at 12:01 AM, on Friday, 3 days prior to the end of each unit. The unit quizzes will be worth 50 points each for a total of 400 points for Units 1 through 8. These quizzes must be completed prior to the close of each unit (refer to the course schedule below). Quizzes sent to me after this date will not be graded. Once you open the quiz, you will have 1 hour (plus a 15 minute grace period) in which to take the quiz, after which the quiz will shut down and be auto-submitted for grading, whether or not you have completed the quiz. Feel free to use your textbook and your notes for the quizzes. However, these quizzes are individual assignments and teamwork is not permitted. You should be aware that not all units are two weeks in duration. There are some units (Units 1, 4 and 7) that are only one week in duration, so don’t get caught by surprise when a quiz pops up during these units.

2. A vital aspect of this class is student communication. Your involvement in this class, through discussion threads, will be evaluated at the end of each week (with the exception of Spring Break) and you will be graded up to 25 points for your discussion for each of the weekly discussion
assignments for a total of 350 points. To receive credit for your threaded discussion, your posts
must be made by 11:59 PM on the due date of the unit of material. Threads will only be used for
class discussion, and I will use these threads to cover questions about the subject material.

3. There will be a term paper due by 11:59 PM, Friday, April 24. The paper will be written on a
hypothetical fact situation posted by me no later than Friday, February 6. This paper will be
limited to 6 pages in length, single-spaced (exclusive of title and reference page). References
must be made using accepted styles of citation. Maximum number of points for the paper is 250.

4. During the semester, there will be posted a bonus assignment, which will be purely optional. It will
be worth a maximum of 50 points. If you choose to accept the assignment, you should know that
the maximum number of points for the final grade will still be 1,000 points, and you will not be
able to exceed this number.

5. **THERE WILL BE NO FINAL EXAM!**

**COURSE OUTLINE**

- **Unit 1 – Nature of Real Estate Law (12 days: Tues, Jan. 19 – Sun., Jan. 31)**
  - Introduction to Law and Legal Systems (Chapter 1)
  - Real and Personal Property (Chapter 2)
- **Unit 2 – Purchase Agreements (17 days: Fri., Jan. 29 – Sun., Feb. 14)**
  - Basic Contract Law (Chapter 10)
  - Real Estate Purchase Contract (Chapter 11)
  - Agency and Brokerage (Chapter 12)
  - Fraud and Misrepresentation (Chapter 13)
  - Essay assignment posted by instructor no later than Sunday, Feb 7
- **Unit 3 – Rights, Interests and Co-ownership (17 days: Fri., Feb. 12 – Sun., Feb. 28)**
  - Land, Water and Air Rights (Chapter 3)
  - Estates in Land (Chapter 4)
  - Co-Ownership (Chapter 5)
- **Unit 4 – Involuntary Liens and Deeds (10 days: Fri., Feb. 26 – Sun., Mar. 6)**
  - Involuntary Liens Against Title (Chapter 14)
  - Deeds (Chapter 15)
- Spring break (March 7 - 13)
- **Unit 5 – Land Descriptions and Involuntary Transfers (17 days: Fri., Mar. 11 – Sun., Mar. 27)**
  - Land Descriptions (Chapter 16)
  - Involuntary Transfers (Chapter 17)
- **Unit 6 – Escrow, Closing and Assurance of Title (17 days: Fri., Mar. 25 – Sun., Apr. 10)**
  - Recording and Assurance of Title (Chapter 18)
  - Escrow Closings (Chapter 19)
  - Closing the Real Estate Transaction (Chapter 20)
- **Unit 7 – Financing the Transaction (10 days: Fri., Apr. 8 – Sun., Apr. 17)**
• Mortgages (Chapter 21)
• Land Installment Contracts (Chapter 22)
• Unit 8 – Government Regulation (17 days: Fri., Apr. 15 – Sun., May 1)
  • Fair Housing Laws (Chapter 23)
  • Land Use: The Constitution and the Plan (Chapter 24)
  • Regulation and Land Development (Chapter 25)
  • Environmental Law (Chapter 26)
• Essay deadline Friday, April 22
• Unit 8 Quiz due Friday April 29

**GRADING POLICY**

There are a total of 1000 points available in this course. These points will be broken down as follows:

- Unit discussions – 350 points (a maximum of 15 points for your posting of original thought and a maximum of 5 points for each of your postings responding to a classmate’s posting of original thought for a maximum of 25 points for each of the 14 weeks in this semester.) The discussion assignments will be posted each Monday morning at 12:01 AM (with the exception of Spring Break) and will stay open until the following Sunday evening, when it will close at 11:59 PM.
- Unit Quizzes – 400 points – each unit quiz will be worth a maximum of 50 points and will open up at 12:01 AM on the Thursday preceding the end of that unit (check the schedule above).
- Essay – 250 points

Grades will be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Grade</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>97% - 100%</td>
<td>A</td>
<td>77% - 80%</td>
</tr>
<tr>
<td>93% - 96%</td>
<td>A-</td>
<td>73% - 76%</td>
</tr>
<tr>
<td>89% - 92%</td>
<td>B+</td>
<td>69% - 72%</td>
</tr>
<tr>
<td>85% - 88%</td>
<td>B</td>
<td>65% - 68%</td>
</tr>
<tr>
<td>81% - 84%</td>
<td>B-</td>
<td>Less than 65%</td>
</tr>
</tbody>
</table>

**COURSE POLICIES**

As with any course, there are policies that need to be followed. With an online class, since we never meet face to face, these policies tend to be even more important.

**Communication Expectations**

Since this class meets over the Internet, it is critical that constant communication is maintained. For my part, I will check my e-mail daily (Monday through Friday), usually late afternoon, and will check the Threaded Discussions at least three times a week. From past experience, *email communication within the eCourseware software works best* since I am not always in my office. If at all possible, I will respond to your questions / problems within 36 hours.
**E-mail Policies**

To contact me, please e-mail me from within the course shell. This makes sure that ALL my online e-mail communication goes to one location. This way it makes it easier for me to have access to JUST my online class correspondence.

E-mail can be a valuable tool; however, it can be easily abused. Each of you has the option to e-mail the entire class; however, PLEASE keep these messages related to course content. Also, I suggest that you do not give the entire class your phone number or address. If you want to share this selectively, that is fine. These policies are designed so each of you are not inundated with junk mail and you are able to maintain some degree of privacy. Further, often posting your question / comment in the discussion threads is better than sending an e-mail message to the entire class.

Finally, please realize that the University of Memphis or this instructor cannot and will not be held responsible for the content of any personal messages that are sent from one student directly to another student using the online e-mail delivery system. It is expected that all students will adhere to accepted codes of ethical, personal, and civil conduct when conversing online using e-mail or engaging in any real time online chat sessions. Failure to abide by such codes of conduct and etiquette will result in expulsion from the course with a failing grade.

**Discussion Thread Policies**

I will not place limits on the use of discussion threads other than to clearly state that I will not tolerate rudeness or inconsiderate comments being posted. Please treat each other's views with the same amount of respect that you would want your views handled.

Remember, it is VERY easy to be guilty of "flaming" in a thread situation. If handled properly, you may find that the "threads" are the most enjoyable aspect of the class.

**Grammar / Spelling**

There is a tendency to become lax when posting responses to threaded discussions and when sending e-mail. This is not an English class; however, I still expect proper grammar and spelling to be used. I do not intend to grade participation based on the quality of your writing style; however, it is disconcerting when it is HARD to understand what someone is expressing because their writing is unclear. As a suggestion, you may want to compose your threaded comments or e-mail messages in a word processing program where you can check spelling, edit, and revise your writing. Once you are finished, you can cut and paste the work into the threaded discussion or into e-mail.

**File Format of Assignments**

When I deliver material to the class for downloading, I will save text files in "PDF" format. This is an easy format to read with a free Adobe Acrobat reader. Most browsers already have a PDF reader installed but if you need it, follow this link to [Download Adobe Reader](http://get.adobe.com/reader/). Non-text files will be saved in Microsoft Office format. To send files to me, you can send files in either Word / Adobe Acrobat or Excel format. If you have any concerns regarding my ability to read a file, please contact me.
Technical Problems

If you have technical problems with the course platform, there is information on the initial login screen at eCourseware. In essence, you can contact the ITD help-desk at 901-678-8888. If you have continual problems, please let me know.

If you have problems with the course content, please contact me. Unfortunately, Internet Service Providers (ISP) periodically have problems. I have also found that all ISPs are not "created equal" - many class problems have resulted from an inferior ISP. These problems are not an excuse for failing to complete assignments or for turning them in late, not being involved in threaded discussion, or having no e-mail access. Since computer crashes and disasters are bound to happen, I encourage you to make hard copies of your assignments and communication. If you have problems with your ISP, notify them immediately. If problems persist, you may have to access this course from another computer or through another ISP. Keep in mind that your ISP is your only link to this class.

Access to Course

The way this class is designed, you are not permitted to work ahead; however, I have provided some overlap of the units for flexibility (please check out the schedule shown under "Class Schedule"). After each unit is completed, you will still have access to it; however, work done on prior units (involvement in past threads and quizzes) will not be graded.

Personal Time and Involvement

There is often a misperception that taking a course online is easier since you don't have to go physically to a classroom. It is true that there are some things that become easier for online students. However, it is also easier to get behind. Even though you have flexibility in attending class, the work still needs to be done on a timely basis. Further, you have to take more responsibility for your learning. Finally, an online course requires more personal involvement where participation is the KEY. For success, don't put off your assignments. When possible, get an early start on each unit of material.

How much you learn in this class will be in direct relationship to the amount of time spent on this material. Even though this class will be a lot of work, I hope that it will be an enjoyable and rewarding experience for you.

Finally, I ask that you check your e-mail and the course site daily as I may be making adjustments to the course from time to time depending on the needs of the class. I will use e-mail and the News (on the main course login page) to keep you advised of such adjustments. You should also access the discussion threads several times during the week. Don't be surprised if you find most of your learning results from this form of communication.

Class Attendance / Involvement

This is NOT A CORRESPONDENCE class! We don't have class meetings, but we have weekly assignments AND deadlines! We will move through this material AS A CLASS, not as individuals. You will find that I stress communication. This is not possible if everyone is at a different place in the material. My TAs and I are here to help you, but you will likely find your classmates can help a lot as well! Get to know them. I would suggest that you set aside a time each day that you plan on working on this class. If you need to miss a day, that is fine, but the work still needs to be done! The way this class is designed, you have approximately 17 days to complete a unit of material. Even though this
may sound like a lot of time, it really isn't considering the amount of material that needs to be
covered in each unit. I had considered breaking these units up into smaller pieces; however, leaving
them larger gives each of you more flexibility (or more rope to hang yourself with!).

I realize that problems occur. I am usually fairly flexible; however, if you are having problems
(technical or otherwise) it is YOUR responsibility to contact me.

**COURSE SCHEDULE**

Shown below is the schedule we will be following this semester. Remember, you cannot enter a unit
until the "Beginning Date". Even after a unit is completed, you can still access it for review only;
however, any work done AFTER the "Ending Date" will not be graded.

<table>
<thead>
<tr>
<th>Unit - Material Covered</th>
<th>Beginning Date @ 12:01 AM</th>
<th>Ending Date @ 11:59 PM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1 - Chapters 1 and 2</td>
<td>Tuesday, January 19</td>
<td>Sunday, January 31</td>
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<tr>
<td>Unit 2 - Chapters 10, 11, 12 and 13</td>
<td>Friday, January 29</td>
<td>Sunday, February 14</td>
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<tr>
<td>Unit 3 - Chapters 3, 4 and 5</td>
<td>Friday, February 12</td>
<td>Sunday, Feb. 28</td>
</tr>
<tr>
<td>Unit 4 - Chapter 14 and 15</td>
<td>Friday, February 26</td>
<td>Sunday, March 6</td>
</tr>
<tr>
<td>Spring Break</td>
<td>Monday, March 7</td>
<td>Sunday, March 13</td>
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<tr>
<td>Unit 5 - Chapters 16 and 17</td>
<td>Friday, March 11</td>
<td>Sunday, March 27</td>
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<tr>
<td>Unit 6 - Chapters 18, 19 and 20</td>
<td>Friday, March 25</td>
<td>Sunday, April 10</td>
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<tr>
<td>Unit 7 - Chapters 21 and 22</td>
<td>Friday, April 8</td>
<td>Sunday, April 17</td>
</tr>
<tr>
<td>Unit 8 - Chapters 23, 24, 25 and 26</td>
<td>Friday, April 15</td>
<td>Sunday, May 1</td>
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**If you Need Accessibility Assistance**

Any student who anticipates physical or academic barriers based on the impact of a disability is
encouraged to speak with me privately or contact me through private email rparagon@memphis.edu.
Students with disabilities should also contact the campus Disability Resources for Students (DRS)
one. DRS coordinates access and accommodations for students with disabilities.

Information for contacting the campus DRS offices follows:

Campus Location: 110 Wilder Tower

Phone: 901-678-2880

Web: University of Memphis Disability Resources for Students (http://www.memphis.edu/drs/)