

LEX 210
REAL PROPERTY I

COURSE DESCRIPTION:

Prerequisites: None

Corequisites: None

This course introduces the study of real property law. Topics include the distinction between real and personal property, various estates, mechanics of conveyance and encumbrance, recordation, special proceedings, and other related topics. Upon completion, students should be able to identify estates, forms of deeds, requirements for recording, and procedures to enforce rights to real property. Course Hours Per Week: Class, 3. Semester Hours Credit, 3.

COURSE OBJECTIVES:

Upon completion of the course, the student should be able to:

Recognize and distinguish between various estates

Distinguish between real and personal property and the laws pertaining to each

Identify the necessary elements of deeds and deeds of trust

Be familiar with the various offices in the courthouse which pertain to real property transactions

Prepare deeds, deeds of trust, and foreclosure documents

OUTLINE OF INSTRUCTION:

I. The rise of property at the common law and various estates.

II. North Carolina real property law

A. Fee simple absolute title

B. Defeasible fees

1) Fee simple determinable

2) Fee simple subject to a condition subsequent

3) Fee simple subject to an executory interest

4) The abolition of the fee tail

C. Life estates

1) Life estates created by the parties

2) Conventional life estates

3) Life estates pur autre vie

4) Defeasible life estates

5) Life estates created by law

(a.) Dower

(b.) Courtesy

Modern statutory versions of dower and courtesy

D. Future interests

III. Concurrent estates

- A. Tenancy in common
- B. Joint tenants with the statutory right of survivorship
- C. Tenancy by the entirety
- D. Partition and judicial sale

IV. The Deed

- A. The Statute of Frauds
- B. Types of deeds
 - 1) General warranty deeds
 - 2) Special warranty deeds
 - 3) Quit claim deeds
 - 4) Other types of deeds, including tax deeds, commissioner' s deeds, and other types of deeds

V. Other real property concepts

- A. Adverse possession
- B. Eminent domain
- C. Mortgages and deeds of trust
- D. Liens

REQUIRED TEXTBOOK:

To be determined

STATEMENT FOR STUDENTS WITH DISABILITIES:

Students who require academic accommodations due to any physical, psychological, or learning disability are encouraged to request assistance from a disability services counselor within the first two weeks of class. Likewise, students who potentially require emergency medical attention due to any chronic health condition are encouraged to disclose this information to a disability services counselor within the first two weeks of class. Counselors can be contacted by calling 686-3652 or by visiting the Student Development Office in the Phail Wynn Jr. Student Services Center, room 1309.