

LEX 210 Real Property I

COURSE DESCRIPTION:

Prerequisites: ENG 090 or DRE 098, or satisfactory score on placement test

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:

1. Identify, recognize and distinguish between various estates
2. Distinguish between real and personal property and the laws pertaining to each, under North Carolina law
3. Identify the necessary elements of deeds and deeds of trust
4. Understand the procedures to enforce rights to real property
5. Recognize the requirements for recordation of real estate documents in North Carolina

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
 - i. Fee simple determinable
 - ii. Fee simple subject to a condition subsequent
 - iii. Fee simple subject to an executory interest
 - iv. The abolition of the fee tail
 - C. Life estates
 - i. Life estates created by the parties
 - ii. Conventional life estates
 - iii. Life estates pur autre vie
 - iv. Defeasible life estates
 - a. Dower
 - b. Courtesy
- III. Modern statutory versions of dower and courtesy
- IV. 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
- V. The Deed
 - A. The Statute of Frauds
 - B. Types of deeds

- i. General warranty deeds
- ii. Special warranty deeds
- iii. Quit claim deeds
- iv. Other types of deeds, including tax deeds, commissioner' s deeds, and other types of deeds

VI. Other real property concepts

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

REQUIRED TEXTBOOKS AND MATERIAL:

The textbook and other instructional material will be determined by the instructor.